



SPEAK OUT
PREVENT VIOLENCE
AGAINST WOMEN
U NEED US

MEDIA DO
YOUR RESEARCH
TELL TRUTH ABOUT
ABOUT REAL LAW

LOKODO,
MY BOOBS, THIGH
BREAST ARE NOT
"IRRITANTS"

DON'T
SEXUALIZE
MY BODY

GIVE U
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RULE BY LAW

DISCRIMINATORY LEGISLATION
AND LEGITIMIZED ABUSES
IN UGANDA

AMNESTY
INTERNATIONAL



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Cover photo: Ugandan activists demonstrate in Kampala on 26 February 2014 against the Anti-Pornography Act.
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6 Rule by Law
Discriminatory Legislation and Legitimized Abuses in Uganda

1. INTRODUCTION

“It is no longer rule of law, it is rule by law, the law of the ruler”

Bishop Zac Niringiye, Retired Assistant Bishop of the Diocese of Kampala, Church of Uganda and anti-corruption activist¹

As Uganda’s ruling party, the National Resistance Movement (NRM) looks ahead to the 2016 elections, which will mark President Museveni’s 30th year in power, new laws have been enacted or proposed with a damaging effect on the human rights of Ugandans.

This report documents the cumulative human rights impact of three pieces of legislation - the Public Order Management Act (POMA), the Anti-Pornography Act (APA), and the now nullified Anti-Homosexuality Act (AHA). These Acts were all passed by the Parliament of Uganda and signed into law between August 2013 and February 2014, though the AHA had been debated for over four years before it was passed. This flurry of repressive and discriminatory legislation represents an increasing use of “rule by law” to intensify restrictions on free expression, association and assembly in place since the reintroduction of multiparty politics in 2005.

While these laws have had a repressive and discriminatory impact, the causes of this legislation are manifold. The POMA was first introduced as a Bill as President Museveni and the NRM faced more challenges from outside and within the ruling party. The AHA, introduced as a Private Member’s Bill not government legislation, demonstrates the rising influence of religion on law-making. As the debate around it took shape, however, it drew in broader identity issues, such as Uganda’s relationship with the Global North, cultural autonomy and family values. These factors also shaped the context in which the APA became law.

Uganda’s development partners’ response to the AHA was much stronger, in words and actions, than their response to the POMA or the APA. Many Ugandan civil society actors feel that donors have not demonstrated sufficient concern about the rollback of other human rights. The focus on lesbian, gay, bisexual, transgender and intersex (LGBTI) rights was counterproductive and ultimately entrenched the misperception that this was an imposition from the Global North.

The Acts collectively reinforce state control and restriction of expression, assembly and association. They have given the authorities enormous discretionary power to enforce their often vaguely defined provisions. After the AHA was passed by Parliament, LGBTI individuals

were arbitrary arrested by the police, including when reporting crimes, and some reported being beaten and groped by the police and other detainees in custody. The POMA has led to spates of police suppression of public assemblies, including gatherings involving political opposition groups. It has had a chilling effect on the ability of civil society to organize, even styming attempts to challenge the laws themselves.

The vitriolic rhetoric from some religious figures and politicians which accompanied the passage of the AHA and the APA into law stoked homophobia and encouraged mob justice targeting women. Immediately after the APA and AHA were signed, women seen to be “dressed indecently” and individuals believed to be LGBTI were attacked in the streets, stripped and beaten. Other LGBTI people were evicted from their homes, lost their jobs, and faced challenges accessing healthcare. The impact was wide-reaching and the ensuing fear pervasive.

The Ugandan government is violating its obligations to protect its citizens against human rights abuses by non-state actors. Discrimination, coupled with a failure by the police and other authorities to respond appropriately to human rights violations and abuses, has fostered a climate where impunity is tolerated and propagated by the state. Broadly worded provisions in the laws have been interpreted by the general public in a way that encourages these abuses. The government's failure to clarify these laws shows its complicity in the abuses, as well as its failure to ensure equal access to justice and the right to an effective remedy.

The impact of the laws has changed over time. The POMA was invoked more in the first quarter of 2014 to suppress public assemblies, but continues to have a chilling effect. The immediate impact of the APA peaked in the days after it was signed, but longer-term it reinforces discrimination against women and gender stereotypes. Similarly, the AHA also had an immediate impact after it was passed by Parliament. Though the Constitutional Court's nullification of the AHA on procedural grounds has resulted in a reduction in these abuses, by not tackling substantive rights violated by the law, the ruling was a missed opportunity to address homophobia which increased while the law was in force, and which persists as same-sex sexual relations between consenting adults continue to be criminalized under section 145 of Uganda's Penal Code.

Amnesty International calls on the Government of Uganda to uphold its obligations under international human rights law. Specifically, it is asking the Ugandan government to repeal discriminatory legislation, to ensure the government is not complicit in human rights abuses stemming from such legislation, and to protect all Ugandans, including women, LGBTI people and political activists from discrimination, harassment and violence by state and non-state actors.

KEY RECOMMENDATIONS

To the Government of Uganda:

- Revise the Public Order Management Act to ensure that it does not violate human rights, including, but not limited to, the rights to freedom of expression, association and peaceful assembly.
- Fulfil its expressed commitment to review the Anti-Pornography Act and bring it in line

with international standards to ensure that it does not violate human rights, including the rights to freedom from discrimination, privacy and equality before the law.

- Repeal section 145 of the Penal Code of Uganda, which criminalizes consensual sex between adults of the same sex.
- Take steps to prevent, and publicly condemn, mob justice attacks related to dress and homophobic and transphobic violence.
- Take steps to prevent, and publicly condemn, discrimination, including in the areas of employment, housing, and healthcare provision.

To the Ministry of Internal Affairs and the Uganda Police Force:

- Immediately cease the application of the provisions of the POMA, and uphold and promote the right to freedom of expression, association and peaceful assembly within the scope permitted by the Constitution of Uganda and international human rights law.
- End police harassment of LGBTI individuals when reporting crimes of which they have been a victim.
- Ensure that incidents of mob justice attacks are fully investigated and the perpetrators brought to justice.
- Ensure that detainees are not ill-treated in detention, and have access to medication when required.
- Carry out a prompt, independent and impartial investigation into allegations of human rights violations by the police.
- Ensure that before any new law that require police enforcement comes into force, the police receive comprehensive training on the provisions of the new law.

To the Ministry of Public Health:

- Ensure that the Ministerial Directive on Access to Health Services without Discrimination is implemented including through training of Ugandan health workers on non-discrimination in service delivery and requirements to respect patient confidentiality, privacy and informed consent to all treatment.

To the World Bank:

- Publicly share the outcome of the World Bank's independent assessment of the impact of Uganda's Anti-Homosexuality Act on the proposed \$90 million loan to the health sector.
- Ensure the proposed loan to the health sector includes training of Ugandan health workers on non-discrimination in service delivery, robust third-party monitoring mechanisms to ensure non-discrimination, and requirements to respect patient confidentiality, privacy and informed consent to all treatment.

To states providing development assistance to Uganda:

- Ensure that human rights are respected in the use of development assistance.

- Refrain from placing conditions on international assistance necessary to realise essential levels of economic, social and cultural rights, other than those necessary to ensure that assistance is used for the purposes for which it is intended and that it is used in a manner consistent with human rights.

To the African Commission:

- Urge the Ugandan government to end all acts of violence and abuse, whether committed by state or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence, including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims, in line with Resolution 275 of the African Commission.

2. METHODOLOGY

This report is based on information gathered from a variety of primary and secondary sources and focuses on the lived experiences of individuals and the human rights impact of repressive legislation.

Amnesty International conducted research in Uganda in March, April and August 2014. Part of the field research was carried out in conjunction with Human Rights Watch.

Amnesty International carried out one-on-one interviews with 42 affected individuals, and held group discussions with an additional 57 individuals comprising of staff and representatives of 30 civil society organizations. Interviews took place in Kampala, Entebbe and Mbarara. The organization also interviewed some police officers and commanders as part of our research into individual cases.

Amnesty International visited Uganda between 26 and 29 August 2014 to seek an official government response to our findings and recommendations. The organization met with the then Minister of Health accompanied by the Minister of Defence. We were grateful for his constructive engagement with our findings in relation to access to healthcare and his feedback is reflected in this report. We were unable to secure meetings with the Minister of Internal Affairs and the Inspector General of Police.

A letter summarizing the findings of this report requesting written feedback was sent to the Minister of Internal Affairs and the Inspector General of Police on 9 September 2014. At the time of writing, we had not received a substantive response.

Other information about government positions is based on official documentation and public statements.

Many people who spoke to Amnesty International demonstrated great concern for their safety. All gave their consent for their information to be used in this report, but Amnesty International has changed many names and identifying details to protect their identities. Where pseudonyms have been used, they are indicated with an asterisk on first use. Amnesty International would like to thank them for sharing their stories, often at great personal risk. Amnesty International would also like to acknowledge and thank organizations in Uganda who facilitated interviews and provided support in gathering and verifying the information contained in this report.

3. RESTRICTING RIGHTS: THE BACKGROUND TO THE ACTS

“There is a shrinking space for the media, for civil society, for minority groups, for political parties.”

Geoffrey Ssebagala, journalist and activist²

As Uganda's ruling party, the National Resistance Movement (NRM), prepares for the 2016 elections, new laws have been enacted which muzzle the political opposition and constrain civil society.

Since the reintroduction of multi-party politics in 2005, the Ugandan government has ostensibly permitted electoral competition while simultaneously restricting free expression and peaceful assembly. Use of legal and extrajudicial tactics to clamp down on rights has varied according to the prevailing political climate; however, the years 2013 and 2014 have been marked by heightened restrictions. New laws, namely, the Public Order Management Act, the Anti-Homosexuality Act and the Anti-Pornography Act, are rooted in the NRM's concerns about increasing dissent through political opposition protests and civil society calls for enforcement of human rights and good governance. They also reflect compromises within the NRM brokered as some politicians have positioned themselves as possible presidential contenders, and others have exploited these dynamics to promote legislation discriminating against women and sexual minorities.

CLAMPDOWN ON OPPOSITION PROTESTS

“It is a characteristic of regimes that have stayed in power [for long] to increase patronage and restriction of the civil or democratic space.”³

Nicholas Opiyo, human rights lawyer and Executive Director, Chapter Four Uganda.

Following the February 2011 presidential elections, inflation rose sharply in Uganda. The political opposition galvanized support for protests that were met by a government crackdown. The first “Walk to Work” protests (see below) organized by the lobby group Activists for Change in April 2011 rallied people to protest rising fuel and food prices. The government responded by effectively outlawing protests and used heavy-handed police tactics to crush demonstrations. They also levelled criminal charges against some opposition politicians and their supporters.

The rise of the Arab Spring in North Africa fuelled government paranoia of social movements,

particularly given Uganda's youthful population. It was in this context that the Public Order Management Bill, dated 29 April 2011, was first tabled in Parliament. The initial draft – far more restrictive than the final Public Order Management Act – proposed the banning of any gathering of three people or more in a public space to discuss government policies without police permission.⁴

“WALK TO WORK” PROTESTS

In April 2011, the lobby group Activists for Change (A4C) called on people to shun vehicles and walk to work in protest against the rising prices of fuel and other essential commodities. Several weeks of public demonstrations followed in the capital, Kampala, and elsewhere.

In reaction to the announcement of the April protests, the Inspector General of Police stated that the police would not allow the “Walk to Work” protests since “the organizers of the protests aimed to overthrow the government” and “terrorists may use the opportunity afforded by the protests to conduct terrorist activities”. The official response to the protests was initially to enforce a continuing general ban on all forms of protest, to legitimize the use of excessive force in quelling demonstrations, some of which had turned violent, and to level criminal charges against opposition politicians and their supporters participating in the protests.⁵

The police intervened to disrupt a number of initially peaceful events. Some protesters subsequently hurled objects at law enforcement officials, who responded with excessive force.⁶ On at least six different occasions in April 2011 during a number of demonstrations throughout the country, the police and military personnel used excessive force, including firing live ammunition into crowds of protesters, which killed at least nine people, including a two-year-old baby, and injured dozens of others. In May 2011, they changed their tactics, heavily deploying police and security personnel in major public venues to serve as a deterrent, and using anti-riot pink spray (ostensibly aimed at identifying persons for police arrest) and tear gas instead of firearms.⁷

On at least two occasions during the protests in April and May 2011 the police refused to allow the opposition leader Dr. Kizza Besigye to leave his home, stating that he was under “preventive arrest” because of his participation in the “Walk to Work” protests, and that he was a threat to “public peace and security”.⁸ In one case, Besigye suffered serious injury during an arrest and had to be flown out of the country for treatment; government officials stated that the level of force used against him was justified.⁹

The authorities also attempted to block the use of social networking internet sites, such as Facebook and Twitter, citing the potential for widespread violence, even though there was no evidence that the protest organizers were, or had been, using social media to organize the protests in any way.¹⁰

The authorities claimed that the protest organizers intended to organize violence and “overthrow the government”, without providing evidence to support this. In October 2011, four political activists were charged with treason – which carries the death penalty – for their participation in organizing the protests.¹¹ In April 2012, the Attorney General declared Activists for Change an unlawful society and banned it.¹² Activists for Change believe this ban is unconstitutional.

SUPPRESSION OF CRITICAL MEDIA TO STIFLE REPORTING OF PROTESTS

Recent years have seen a proliferation in the number of Ugandan media outlets. However, the media has also been harassed and intimidated in an effort to stifle reporting of protests. Journalists have faced trumped-up charges of libel, sedition and treason.¹³ When supporters of the Kabaka, the traditional king of the Baganda people, protested against government

interference with his movements in 2009, the government pulled Luganda-language radio stations from the air.¹⁴ Dozens of journalists covering the police's reaction to the Walk to Work protests in April and May 2011 were beaten, harassed and intimidated by the police and other security personnel.¹⁵ Media restrictions peaked again in May 2013 when the *Daily Monitor* and three other media outlets were closed for 10 days after reporting an allegation that President Museveni's son, Brigadier Muhoozi Kainerugaba, was being groomed to succeed his father. Journalists and human rights activists protesting against the closure of the media outlets were beaten by riot police.¹⁶

HARASSMENT OF ANTI-CORRUPTION ACTIVISTS

Concerns around pre-election pay-outs to parliamentarians in 2011 and lack of transparency in oil contracts gave new impetus to Ugandan civil society activists that promote good governance. Oil exploration along Uganda's border with the Democratic Republic of Congo raised the possibility of additional revenue for the country, which could be used to expand people's access to health, education and other basic services. However, the prospect of Uganda becoming an oil exporter also raised the risk of revenues being misappropriated to cement patronage networks.¹⁷

Allegations of embezzlement of \$12.7 million of donor funds from the Office of the Prime Minister in 2012 prompted donors that provide direct budgetary assistance to the Government of Uganda to withhold the aid. This was a rare response from donors, who are usually hesitant to criticize Uganda's domestic record because of the important role that President Museveni plays as a regional powerbroker and troop contributor to the African Union Mission in Somalia (AMISOM).¹⁸ Following the aid cuts, the government struggled to pay the salaries of teachers and police, which heightened concerns about public sector delivery, an issue that was raised by anti-corruption groups.¹⁹

In late 2012, a coalition of civil society groups launched the Black Monday Movement (see below). Police have prevented them from disseminating information about the effect of corruption on government services, and deterred others from joining the movement.²⁰ New restrictions on freedom of peaceful assembly through the POMA are likely to further obstruct the work of anti-corruption activists.

BLACK MONDAY MOVEMENT

In late 2012, a coalition of around 50 civil society groups organized a campaign known as the Black Monday Movement. The participants wear black every Monday to raise awareness about the effects of corruption and to protest against the impunity enjoyed by corrupt government officials. Activists also publish and distribute monthly newsletters.²¹

The Ugandan police has thwarted attempts by the civil society groups to distribute information and arrested Black Monday Movement activists. During 2013, they charged individuals who distributed information with a range of crimes, from "spreading of harmful propaganda" to "inciting violence" and "possession of prohibited publications". One activist was arrested after giving a press interview while handing out Black Monday materials. While no-one faced trial, activists had to report to the police on a weekly basis following their arrests for several months before charges were dropped. Some were required to report to the police on Mondays preventing them from organizing and taking part in regular weekly protest activities.²²

The arrests have prevented the distribution of information about the effects of corruption on government services, and deterred others from joining the protests for fear of arrest.²³

RELIGIOUS INFLUENCE ON POLITICS

With the support of American evangelical Christian groups, churches in Uganda have expanded their voice and political influence. US-based evangelical churches have funded and supported religious groups that actively promoted homophobia in Uganda.²⁴ In 2012, Simon Lokodo, the Minister for Ethics and Integrity and a former Catholic priest, increased attacks on human rights work that supported the rights of LGBTI people.²⁵ As the debate around the Anti-Homosexuality Bill gained prominence, it began to draw in broader identity issues, such as Uganda's relationship with the Global North, cultural autonomy and family values, which also shaped the context in which the APA became law in February 2014.²⁶

With an eye on 2016, prominent politicians within the NRM started positioning themselves as possible presidential contenders. Going into the NRM party retreat in Kyankwanzi in February 2014, both Rebecca Kadaga, the Speaker of Parliament, and the then Prime Minister Amama Mbabazi were reportedly increasing in popularity.²⁷ An NRM resolution coming out of the retreat sought to "discourage some senior leaders within the party with Presidential ambitions [...]" urging party members to endorse President Museveni as the sole NRM candidate in 2016.²⁸ The debate around the Anti-Homosexuality Bill also reached a crescendo in Kyankwanzi. Just days later, President Museveni, who had never been a vocal supporter of the Anti-Homosexuality Bill and who had written to the Speaker of Parliament in December 2013 to express concerns about how it had been passed, signed it into law.²⁹ This populist move was widely seen as a short-term political calculation to thwart the ambitions of his political rivals, including Rebecca Kadaga, who had promised to pass the Anti-Homosexuality Bill as a Christmas present to Ugandans back in 2012.³⁰

RESTRICTIONS ON CIVIL SOCIETY

As President Museveni and the NRM face more challenges from both outside and within the party, the Ugandan government has become increasingly hostile towards civil society. Advocacy NGOs and activists with dissenting views on oil governance, land, corruption and human rights have been intimidated and their work obstructed by the authorities.³¹ The data of several civil society organizations has been stolen during a spate of burglaries that are still under police investigation.³²

Some organizations have already stopped or significantly changed their work on "sensitive" areas because of this targeting, including by self-censoring for fear of closure.³³ Human rights organizations have documented scaling-back of activities to avoid problems with government officials.³⁴

The frenzy of repressive legislation documented in this report has forced civil society actors to expend significant resources in mitigating negative government actions. It has also diverted them from working on other human rights issues and governance concerns.

4. LEGALISING REPRESSION: THE ACTS

Against a background of shrinking space for freedom of expression, association and peaceful assembly, three pieces of legislation were passed in quick succession. Individually, the Public Order Management Act (POMA), the Anti-Pornography Act (APA), and the Anti-Homosexuality Act (AHA) impose impermissible restrictions on freedom of expression, association and peaceful assembly: the provisions are vaguely and broadly worded giving the authorities excessive discretionary power. Together, they institutionalize repression of the rights to expression, association and peaceful assembly, and create a framework that permits discrimination against specific groups of people.

PUBLIC ORDER MANAGEMENT ACT 2013

"[The POMA] reverses the basic premise on which the right to freedom of peaceful assembly is based."

Professor Joe Oloka Onyango, Professor of Law, Makerere University, Kampala³⁵

The POMA was tabled in Parliament in 2011, was passed by the Ugandan Parliament in August 2013, and was signed into law by President Museveni on 2 October 2013. The Act came into force on 20 November 2013 through a statutory instrument issued by the Minister of Internal Affairs on 9 November 2013.³⁶ Subtitled "an Act to provide for the regulation of public meetings; to provide for the duties and responsibilities of the police, organisers and participants in relation to public meetings; to prescribe measures for safeguarding public order; and for related matters," the POMA grants the authorities – specifically, the police – sweeping powers to regulate the conduct of all public meetings "in accordance with the law,"³⁷ and to stop or prevent the holding of public meetings.³⁸

The POMA institutionalizes restrictions on freedom of expression, association and peaceful assembly. While limitations on these rights are permissible under international human rights law, Maina Kiai, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, states: "Any restrictions imposed must be strictly motivated by the limited concerns which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others... States must demonstrate their necessity and only take such measures as are proportionate to the pursuance of legitimate aims in order to ensure continuous and effective protection of Covenant rights."³⁹ He has reiterated that "freedom should be the rule, and restrictions the exception."⁴⁰

Yet the POMA imposes wide-ranging restrictions on public meetings – defined so broadly as to include almost any kind of public gathering⁴¹ and gives the police powers to prohibit and disperse public gatherings of a political nature.⁴²

Section 3 of the POMA gives the Inspector General of Police (or an authorized officer) "the power to regulate the conduct of all public meetings in accordance with the law". This

section effectively reintroduces Section 32 of the Police Act, which was found to be unconstitutional in May 2008⁴³ when Uganda's Constitutional Court ruled that "there is no convincing reason for restricting or stopping convening rallies or assembly or demonstrations. The ruling further noted:

"As already pointed out the police have powers under other provisions of the law to maintain law and order or deal with any situation... The police will not be powerless without the powers under subsection 2; they can deploy more security men. Further, they have powers to stop the breach of peace where it has occurred by taking appropriate action including arresting suspects.. to interpret and uphold S. 32 (2) of the Police Act as authorizing the Police to prohibit assemblies including public rallies or demonstrations would be unconstitutional. Clearly, it would be giving the Police powers to impose conditions which are inconsistent with the provisions of Article 29 (1)(d) of The Constitution which guarantee the enjoyment of the freedom to assemble and demonstrate."⁴⁴

Reintroducing, through legislation, a provision already found to be unconstitutional is in itself a constitutional violation, and inconsistent with the rule of law.⁴⁵

Human rights activists told Amnesty International that while the POMA regulates public space, it is simply a cog in the larger wheel of the application of laws to stifle democracy and to shrink the space for civil society engagement.⁴⁶ They are seriously concerned that the POMA was specifically designed to limit their legitimate activities after the 2011 Walk to Work protests.⁴⁷ A human rights lawyer told Amnesty International that POMA is based on a "twisted justification of the law; it is not meant to facilitate, but to defeat demonstrations".⁴⁸

ANTI-PORNOGRAPHY ACT 2014

"The Anti-Pornography Act clearly set the stage for a rollback of women's personhood and autonomy as upheld by our constitutional guarantees on equality before and under the law."

Stella Mukasa, International Centre for Research on Women⁴⁹

The Anti-Pornography Act (APA) was tabled in parliament in 2011. It was passed by Parliament on 19 December 2013 and signed into law by President Museveni on 6 February 2014. It came into force through a statutory instrument published as a supplement to the Uganda Gazette of 9 May 2014.⁵⁰

The APA stipulates that "a person shall not produce, traffic in, publish, broadcast, procure, import, export, sell or abet any form of pornography,"⁵¹ an offence that is punishable by a fine of up to 10 million shillings⁵² (approximately USD \$3900) or imprisonment of up to ten years. It provides for the establishment of a Register of Pornography Offenders,⁵³ as well as a Pornography Control Committee.⁵⁴

"The language [of the APA] opens it up to 'unrestrained interpretation,' such that not only is such interpretation available to anybody regardless of whether or not they are a government office, but also to all kinds of actions that such a person deems fit in the circumstances."

Professor Joe Oloka Onyang⁵⁵

The language of the APA is vague and its scope poorly defined. "Pornography" is defined as "any representation through publication, exhibition, cinematography, indecent show,

information technology or by whatever means, of a person engaged in real or stimulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual excitement.”⁵⁶

“The Bill is about trying to keep women tame and controlled, thereby saving them from becoming ‘wild’ and ‘un-African.’”

Jackie Asiimwe, gender activist⁵⁷

Early drafts of the APA also included within the definition of pornography the “display... of sexual parts of a person such as breasts, thighs, buttocks or genitalia.”⁵⁸ While this phrase was not included in the Act passed by Parliament, the law was widely interpreted by the public as the banning of miniskirts and other revealing clothing, a belief fuelled by misinformed media reporting.⁵⁹ The *New Vision* reported that, “women have been forbidden from wearing clothes like miniskirts and cleavage-revealing blouses (‘tops’) that excite sexual cravings in public.”⁶⁰ Fr. Simon Lokodo, the Minister for Ethics and Integrity, also encouraged public perceptions about the scope of the law. He was quoted in the media as saying: “We do not like you to behave in a way that draws the attention of other people. Be decent and let your cloth show you as a decent person... if you are dressed in something that irritates the mind and excites other people especially of the opposite sex, you are dressed in wrong attire and please hurry up and change.”⁶¹ This public perception of the content of the law resulted in a number of attacks on women for perceived violations of this law in the week after the APA was signed before it even came into force.

“Our current leaders have no respect for women’s care in society. Body ownership and self-confidence are not a focus in our culture. Women are expected to quietly accept restrictions and judgment on their own bodies, which is unacceptable.”

Maud*, journalist and activist⁶²

Uganda has an obligation under international human rights law to take measures to eliminate prejudices and practices – including harassment and violence – related to stereotyped gender roles.⁶³ While the APA does not in fact explicitly ban miniskirts and other “revealing” clothing, its passage by Parliament and signature by the President created an environment which legitimizes the institutionalized and societal discrimination that women face in Uganda. It also contributes to a climate of impunity for perpetrators of violence against women who are deemed to have transgressed traditional gender norms, related to dress or otherwise – a clear violation of this obligation.

In February 2014, the then Prime Minister Amama Mbabazi acknowledged that the APA was vaguely worded and told Parliament it would be reviewed.⁶⁴ So far there has been no indication the form or timeframe for the review.

ANTI-HOMOSEXUALITY ACT 2014

“[The AHA] institutionalizes homophobia and thereby promotes a culture of hatred and clearly violates the right to human dignity... [it] is motivated by hatred, discriminatory impulses and by the over-arching desire to suppress and dominate political and civil society.”

Professor Joe Oloka Onyango⁶⁵

The Anti-Homosexuality Bill (AHB) was first tabled in Parliament in 2009 as a Private

Member's Bill by David Bahati MP. It attracted widespread international condemnation, including for proposing the death penalty for "aggravated homosexuality" and other measures designed to strengthen the existing criminalization of consensual, private sexual activity between adults of the same sex.⁶⁶

A later version of the AHB was passed by Parliament on 20 December 2013 despite attempts by the then Prime Minister Amama Mbabazi to defer consideration of the Bill pending government negotiations on the proposed legislation.⁶⁷ It had also been opposed by four members of the Legal and Parliamentary Affairs Committee, Sam Otada MP, Fox Odoi MP, Ayena Krispus MP, and Abdu Katuntu MP, who published a Minority Report stating that the Bill was discriminatory and that "homosexuality" was prohibited in existing laws.⁶⁸

After President Museveni received the AHB passed by Parliament, he wrote to the Speaker of Parliament, Rebecca Kadaga MP, on 28 December 2013 to express his concern about how the Bill had been passed.⁶⁹ Despite his concerns, President Museveni signed the Bill into law on 24 February 2014, and it was gazetted on 10 March 2014.

Following a petition challenging the constitutionality of the Act, it was declared null and void on 1 August 2014 by the Constitutional Court, on the grounds that there was no quorum in court when it was passed.⁷⁰ The government has filed a notice of appeal against this ruling, and the case is expected to go to the Supreme Court.⁷¹

During the five months it was in force, the considerable media attention around the AHA, together with public misunderstanding of the content of the law, created an environment conducive to harassment of individuals who are or who are believed to be gay or lesbian, both by the police and by individuals within their communities.

While the death penalty clause was removed from the final version, the law included sweeping provisions criminalizing, amongst other things, vague and broadly defined offences, including "promoting homosexuality,"⁷² and "aiding and abetting homosexuality,"⁷³ both of which carried maximum sentences of seven years; and "aggravated homosexuality,"⁷⁴ which carried a maximum sentence of life imprisonment.

In 1994, the UN Human Rights Committee ruled that laws prohibiting consensual sex between adults of the same sex – including the AHA and Section 145 of Uganda's Penal Code, which prohibits "carnal knowledge against the order of nature," and which is still in force – violate the right to privacy, as guaranteed by Ugandan and international human rights law.⁷⁵

The AHA also contributed to the stigmatization of the work of human rights defenders. Defenders who challenge homophobia and transphobia risk a homophobic backlash, regardless of their actual sexual orientation. Following the signing of the AHA, the African Commission on Human and Peoples' Rights Special Rapporteur on Human Rights Defenders stated that the law was "likely to endanger the life and safety of persons alleged to belong to sexual minorities, as well as human rights defenders working on this issue, since it undermines their activities and freedom of expression, association and assembly, all of which are rights guaranteed by the Ugandan Constitution, and the African Charter on Human and Peoples' Rights (ACHPR), in particular Articles 2, 9, 10 and 11."⁷⁶ During its 55th ordinary

session held in Luanda, Angola, the African Commission went a step further to adopt a resolution condemning “the situation of systematic attacks by State and non-state actors against persons on the basis of their imputed or real sexual orientation or gender identity”.⁷⁷ It also called on “State Parties [to the ACHPR] to ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities, including the rights of sexual minorities”.⁷⁸

COMMONALITIES

The POMA, APA and AHA each have a significant negative human rights impact; but they work together to give the authorities tremendous discretionary power reinforcing state control and restriction of expression, assembly and association.

The vague wording and selective implementation of the Acts has created a pervasive discriminatory impact. It has legitimized the targeting of specific groups – especially civil society activists, women, and LGBTI people – by authorities and the public. Coupled with a failure of the police and other authorities to respond appropriately to human rights violations and abuses, this has created a climate of fear for the groups mentioned, as well as a wider human rights crisis in which the space for civil society challenges to the government is shrinking and where impunity is tolerated and propagated by the state.

**“They are using our bodies, our sexualities and our gatherings as a distraction.”⁷⁹
Maud*, journalist and activist**

The AHA directly targeted gay and lesbian Ugandans, as well as human rights defenders working on LGBTI rights. The signing of the law – since nullified – also legitimized human rights abuses, including discrimination in housing, employment and healthcare, harassment and even violence, against LGBTI people perpetrated by the general public, and inhibited access to remedy for individuals who experienced these abuses. The signing of the APA has had a similar effect; it has legitimized the targeting of women because of their dress. While Amnesty International had documented homophobic and misogynistic abuses in Uganda before the instigation of these Acts⁸⁰, the Acts gave these abuses increased legitimacy. All three bills before were substantially amended and some particularly contentious clauses removed during the legislative process before they were passed by Parliament. The final content of the laws was often misunderstood by the media and the public. The state’s failure to clarify the content and scope of the laws exacerbates violations and abuses of human rights.

**“Civil society has spent many years fighting [the POMA]. So much effort went into it and diverted organizations from talking about substantive issues of governance and development.”⁸¹
Women’s rights activist**

All three Acts also have the effect of diverting the attention of civil society from broader issues of governance and development. The AHA and APA are distractions from governance failure,⁸² and the POMA suppresses any challenge to the government.

The POMA, APA, together with the AHA when it was in force, worked together to discriminate against human rights defenders through police harassment, demonization and stigmatization. Even attempts to challenge these laws themselves fall foul of the law. The POMA, in

particular, contains inherent restrictions on the work of human rights defenders, even those challenging these Acts themselves.

OTHER PROPOSED LEGISLATION

“[The POMA] regulates public space – it is simply a cog in the larger wheel of application of law to stifle democracy, to stifle the space for civil society engagement.”⁸³

Ndifuna Mohammed, Human Rights Network Uganda (HURINET-U)

In addition to the POMA, the APA, and the AHA, the Ugandan government is proposing other pieces of legislation which, if passed, would have detrimental effects on human rights both individually and when compounded with other pieces of legislation.

THE NON-GOVERNMENTAL ORGANISATIONS REGISTRATION (AMENDMENT) BILL, 2013

A Bill to amend the NGO Act has been proposed. The Bill explicitly aims to address “subversive methods of work and activities,”⁸⁴ and amends the processes by which NGOs register with the authorities. If enacted into law, it would expand government control over NGO funding and activities further inhibiting their ability to protect free expression and peaceful assembly in the lead-up to the 2016 elections.⁸⁵ The Bill creates District NGO Monitoring Committees⁸⁶ and proposes monitoring of NGO activities.⁸⁷

CIVIC EDUCATION POLICY

The government has also proposed a Civic Education Policy. If adopted, it would mean that any programmes to provide civic education – including on human rights – would need accreditation at the district level.⁸⁸ Organizations deemed in breach of the Policy would be liable to have their activities suspended for up to six months, to have their accreditation revoked, or even to be blacklisted.⁸⁹ Activists are concerned that accreditation will be granted selectively and that certain activists – in particular, those working on raising awareness about government corruption or on promoting free and fair elections – would not be granted permission to carry out activities. The policy would severely curtail civic engagement.⁹⁰

HUMAN RIGHTS LAW OBLIGATIONS

Uganda has an obligation to uphold – to respect, protect and fulfil – the human rights protected under regional international treaties to which it is a state party, rights that are also protected under the country’s own constitution.

The human rights that Uganda is obligated to uphold include the rights to **freedom of expression, association and peaceful assembly**,⁹¹ the rights to **freedom from discrimination and equality before the law**,⁹² the right to **privacy**,⁹³ the right to the **highest attainable standard of health**,⁹⁴ the rights to **work**⁹⁵ and **housing**,⁹⁶ the right to **freedom from arbitrary arrest**,⁹⁷ the right to **freedom from cruel, inhuman or degrading treatment**,⁹⁸ and the right to **an effective remedy**.⁹⁹ The government also has an obligation to take all appropriate measures to achieve the **elimination of prejudices and customary and all other practices which are based on stereotyped roles for men and women**.¹⁰⁰

Apart from being protected by Uganda’s Constitution, these rights are also protected by the **African Charter on Human and Peoples’ Rights (ACHPR)**, the **International Covenant on Civil and Political Rights (ICCPR)**, the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, and the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**.

CONSTITUTIONAL CHALLENGES

Concerned citizens have challenged the constitutionality of all three Acts in court.

An academic, one current and one former parliamentarian, a journalist, a medical doctor, and human rights activists and organizations¹⁰¹ filed a constitutional challenge to the AHA. Their petition asserted that the AHA violated a number of constitutional provisions. In a judgement delivered by the Constitutional Court on 1 August 2014, the AHA was declared null and void on the first ground cited by the petitioners: that there was no quorum when the Bill passed Parliament in December 2013. The court found that, “the act of the Rt. Hon. Speaker of not entertaining the objection that there was no [quorum] was an illegality under Rule 23 of the Rules of Procedure which tainted the enacting process and rendered it a nullity. The act itself so enacted by this reason is unconstitutional.”¹⁰²

The petition also argued that the AHA violated other constitutional provisions, including the rights to equality before the law and freedom from discrimination, the right to privacy, and rights to freedom of expression, association and peaceful assembly, and that it amounted to an “institutional promotion of a culture of hatred.”¹⁰³ The court did not rule on any of these points or deal with the substantive rights violated by the law.

At this writing, challenges to the other Acts do not have hearing dates scheduled.

A retired bishop and civil society activist, a parliamentarian, an association of women lawyers, and human rights and civil society organizations¹⁰⁴ filed a constitutional challenge to the POMA in December 2013 on the basis that the POMA violates, amongst other rights, the rights to freedom of expression, association and peaceful assembly, equality and freedom from discrimination, as guaranteed by the Constitution of Uganda. The petitioners’ request that the sections of the POMA restricting public meetings and giving the police sweeping powers be struck out of the Act.¹⁰⁵ The petition also states that Sections 5 and 6 of the POMA are similar to Section 32 of the Police Act that previously gave unilateral powers to the Inspector General of Police (IGP) to prohibit any assembly or procession where he has reasonable grounds for believing that it was likely to cause a breach of the peace. Section 32 of the Police Act was declared unconstitutional in 2008 and the petition argues that the POMA is in violation of Article 92 of the Constitution, which prohibits Parliament enacting any law to “alter the decision or judgment of any court.”¹⁰⁶

Human rights organizations, an academic and lawyers¹⁰⁷ filed a constitutional challenge to the APA in May 2014.¹⁰⁸ The petition states that the APA violates a number of rights guaranteed by the Constitution of Uganda, including the right to equality and freedom from discrimination, and asserts that the vague definition of what constitutes “pornography” has resulted in harassment and mistreatment of women in public, denying them bodily autonomy, personal liberty and freedom of movement and association. The petitioners also assert that the powers granted to the Pornography Control Committee violate the right to privacy, and that the broad prohibition and vague definition of “pornography” together violate the rights to freedom of expression, association and peaceful assembly, all as guaranteed under the Constitution of Uganda, as well as in international human rights treaties, such as the ACHPR and the ICCPR to which Uganda is a party. The petition asks the Constitutional Court to restrain the government from taking steps to bring the APA into force, and from enforcing it.¹⁰⁹

The Human Rights Awareness and Promotion Forum, a Ugandan human rights NGO, has also filed a challenge to the AHA before the East African Court of Justice (EACJ).¹¹⁰ The Reference filed on 23 April 2014 asserts that certain provisions of the AHA violate the Treaty for the Establishment of the East African Community, in particular the provisions which enjoin partner states to exercise good governance, including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and people's rights in accordance with the provisions of the ACHPR,¹¹¹ and asks the Court to make declarations to that effect.

The Ugandan government's response to the Reference contends that the EACJ does not have jurisdiction to interpret Uganda's human rights obligations under its Constitution and international treaties.¹¹² It also denies the allegations made in the Reference, asserting that provisions of the AHA do not contravene the right to equality before the law,¹¹³ that they represent "a lawful and permissible restriction of the guarantee to freedom from discrimination,"¹¹⁴ and "denies that the Anti-Homosexuality Act encourages homophobia and stigmatization, nor does it contravene the duty of the government to respect, protect and promote the rights and freedoms of persons likely to be affected by the Act".¹¹⁵

5. A CLIMATE OF FEAR: ATTITUDES AND DISCRIMINATION

The passage of these Acts – in particular the APA and the AHA – had a chilling effect on the human rights climate in Uganda, especially amongst women and LGBTI people.

STATEMENTS BY STATE ACTORS

**“I felt like the president was directly addressing me – telling me he hates me and I am disgusting.”¹¹⁶
LGBTI activist**

The AHA was passed by Parliament in December 2013. For the next two months, President Museveni publicly appeared to deliberate over whether or not to assent to the AHA. After he received the Bill passed by Parliament, President Museveni wrote to Rebecca Kadaga MP, Speaker of Parliament on 28 December 2013 to express his concerns about how the Bill had been passed:

Recently, we had the anti-homosexuality Bill. This is, again, something we had advised to shelve until we had studied it in depth. Some elements, however, insisted and, even without quorum of Parliament “passed” it. How can you “pass” law without the quorum of Parliament after it has been pointed out? What sort of Parliament is this? How can Parliament be the one to break the Constitution and the Law repeatedly?¹¹⁷

President Museveni went on to commission a “Scientific Statement on Homosexuality” by the Ministry of Health.¹¹⁸ The study included in its conclusion that “there is no definitive gene responsible for homosexuality... [h]omosexuality is not a disease [it] is not an abnormality... [i]n every society, there is a small number of people with homosexual tendencies.”¹¹⁹ President Museveni interpreted the study’s conclusions to be that homosexuality was learned behaviour and used this to justify his signing of the Bill. He stated, “I, therefore, thought that... there were people that were born with the disorientation of being attracted to the same sex. That is why I thought that it was wrong to punish somebody on account of being born abnormal... I put these opinions to our scientists from the Department of Genetics, the School of Medicine and the Ministry of Health. Their unanimous conclusion was that homosexuality, contrary to my earlier thinking, was behavioural and not genetic. It was learnt and could be unlearnt... That is why I declared my intention to sign the Bill.”¹²⁰

Less than a week after making this statement, President Museveni signed the AHA into law on 24 February 2014, in a public event at which he spoke:

“I distilled three problems... 1, those who were promoting homosexuality and recruiting normal people into it... 2, as a consequence of No. 1 above, many of those recruited were doing so for mercenary reasons – to get money – in effect homosexual prostitutes...3, Homosexuals exhibiting themselves... It was my view that the above three should be punished harshly in order to defend our society.”¹²¹

President Museveni, 24 February 2014

Some human rights activists believe that the hostility that President Museveni expressed against the LGBTI community during the ceremony was a façade, and that political defiance against the West was an important factor that informed his decision to sign the Bill into law.¹²²

Electoral considerations in advance of the 2016 elections may also have influence politicians' positions on the Anti-Homosexuality Act. MPs who supported LGBTI rights may risk losing their seats, while MPs who supported the AHA may run unopposed in their constituencies.¹²³ In essence, and as one human rights lawyer told Amnesty International, the political career of some MPs “hangs on this issue”.¹²⁴

After the AHA was declared null and void in August 2014, a group of MPs began collecting signatures calling for it to be passed again by Parliament. At a press conference held the week after the Constitutional Court judgment, one MP stated that she thought the law should also contain an explicit prohibition against anal sex between heterosexual couples, calling it “closeted homosexuality hidden under heterosexuality”.¹²⁵

Other politicians have made statements in relation to the APA and women's dress. In September 2013, the Ugandan media reported that Ronald Kibuule, State Minister for Youth and Children Affairs, had said that the police should establish how the victim in rape cases was dressed, and that if the victim was indecently dressed, the suspect should be set free.¹²⁶

Fr. Simon Lokodo, Minister for Ethics and Integrity, reportedly stated at the time that the APA was signed that the law applied to clothing. The *Daily Monitor* reported that he said, “If your miniskirt falls within the ambit of this definition then I am afraid you will be caught up by the law.”¹²⁷ Fr. Lokodo had previously minimized the rape of girls by men, telling a journalist that, in contrast to consensual sex between men, “at least it is a natural way of desiring sex.”¹²⁸ These statements by elected leaders run contrary to the responsibilities of all organs and institutions of government and all authorities and persons, including those exercising executive powers, as provided under the National Objectives and Directive Principles of State Policy in the Constitution of Uganda. Clauses III(ii) and (iii) state respectively that, “[e]very effort shall be made to integrate all the peoples of Uganda while at the same time recognising the existence of their ethnic, religious, ideological, political and cultural diversity,” and that, “[e]verything shall be done to promote a culture of cooperation, understanding, appreciation, tolerance and respect for each other's customs, traditions and beliefs.”¹²⁹

Leading religious figures have also publicly demonstrated their support for these laws, particularly the AHA. Pastor Martin Ssempe, founder of the Makerere Community Church and one of the most prominent opponents of LGBTI rights in Uganda, has been especially vocal in his support for the Bill. The day that the AHA was signed, he organized a celebratory event at

the National Theatre in Kampala and said that he would “help rehabilitate homosexuals”.¹³⁰

On 31 March 2014, Pastor Ssempe organised a rally at Kololo Airstrip in Kampala to “give thanks” for the AHA. It was attended by thousands of people.¹³¹ The President attended and spoke at the rally condemning foreign government’s statements against the AHA. The Archbishop of the Church of Uganda, Stanley Ntagali, Mufti Ramadhan Mubajje and Pastor Simon Peter Emwau of the Evangelical Movement all spoke in support of the President’s signing of the Bill.¹³²

“After my statement [that he would sign the Bill] which was quoted widely around the World, I got reactions from some friends from outside Africa. Statements like: “it is a matter of choice” or “whom they love” which President Obama repeated in his statement would be most furiously rejected by almost the entirety of our people. It cannot be a matter of choice for a man to behave like a woman or vice-versa.”¹³³

President Museveni, ‘Statement responding to H.E. Obama’s statement on Homosexuality,’ 18 February 2014

The international discourse around the AHA has also triggered a backlash. Public statements by high-profile international leaders, including US President Obama,¹³⁴ have prompted responses by Ugandan leaders defending the AHA and asking why Uganda has been singled out when other countries also have laws criminalizing same-sex sexual conduct.¹³⁵ A few days before the President signed the Bill, Ugandan media reported that the Belgian Ambassador to Uganda made comments at an academic conference asking the Ugandan government to withdraw the AHA, prompting a response from the Minister for Higher Education that he was “very disappointed with the ambassador for making such statements without due respect to our values and sovereignty as Uganda. They (Europeans) want to force their culture on us thinking we will just take it. Not anymore. We are a sovereign state.”¹³⁶ Latif Sebaggala MP, who led the collection of MPs’ signatures calling for the AHA to be reintroduced in Parliament after it was nullified, reportedly called on Parliament to prioritize re-passing the AHA ahead of ongoing budget discussions, saying “This is not a normal Bill...whether we are denied aid and we live in poverty, we shall live by that.”¹³⁷

Government representatives have also defended the AHA in international forums. At the 2011 Universal Periodic Review of Uganda, the government rejected recommendations to drop the Anti-Homosexuality Bill and decriminalize sex between consenting adults of the same sex.¹³⁸ Uganda did accept recommendations to investigate and prosecute violence against LGBT individuals and activists; however, as documented below, violence continues, in many cases with impunity.

In March 2014, Uganda told the UN Human Rights Council that “the Law [the AHA] is not intended to discriminate, persecute or punish homosexuals by the sheer fact of their sexual orientation. Rather the Law is aimed at protecting and defending Ugandan society from social disorientation... [it] is consistent to both the letter and spirit of our Constitution and international human rights obligations... the enactment of this law does not put Uganda in any unique or peculiar position vis-à-vis other countries... there are at least over 80 countries worldwide, who have such legislation in their statutes.”¹³⁹

**"Uganda and Africa in general should stand up to this blackmail."¹⁴⁰
Government spokesperson Ofwono Opondo, in response to an announcement by the World Bank that it would postpone a loan**

International discussions about whether or not Uganda should be subjected to aid cuts as a consequence of the legislation also risk triggering a backlash. Shortly after the AHA was signed, the World Bank announced that it would postpone a US\$90 million loan intended to support Ugandan maternal health, newborn care and family planning services to carry out "further review to ensure that the development objectives would not be adversely affected by the enactment of this new law."¹⁴¹ Denmark stated that it would redirect close to Danish krone 50 million (US \$9.2 million) that was planned for support to programmes with the Ugandan government, and redirect it to activities with the Ugandan civil society and the private sector. It stated that it would aim to redirect future development assistance from the Ugandan government towards the private sector, civil society and international organizations and that "the exact model for future cooperation will be decided based on close cooperation with other development partners to send the strongest signal possible. However, the Danish government will still support their existing water and road projects even though the support is through the government."¹⁴² The Netherlands redirected US \$9.6 million in aid to the Ugandan government, originally destined for the Ministry of Justice.¹⁴³ Norway held back US\$8.3 million in direct government aid and diverted funds to human rights and democracy defenders in Uganda.¹⁴⁴ Sweden also adopted a new strategy on aid to Uganda, channelling funds through civil society organizations.¹⁴⁵

Uganda's development partners' response to the AHA was much stronger, in words and action, than their response to the POMA or APA. Many Ugandan civil society activists interviewed by Amnesty International felt that donors were not sufficiently concerned about rollbacks of other human rights and that the focus on LGBTI rights entrenched the perception that this is an imposition from the West. According to a gay man who spoke to Amnesty International, "Donors don't react when people eat teargas. The focus on AHA has made people feel that it is not about human reality but foreign things".¹⁴⁶ A women's rights activist lamented that donor countries and organizations have forgotten "the raft of other [repressive] things that the [Ugandan] government is doing".¹⁴⁷ She added that the skewed donor focus on the AHA has made it possible for the President to "succeed in his broader goal outlined in POMA".¹⁴⁸ All States that are in a position to do so have an obligation to provide international assistance for the realization of minimum essential levels of economic, social and cultural rights, such as maternal health care. States that engage in international assistance and cooperation must ensure that they do so in a manner consistent with human rights. They have an obligation to ensure that such assistance prioritizes the most marginalized and disadvantaged groups, and that it is used in a way that ensures non-discrimination and equality.¹⁴⁹ States that provide development assistance, and those that receive it, therefore, must ensure that human rights are respected in the use of such assistance, for example, that the relevant programmes they support do not discriminate against particular groups.

Amnesty International opposes all conditions on the provision of assistance which is necessary to ensure minimum essential levels of economic, social and cultural rights to all persons other than requirements necessary to ensure that assistance is used for the purposes for which it is intended and that it is used in a manner consistent with human rights.

Development aid for the realization of economic, social, and cultural rights should not be used as a bargaining tool to exercise political pressure on states that are committing human rights violations that are not linked to the use of development assistance. No state should cause harm to human rights of some groups in order to help advance the human rights of others. Furthermore, if donors stop aid that is necessary to realise essential levels of economic, social and cultural rights purely in order to oppose the AHA, this would put activists in an unfair position by forcing them to prioritize which rights they will fight for.

PUBLIC ATTITUDES

Amnesty International was persistently told how attitudes towards women, LGBTI persons and civil society organizations have worsened since the passage of these Acts.

The ambiguity of the APA – as well as statements by state actors explicitly linking women’s dress to the legislation - encourages mob justice and targeting of women. The law legitimizes attacks on women by state and non-state actors, and reverses the gains women have made in asserting their rights.

**“Since [the AHA] was passed, whether someone is gay or not is everyone’s business.”¹⁵⁰
Theodore*, gay man, Kampala**

Activists told Amnesty International that while homophobic speech had increased since the AHA was first tabled in 2009, after the AHA was passed homophobia significantly increased. The homophobia was fuelled in part by public actors, including Pastor Ssempe, who stoked homophobic attitudes, as well as by the lack of information available to the general public about LGBTI issues. President Museveni, politicians, the media and religious leaders have all bought into the myths circulating around LGBTI rights, and in some cases, have actively promoted them.

Some churches are reportedly encouraging their congregations to “report” people they suspect of being gay or lesbian to the church and are urging their congregations to “be vigilant”.¹⁵¹ At a celebration organised by Pastor Ssempe following the passage of the AHA by Parliament, he reportedly put up posters advertising “homosexual rehabilitation counselling”.¹⁵²

**“The moment they see something like nail varnish, earrings, anything that’s not masculine – they will begin targeting you.”¹⁵³
Martin*, a gay man**

Amnesty International heard that since the AHA was passed by Parliament, the general public is paying more attention to people who are “different” in some way,¹⁵⁴ and that the general public and local council authorities were asking many more questions about, and of, individuals who were believed to be gay or lesbian.¹⁵⁵

Some media outlets are reportedly also spreading misinformation about LGBTI people. Hanifa*, a 25-year-old lesbian woman in Kampala, told Amnesty International that her mother listened to a radio programme that claimed that boarding schools were encouraging homosexuality and urged parents to watch out if their children brought home friends of the same sex, to watch how they dressed, how they walked, and if they had any piercings. Her

mother also told her that the programme said that “dreads were for gays and lesbians,” and asked Hanifa to shave her head.¹⁵⁶ Media outlets are also “outing” people as gay or lesbian.

**“You don’t know who to trust, who is going to report you.”¹⁵⁷
Naome, a lesbian woman**

The 2009 draft of the AHA contained a clause requiring people to report violations of the Act to the police within 24 hours and punishing anyone who did not comply. This clause was removed from the final version of the Act but according to information received by Amnesty International, the general public feels obliged to “find homosexuals” – to report them, and also to attack them.¹⁵⁸

**“Right now, people would rather have a son who is addicted to drugs than one who is gay.”¹⁵⁹
Clare Byarugaba, Civil Society Coalition on Human Rights and Constitutional Law**

Amnesty International received information that general homophobia has worsened since the passage of the AHA, and particularly within families of LGBTI people. Families try to force LGBTI people into rehabilitation or to move away; some have expelled them outright from the family. There is enormous social pressure on families not to “stand out” by having a son or daughter who is gay or lesbian – openly or otherwise. While LGBTI people are not necessarily “coming out” to their families, families are asking more questions.¹⁶⁰

There are some LGBTI people whose families are supportive, but many other parents believe that opposing their children’s identities or relationships is what is best for their children. Activists pointed to the social pressure on individuals to have children, and the dominant discourse is that LGBTI people don’t have children and that this will negatively affect Uganda’s population.¹⁶¹

**“It’s like it’s not our country”¹⁶²
Bad Black, a transgender woman**

Discussions of LGBTI rights and same-sex sexual activity in Uganda has frequently been framed in negative terms, and has often labelled LGBTI people as “recruiters” of young children. The term “recruitment” in popular understanding in Uganda, connotes a predatory targeting and brainwashing of children into becoming gay or lesbian. In 2011, activists told Amnesty International that “people have been taught to associate homosexuality with the recruitment of children.”¹⁶³ This discourse has been fuelled by religious leaders, including Pastor Ssempe, who in 2011 presented a petition of two million signatures to the then Speaker of the Ugandan Parliament, calling for the AHB to be passed by Parliament, “to protect young men and girls being recruited into the practice [of homosexuality].”¹⁶⁴ In 2013, Fr. Lokodo told a gay British man during a TV interview, “don’t promote, don’t recruit, don’t encourage others to come into your very unfortunate status.”¹⁶⁵

**“There is a very homophobic population and a very homophobic government.”¹⁶⁶
Employee of an LGBTI support organization, Kampala**

This belief has been reinforced and strengthened by the statement made by President Museveni when he signed the Bill, referencing what he called the “arrogant and careless

Western groups that are fond of coming into our schools and recruiting young children into homosexuality and lesbianism.”¹⁶⁷ Amnesty International heard that that while public awareness of gay and lesbian issues increased with the enactment of the AHA, understanding has not. Other activists reported that there is a general belief that gay and lesbian people are sexual predators who are “molesting children, recruiting children, paedophiles, the scum of society”.¹⁶⁸ One organization told Amnesty International that, “in the public eye, an LGBTI person is worse than a murderer in this country”.¹⁶⁹

**“In early April, I heard a radio show about homosexuals seeking medical services. Some people called in to say they are not human, they should go die, they are like dogs... I have never heard an openly gay person call in to one of these shows.”¹⁷⁰
Rose*, a lesbian woman in Kampala**

There is widespread belief in “recruitment”. When Sister Vero, an intersex person living in a rural part of Uganda, received visitors, her neighbours told them to be careful “in case she ‘recruits’ them”.¹⁷¹ After pictures of Beyonce, a transgender woman, appeared in a tabloid newspaper, one of her neighbours went around showing the picture to others, saying that Beyonce was recruiting children in schools and threatened to have her arrested.¹⁷²

LGBTI people have sometimes been accused of being paedophiles. Two days after the AHA was signed, a man raped a boy in the village where Grace*, a transgender woman, was living. A crowd gathered, calling for the rapist to be beaten and killed. Grace told Amnesty International that she walked past the crowd and, “everyone turned and looked at me, saying ‘he’s one of them’”. She had to run and hide in the house of a neighbour, and later relocated.¹⁷³

Ryhan* was told by his parents, “We are staunch Muslims, you are a disgrace to our family. We have young kids here, you will spread homosexuality within our family.” He was chased from his home and is currently homeless, sometimes sleeping in the bus park.¹⁷⁴

A lack of open debate about what “homosexuality” is means that gender non-conforming people – whatever their actual sexual orientation – are most visible and most likely to be harassed, discriminated against or even attacked. Grace, a transgender woman, told Amnesty International that “trans[gender] people are the face [of the AHA]. When people talk of homosexuality, the first thing they think of is trans people.” Bad Black, a transgender activist, told Amnesty International that, “it’s easier for lesbian women and gay men – they can hide if they have to. Trans[gender] people can’t hide as easily.”

**“The public really think that non-LGBTI people would only get involved with these issues if they had something to gain from it.”¹⁷⁵
LGBTI activist**

Individuals who speak up against the AHA and for LGBTI rights – regardless of their sexual orientation – are also stigmatized by the public.¹⁷⁶ Kelly is a gay man and Executive Director of i Freedom Uganda, an organization promoting digital security and freedom of expression. In December 2013, just after the AHA was passed, a neighbour of Kelly was overheard talking about him, saying “he is a homosexual, he goes overseas to sell sex, that’s why he has so much money, he is working for homosexuals”. The neighbour was also heard suggesting to

other neighbours that they report Kelly to the police “now that [the AHA] has been passed”. Kelly fled his home and did not return for almost two months.¹⁷⁷

This stigma, as well as the enormous amount of attention garnered by the AHA – both domestically and internationally – has paradoxically made it more difficult for human rights defenders to advocate against homophobic legislation. Many Ugandans who might otherwise have opposed the AHA are not publicly doing so because of concerns about the attention that LGBTI issues are receiving compared to the many other human rights issues in Uganda.¹⁷⁸

While the AHA has been overturned, by only addressing the quorum issue and not the substantive rights violated by the Act, the Constitutional Court’s ruling was a missed opportunity to address public misconceptions which underpin widespread homophobia which sharply increased while the AHA was in force.

6. PUSHED TO THE WALL: STATE ENFORCEMENT OF THE ACTS

“The law is not good but the police are not even implementing it properly nor respecting the safeguards that are in there.”

Ndifuna Mohammed, HURINET-U¹⁷⁹

ARRESTS

At the time of writing, there was only one publicly known arrest and court case under the specific provisions of the APA although, as detailed below, this did not stop the police from harassing women in the days after the APA was signed, using the new law as justification, or from harassing or arresting LGBTI people under existing criminal provisions. In contrast, arrests have been made under POMA.

**“POMA is just a legal excuse to keep doing what they have always been doing”¹⁸⁰
Jackie Asiimwe, gender activist**

Political activists, particularly those campaigning on issues related to free and fair elections, have been arrested under POMA by police officers. Activists campaigning for change – particularly political opposition – were already being targeted by the police and see the POMA as legitimizing this harassment. One activist told Amnesty International, “Now [the Metropolitan Police Commander] can justify what he has been doing all along, it’s now legitimate. Law or no law, they were doing this before.”¹⁸¹

Activists told Amnesty International that often those arrested are not charged. A human rights lawyer told Amnesty International that police use POMA as an excuse to arrest people but many are released on police bond while investigations continue. As a result, there are no charge sheets or court decisions. According to Human Rights Network Uganda (HURINET-U), arresting officers state only that arrests are for violating the POMA without specifying which parts have allegedly been violated.¹⁸² When activists are charged, the vagueness of the laws can result in trumped up charges, especially against dissenting voices.¹⁸³ The threat of arrest means that many people are afraid of speaking out.

“I’ve been witnessing what has been happening to national opposition leaders informing activists – they have been harassed and arrested. It is intimidating, it makes us think twice about expressing our views. We’re pushed to the wall. What can I do?”¹⁸⁴

Human rights activist

Amnesty International requested information from the Inspector General of Police on enforcement of the POMA on 9 September 2014, but had not received a reply at the time of writing. The information requested included numbers of individuals arrested under the POMA and how many had been subsequently charged, what training the police had received on the POMA, and what mechanisms had been put in place to disseminate the POMA to police officers. In the same correspondence, the organization also requested details of the number of individuals arrested and charged under the AHA while it was in force and the APA, as well as how many complaints relating to the enforcement of the POMA, APA and AHA, if any, have been filed against police officers.¹⁸⁵

LGBTI support organizations observed a sharp increase in the number of arrests of LGBTI people since the AHA was passed by Parliament before it was nullified by the Constitutional Court. At least 17 cases of arrest – the majority involving gay men – have been reported since December 2013; in contrast, the Human Rights Awareness and Promotion Forum, a Ugandan human rights NGO, notes that 23 cases of arrest were reported between 2007 and 2011. During the arrests, the police did not give clear reasons why the individual was arrested. In particular, the police did not say whether the arrests were under the AHA after it came into force on 10 March 2014, the pre-existing section 145 of the Penal Code, or some other offence. Nor were those who were arrested ultimately charged. Reports of this use of arbitrary arrest to harass LGBTI individuals increased after the passage of the AHA.

The activists Amnesty International spoke with did not believe that there was a police operation targeting LGBTI people, but rather that the majority of those arrested, especially in Kampala, were being targeted by individual homophobic police officers.¹⁸⁶

Charges under law predating the AHA

Some people have been arrested under the laws which already criminalized same-sex sexual activity before the AHA was passed. Two individuals, Jackson and Kim, are currently standing trial for “unnatural offences” under section 145 of the Penal Code. Their trial began on 7 May 2014 but all hearings held from then to the end of August 2014 have been adjourned because of the state’s failure to produce any witnesses.

In 2013, three men were arrested on charges related to their perceived sexual orientation. One, a British man, was charged with “trafficking obscene materials” after a video showing men having sex was found on his laptop. He was deported in March 2014.

Two other men are also facing charges following arrests in 2013.

Hussein* was arrested in March 2014 near Mbarara in western Uganda. Three police officers came to his house and found him in bed with a male friend; both men were arrested. The police said that they were arresting gay couples for “basiyasi” (Luganda word for homosexuality). They were both beaten by the police. They were then taken to court where they denied the charges and were granted bail of 350,000 shillings each (approximately

US\$135). Hussein paid the bond for both himself and his friend, leaving him with no capital to run his mechanic business.¹⁸⁷

The widespread belief that LGBTI activists are “recruiting” others, and are funded by “Western” organizations, has resulted in arrests. Godfrey* was arrested near Mbarara in March 2014 and accused by the police of “being a homosexual and recruiting children”. He said that the officers referred to his work as a community organizer. They told him, “You have money, and the community has been reporting that you are spoiling their children.” The police also told him, “The Bill is there and you’re not going to get any more funding. We know you have a group of whites, and we want money.” Godfrey was eventually able to pay 500,000 shillings (approximately US \$195) demanded as a bribe by the police, and was not formally charged.¹⁸⁸

The UN Working Group on Arbitrary Detention has stated that detaining someone for offences relating to sexual orientation or gender identity, including offences not directly related to sexual conduct, such as those pertaining to physical appearance or so-called “public scandal”, breaches international law.¹⁸⁹ Arbitrary arrest of individuals who are not contravening any laws – whether they are political activists, women who are deemed to be dressed inappropriately, or individuals who are or are believed to be LGBTI - is a violation of the right to freedom from arbitrary arrest, as guaranteed by Article 23 of the Constitution of Uganda, as well as by international human rights treaties to which Uganda is a state party.¹⁹⁰ So too is the use of arrests to harass protestors and holding individuals without charge for over 48 hours, as provided for in the Ugandan Constitution.

TREATMENT IN DETENTION

Many of the LGBTI people who had been arrested and who were interviewed by Amnesty International reported ill-treatment in detention, including being beaten, both by police and by other detainees. Transgender detainees reported being groped and stripped by officers (see below). One organization reported that detainees, especially transgender women, had in some cases been raped and sexually assaulted.¹⁹¹ A number of individuals reported being held without charge for longer than the 48-hour maximum stipulated by the Constitution.¹⁹² Ill-treatment violates the right not to be subjected to cruel, inhuman or degrading treatment, as provided for by Ugandan and international human rights law.¹⁹³

Beyonce, a transgender woman, was arrested on 20 December 2013, the day the AHA was passed by Parliament, despite it not being in force. She told Amnesty International that she was walking in the street when the police stopped her. They asked if she was a man or a woman, and then arrested her. She was held at Owino police station and put in a cell with men. The other prisoners beat her. While in detention, she heard a police officer say, “These are the homosexuals, we should burn you. This is why [the AHA] was passed.” After six hours, she was released without charge. Other transgender individuals also reported being put in cells according to the gender on their identity documents, not their gender identity, as well as police failure to protect them from beatings from officers and other prisoners (see below).

The treatment of detainees in prison – including stripping, groping, and the use of forced anal examinations – violate the rights to freedom from cruel, inhuman or degrading treatment, as protected by Article 24 of the Constitution of Uganda, Article 5 of the ACHPR, and Article 7 of the ICCPR. Some arrested individuals have been threatened with forced anal

examinations to “prove” they have had sex.¹⁹⁴ These examinations are without scientific merit and have been condemned by the Committee against Torture, the Special Rapporteur on Torture and the Working Group on Arbitrary Detention, which have held that the practice contravenes the prohibition of torture and ill-treatment.¹⁹⁵

Additionally, some HIV-positive detainees reported that they were denied access to anti-retroviral (ARVs) medication, even when friends or colleagues brought their medicine to the jail. The Government of Uganda is obligated to uphold the right to the highest attainable standard of health, as guaranteed by international human rights treaties to which Uganda is a state party.¹⁹⁶ Denial of access to essential medications is a clear violation of this right.

MEDIA PARADING

“It is like a business – they call the first ten journalists, they take pictures, they pay the police, then they go and the police call the next ten.”¹⁹⁷

Paralegal working with a civil society organization

A number of transgender individuals who had been arrested were stripped naked and paraded by the police in front of the media. This is not only humiliating, but violates the rights of transgender individuals to privacy, and puts them at risk of further reprisals from the public. Activists told Amnesty International that while parading suspects in Uganda is not limited to LGBTI detainees, only transgender individuals have been stripped naked in front of the media.¹⁹⁸

In some cases, the arrests were arbitrary and the individuals were subsequently not even charged. In March 2014, NTV, one of Uganda’s television news stations, carried a story about the arrest of an individual self-identifying as a woman who had been working as a domestic worker in Ndeeba, a Kampala suburb. The news story stated that police had “confirmed that [name] is in fact a man”.¹⁹⁹ It showed footage clearly identifying the individual at the Ndeeba Police Post. Less than a month later, officers at the police post told Amnesty International that they had no recollection of the incident, and neither the police post, nor the supervising police station, had a record of the arrest.²⁰⁰

“WHY ARE YOU DRESSED LIKE A WOMAN?”

Brenda is a 35-year old transgender woman, who has been “out” since 1998. She has been arrested multiple times. She told Amnesty International about her arrest in late January 2014.²⁰¹

“I was arrested on a Monday morning, at around 6am. I was waiting for a taxi from Kampala to take me back to my home. The officer took me to Ben Kiwanuka police post in Kampala. He told his colleagues, ‘These are the people who are spoiling our community. I have to fight homosexuality.’

“First, the police accused me of stealing money by impersonation. They beat me with batons, asking, ‘Why are you dressed like a woman when you are a man? They called the press, who took photographs of me. They put my dreads [deadlocks] back so that my face could be seen in the photographs.

“Then the police took me to the Central Police Station, where they again beat me. Five officers groped my chest, checking if I had boobs or not, and opened my trousers to touch me there. I was standing in a public place in the station.

"The officers at the CPS also called the media to photograph me. Then they put me in a male cell. I was held with 200 men who beat me and accused me of 'pretending to be a woman'. While I was at the CPS, I asked for access to my ARVs. But they told me, 'That's not our concern.'

"I wasn't taken to court until Friday. There I was charged with being 'rogue and vagabond'. I did not have 200,000 shillings (approximately US\$80) for bail, so I was remanded to Luzira prison.

"I was in the prison for two weeks. While I was there, the wardens and other prisoners beat me. My hair was cut off. I didn't have my medication [ARVs] for the first week. After one week, a friend was able to bring me my medications. But he is a transgender man and he was also harassed by the guards, who asked if he was a man or a woman. He didn't feel safe to visit me after that. After two weeks, I was taken back to court and granted bail. Before this, I was working as a hair stylist – but since I was arrested, I have stopped working. I have already lost some clients – some said 'I can't have a homosexual touching my hair', others refused to pay me. Now the lines have been drawn. I am also afraid to go to my clinic for medication, in case I am arrested again."

REPORTING

Amnesty International was told by some people that they were arrested after being reported to the police. Earlier drafts of the AHA required members of the public to report people they knew to be in violation of the AHA to the police within 24 hours or face three years imprisonment, but this provision was removed from the final version. Nonetheless, it appears that while the AHA was in force, some members of the public believed that they were required to report. Billy* works as a peer educator for an LGBTI health organization in Kampala. In late December 2013 before the AHA was gazetted, he received a phone call from someone claiming to be sick and needing medical assistance. The caller turned out to be a plain clothes police officer. Billy was arrested "because you're doing homosexual things" and taken to Busega police station, where he was held for four days, in violation of the constitutional maximum of 48 hours. The police told him that "many people" had reported him. While in detention, the police warned the other prisoners, "This is a homosexual, stay far away because he may rape you." Billy was released on police bond – the bond sheet says that the charge is "sodomy", although there is no such offence in the Penal Code or in the AHA. Since his release in January 2014, Billy has had to leave his home after his neighbours found out about his arrest and the charge. The village leader told him, "I advise you to leave this place because you might get problems, everyone's against you. They say you recruit young people into gay, and even the police may come for you." He is now staying with friends.²⁰²

Other people have been arrested following reports by neighbours. Maria*, a transgender asylum seeker, was arrested in March 2014 after her neighbours reported her to the police as a "homosexual". The police beat her and demanded that she enter the password on her laptop to allow them to search it. She was threatened with being paraded before the media, and said she was only released after paying 500,000 shillings (approximately US\$195).²⁰³

ARRESTS AT POLICE STATIONS

Some individuals interviewed by Amnesty International reported that they had been arrested by police when reporting a crime or when visiting a friend or colleague in detention. Marco*, a 24-year-old gay man who had been "outed" in a local newspaper, was the victim of a burglary at his home near Mbarara in February 2014. When he went with a friend to the

police station to report the crime, they were both arrested and put in a police cell for two nights. He was never told why they had been arrested. Marco was eventually released on police bond without charge, but he has not felt safe to return to his home since the incident.²⁰⁴

“YOU ARE WOMEN PRETENDING TO BE MEN”

Arthur is a transgender man in Kampala. In early February 2014, a friend of his, who is also a transgender man, was arrested on suspicion of theft.²⁰⁵

“When I went to visit my friend at the police station, I was questioned by the police. They asked me if I was a girl or a boy. They beat me and six officers groped me. They touched my chest and genitals and tried to undress me.

“They started undressing me, touching me, while shouting – the noise attracted more people. They saw it as a funny thing to be telling people, ‘This one is a woman, she doesn’t have breasts but she doesn’t have a penis.’

“My friend and I were paraded in front of journalists. When I tried to hide my face, one of the officers sprayed me on the face with pepper spray.

“I was kept in the cells overnight. The next day they released me on bond for theft, but I was never charged. The case against me has been closed.

“My landlord saw me on the TV. After I was released, she told me, ‘I can’t house people of that nature... all along I didn’t even know you were a homosexual.’ She evicted me. I was also cut off by my family. My sister said, ‘I thought you were just a tomboy, but all along you have been a homosexual, you have been lying to us... how can I trust you with my kids?’

“I have found a new place to live, but I don’t feel safe there. I am afraid of being recognized from the media stories. You never know, the next day you might run into someone who knows everything and starts talking about you.”

Many people, particularly LGBTI individuals, told Amnesty International about their increased fear of arrest since these Acts were passed. Bad Black, a transgender sex worker and founder of an organization supporting transgender sex workers who are HIV-positive, told Amnesty International that her members are afraid of being arrested and held without charge for longer than the 48-hours allowed by law. She said that the risks are particularly high for sex workers, especially those who are HIV-positive: “Sex workers are now afraid to go out to work. There is no access to HIV medication in detention. My members could die.”

Mohamed* told Amnesty International that the police came looking for him at his home near Mbarara after the AHA was signed. His mother lied to protect him but later told him, “The police came looking for you and our family doesn’t like that, so you should go away.” He left his home, and while he is still in contact with his mother, it is in secret. He is worried that if he is arrested, none of his family would help with a bond or stand surety, and he would just end up in prison. “When I listen to the radio I hear that people have been jailed. And I get scared and think, ‘oh, I’ll be the next person.’”²⁰⁶

Many of these types of arrests – including arrests under the POMA – and arrests on grounds such as “recruiting into homosexuality”, which does not exist under Ugandan law, are in violation of the right to freedom from arbitrary arrest, as guaranteed by Article 23 of the Constitution of Uganda, as well as by international human rights treaties to which Uganda is a state party.²⁰⁷

SUPPRESSION OF PUBLIC ASSEMBLIES

POMA requires people who wish to hold public demonstrations to notify the police at least three days in advance, informing them of “the proposed site of the public meeting, the estimated number of persons expected, [and] the purpose of the public meeting”.²⁰⁸ Some protests have been allowed to go ahead, but there is still the risk that the police may crackdown on demonstrations even after approval has been granted.

“I HAVE ORDERS TO STOP THIS MEETING.”

The Free and Fair Elections campaign group had organized a meeting in Mbale, a town in eastern Uganda, on 22 March 2014, which was scheduled to begin at 10am. The previous day, a rally in the nearby town of Tororo had gone ahead, albeit with a heavy police presence which the organizers reported had intimidated many people from attending.

Before the meeting was due to start, police arrived dressed in riot gear and armed with pepper spray. The police commander ordered that the participants who had already arrived leave the venue. The organizers said that he stated that they had not given notice of the meeting, and that he had orders to stop it, though he would not clarify from where these orders originated.

Participants began walking to a nearby junction, led by several of the protest organizers. Organizers told Amnesty International that participants were chanting but were not violent.

More police arrived in full riot gear. When organizers again attempted to ask the police commander why the meeting had been stopped, the police fired tear gas at the participants and let live ammunition off into the air to disperse the crowds. Organizers reported that army officers also arrived at the scene. The crowd eventually dispersed.²⁰⁹

Following these events, the Free and Fair Elections group met with the Minister of Internal Affairs and the Inspector General of Police in April 2014. Subsequent rallies of the Free and Fair Campaign have not been interrupted by the police.²¹⁰

Amnesty International requested an official response from the Inspector General of Police about the legal basis for the police dispersal of the Mbale rally, as well as the police’s perspective on the outcomes of their meeting with the Free and Fair Elections group, but had not received a reply at the time of writing.²¹¹

ONE LAW INHIBITING PROTEST AGAINST ANOTHER LAW

Activists told Amnesty International that the POMA limits their ability to protest against other laws. The End Miniskirt Harassment Coalition, a women’s rights group, organized a protest against the APA outside the National Theatre in Kampala on 26 February 2014. Activists applied to the police in writing for permission three days before the planned protest, but journalist and women’s rights activist Patience Akumu, the applicant, says that she was harassed by police at the station when making the application.²¹² The protest started at 9am

with around 200 participants. Several hours later, towards the end of the protest, police officers arrived in armoured vehicles. They claimed that “this is an illegal rally”,²¹³ and asked a bystander, “Why didn’t you tell us they were here, we could have come earlier.”²¹⁴

The POMA has also been used to limit activists’ ability to organize and hold planning and strategy meetings. Women Arise for Change, a sex workers’ group supporting lesbian, bisexual and refugee sex workers, applied for permission to host a public meeting to discuss the APA, but were told by the police that there was “not enough reason for them to meet”.²¹⁵ The Act also makes it harder to challenge the POMA itself, and the APA and AHA as well.

The right to freedom of peaceful assembly, together with the closely related rights of freedom of expression and freedom of association, is guaranteed by the Constitution of Uganda,²¹⁶ the ACHPR,²¹⁷ and the ICCPR.²¹⁸ Uganda has an obligation to respect, protect and fulfil these rights by ensuring that its own agents do not violate these rights and that no restrictions are imposed on them other than those which are demonstrably necessary and proportionate for a legitimate purpose permitted under international law; to protect the exercise of these rights against interference by third parties; and to ensure that individuals within its jurisdiction are able to exercise these rights in practice. As the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, has underlined, this means that states have a positive obligation under international human rights law not only to actively protect peaceful assemblies, but to facilitate the exercise of the right to freedom of peaceful assembly.²¹⁹

While there are legitimate grounds under which authorities can restrict these rights, the Ugandan government has gone beyond these grounds in its suppression of protests. Arresting individuals for participating in peaceful protests, and the use of excessive force, including tear gas and live ammunition, to disperse peaceful protests goes beyond the legitimate restrictions allowable under international law, and represent a restriction on these rights.

MEDIA

Amnesty International also documented police crackdowns on activists who were using media outlets to reach a wider audience. In March 2014, police used the POMA as justification for preventing opposition activists from speaking on a local radio station in Kabale.

“THIS IS PUBLICISING AN ILLEGAL MEETING.”

On 27 March 2014, Bishop Zac Niringiye, the retired Assistant Bishop of Kampala and an anti-corruption activist, was scheduled to give an interview on Voice of Kigezi, a radio station in Kabale in western Uganda. Earlier that day, the bishop had been prevented by police officers from entering Kabale University grounds where he had been scheduled to speak at a public lecture. They told the bishop that the lecture was cancelled because “it might incite violence”.

The bishop and General (Rtd) Mugisha Muntu, President of the Forum for Democratic Change (FDC), an opposition party, were able to enter the building and began the interview, where they were discussing the Free and Fair Elections campaign and inviting the public to participate in a rally. Part way through the interview, however, the police entered the radio station. When challenged, the police said that they “had orders to stop the radio show as it was illegal [under the POMA],” claiming that the interview was “publicizing an illegal meeting”. The Free and Fair Elections group had given notice of the rally to the police, but had not received a

response.

The Bishop told Amnesty International that the Inspector General of Police has indicated that there will be an investigation into this incident, but at the time of writing, it had not yet taken place.²²⁰

Amnesty International requested an official response from the Inspector General of Police about the legal basis for the police preventing Bishop Zac Niringiye from speaking at Kabale University and the justification for pulling this radio show off the air, but had not received a reply at the time of writing.²²¹

Preventing radio broadcasts that do not incite violence is a violation of the right to freedom of expression, as guaranteed by Ugandan and international human rights law.

HARASSMENT BY STATE ACTORS

Immediately after it was signed, police officers were using the APA to harass women and prevent them from exercising their human rights, even though the law had not been gazetted. This harassment in turn discourages others from protesting. Many activists told Amnesty International that the POMA and the APA dissuade women from taking part in public activism.

In February 2014, Patience Akumu, a journalist and women's rights activist, visited Naguru Police Station to request permission to hold a rally protesting against the APA. She said that a police officer tried to refuse her entry to the station because of the way she was dressed. He reportedly told her, "You cannot enter this place unless you wear something else. Don't you know the law has been passed?" She explained that she challenged the officer, stating that the law does not say that, but when she tried to take a photograph of one of the officers who had been questioning her, police officers pushed her. Eventually, she was able to get in touch with an acquaintance who worked at the station, and who apologized to her for the behaviour of the officers. She was able to file her application to hold the rally but did not receive a response.²²²

"YOU'RE NOT SUPPOSED TO DRESS LIKE THAT HERE."

Lillian Drabo is a lawyer based in Kampala. A few days after the APA was signed and before it came into force, she was defending a client in a criminal case at the Nakawa court in Kampala when she was threatened with arrest because of her clothing.²²³

"I was walking to the court cells to meet my client. A female police officer saw me and asked me to step aside. I did step aside thinking she wants to talk to me about a client. She told me, 'You're not supposed to dress like that here.' I argued with her, and she took me aside, into a cell where I asked her to define what she understands by indecent.

"She kept telling me that I was dressed inappropriately. She shouted, 'I know the law [the APA] was signed and I am doing my job. You're a lawyer; you're supposed to know the law, what kind of a lawyer are you?'

"I tried to leave but she asked me where I was going. She told me that if I went back dressed like that, she will make sure she detains me and I will know who is in charge.' I tried to argue with her, but when I saw her hand move to her baton, I was afraid and I shut up.

“I was in the cell with her for around 15 minutes ‘til another male police officer came in and tried to calm the situation. The first officer tried to keep claiming that I was breaking the law. Eventually I was allowed to return to court.

“Later on, my colleagues told me that other female lawyers and women were being harassed by the police at the gate and some weren’t even allowed to enter court premises if the police, in their opinion, felt they were indecent. Posters were put up, saying, ‘WARNING!!!!!!!!!! WARNING!!!!!! The Management of the Nakawa High Court Central Circuit will not tolerate indecent dressing around court premises.’

“I have kept working at that same court. I haven’t filed a formal complaint. I haven’t seen that officer at the court since then.

“I haven’t changed how I dress, but some of my friends have. My friend, she is also a lawyer, she has stopped wearing skirts at all when going out. She only wears trousers. I am not going to hide or pretend as long as my private parts are not exposed. I will dress the same without fear. But if hide, what about my friends who are scared?”

LGBTI individuals have also been threatened with arrest, even when they go to police stations to assist friends or colleagues who have been arrested. A transgender activist who tried to visit a colleague told Amnesty International that he was pushed into a cell by a police officer and threatened with arrest. “She asked me, ‘Are you a man or a woman?’ and threatened to parade me in front of the media. Eventually I paid 150,000 shillings (approximately US\$60) as a bribe to be released.”²²⁴

Harassment of individuals who are not contravening any laws – whether they are political activists, women who are deemed to be dressed inappropriately, or individuals who are or are believed to be LGBTI – is a violation of the right to freedom from discrimination and of equality before the law.

SURVEILLANCE AND INVESTIGATION

Some human rights organizations told Amnesty International that the surveillance elements in the APA were a key part of the Act. They highlighted that the sweeping powers given by the APA to the “Pornography Control Committee”, ostensibly for “the detection and suppression of pornography”²²⁵ could be used to identify – and smear – human rights organizations and activists.²²⁶

So far, only one organization appears to have been raided by the authorities – the Walter Reed health clinic (see below). However, other organizations fear being targeted, and most of the activities of one organization – the Refugee Law Project (RLP) – have remained suspended for more than six months now. In a letter dated 14 March 2014, the Minister of Relief, Disaster Preparedness and Refugees instructed all Refugee Settlement Commandants and Refugee Desk Officers to suspend the activities of RLP in refugee camps pending investigations of allegations that RLP was promoting “homosexuality”. In late May 2014, the suspension of RLP’s activities that entail direct interface with refugees was extended to Kampala. The suspension has had a huge impact on both RLP and refugees. RLP told Amnesty International that the suspension has cut down its work by approximately 75 per cent. The suspension still stands despite the fact that the Constitutional Court nullified the AHA which was originally given as the justification for the suspension. As at the time of

writing this report, the Commissioner of Refugees had authorized RLP to resume a limited level of legal aid support to existing cases, but not to take on new cases. . Discussions between the government and the organization with a view to lifting the suspension entirely have dragged on since March 2014.

POLICE RAID ON MAKERERE UNIVERSITY WALTER REED PROJECT

On 3 April 2014, the Ugandan police raided the Makerere University Walter Reed Project (commonly known as Walter Reed), an HIV research project run in partnership between Makerere University and the US Military HIV Research Program. One employee was taken into custody for allegedly “recruiting homosexuals” but was subsequently released.²²⁷ The clinic services, including provision of HIV treatment medications, were suspended for several weeks.

Walter Reed provided HIV treatment medication to “most at risk” populations, including men who have sex with men (MSM) and transgender sex workers. Amongst the activists and organizations interviewed by Amnesty International, Walter Reed was identified as one of two clinics in Kampala which consistently provided non-discriminatory services to LGBTI people.²²⁸ One activist told Amnesty International, “People felt comfortable at Walter Reed – they were used to the doctors, they trusted them with their information. Emergency cases came there all the way from Mbarara.”²²⁹

As a research facility, Walter Reed provided only a few days’ worth of medication at a time to its patients, so its closure meant that patients risked not being able to obtain their medication.²³⁰ While Amnesty International was informed that temporary measures were put in place to provide medicine for a period of time, activists also expressed concern that clients would need to go through a long transfer process in order to be able to move to other clinics.

Reports of the clinic being raided were disseminated rapidly, both through formal networks run by organizations, and through individuals’ informal networks. Stella, a gay man in Kampala, told Amnesty International, “I got a call saying not to go to Walter Reed, and I texted everyone I know. I didn’t have credit on my phone – I had to look tooth and nail for credit.” Fears that other clinics had been raided spread rapidly as well. At the time of writing, no other HIV treatment facility appears to have been targeted.

The former Minister of Health told Amnesty International that it was an “unfortunate incident” which is being followed by the police at a diplomatic level.²³¹

Amnesty International wrote to the Inspector General of Police on 9 September 2014 requesting information on the legal basis for the police raid on the Walter Reed clinic, but had not received a reply at the time of writing.²³²

Police targeting of health services - either directly as in the Walter Reed raid, or indirectly in the form of arrests and detentions of peer educators that dissuade others from carrying out peer education or seeking health services – is a violation of the right of everyone, regardless of their real or perceived sexual orientation, to the highest attainable standard of health, as guaranteed by international human rights treaties to which Uganda is a state party.²³³

7. LEGITIMIZING ABUSE: NON-STATE ACTORS

“Since [the AHA] passed, life has not been the same. Before...it wasn’t that good, but at least we had space. People could confront you but they couldn’t just beat you up. Ever since [the AHA] was passed, it has brought a lot of hate, a lot of chaos, a lot of mob justice.”

Grace, transgender woman, Kampala

Amnesty International and other human rights organizations documented an increase in the number of human rights abuses – especially against women and LGBTI people – while the AHA was in force and in the immediate aftermath of the signing of the APA.

Evictions, threats and blackmail emerged as the most common abuses against LGBTI people, in particular. LGBTI activists told Amnesty International that individuals are afraid that they will be “outed” – or even reported to the police – if they don’t pay up,²³⁴ while activists also fear being reported to the police for “recruiting people into homosexuality”.²³⁵

While there are several organizations that try to provide support, most – especially those working with LGBTI individuals – are based in Kampala. There are a few organizations in other urban centres, and some organizations have focal points in other areas. A member of the National LGBTI Security Team²³⁶ told Amnesty International that in remote areas LGBTI people are more closeted and not as easily “outed”; in contrast, “in Kampala, people have more freedom but that puts them at more risk.”²³⁷ Between 24 February and 3 April 2014, the National LGBTI Security Team responded to 98 verified cases of people needing assistance.

PHYSICAL ATTACKS AND HARASSMENT

“How do you append a signature to something you know will cause violence?”²³⁸

Lillian Drabo, Kampala lawyer, on the President’s signature of the APA and the subsequent mob attacks on women.

There were a number of attacks, often by mobs in public immediately after the APA and AHA were signed. Women who were deemed to be “dressed indecently”, or individuals who were believed to be gay or lesbian, were attacked in the streets, stripped, and beaten. In one clearly premeditated incident, individuals who were believed to be gay were lured to a house and beaten for hours.²³⁹

The passage of the AHA and APA also prompted an increase in verbal harassment and threats targeting women and LGBTI people. Amnesty International was told about threats that explicitly referenced the Acts as justifications for the harassment and even the violence.

MOB ATTACKS

“Everyone can do what they want to you and cite the law.”²⁴⁰

Women’s rights activist

Women’s rights activists reported that in the week following the signing of the APA, women were subjected to mob undressing in the streets in a number of towns and cities in Uganda.²⁴¹ Police in Kampala confirmed four incidents around the Old Taxi Park area in downtown Kampala.

“People were just excited about the law but in some cases the women were even decently dressed. In the Majestic Plaza incident, she was decently dressed but she haggled long over the price of an item and later decided not to buy it. Someone shouted that she was wearing a miniskirt and they attacked her.”²⁴²

Police officer, Kikuubo Police Post

The police did not arrest the women who had been subjected to mob justice.

“We rescued the women and brought them to the police. I would advise them to find other clothes and when they did, they left. We didn’t charge them with anything.”²⁴³

Police officer, Kikuubo Police Post

But nor did the police record these incidents or particulars of the victims into its official crime records, or arrest the perpetrators of the attacks.

“These were mobs. You got to the scene and found 200 to 300 people shouting. Who do you arrest and who do you leave?”²⁴⁴

Police officer, Old Taxi Park Police Post

One journalist in Iganga in eastern Uganda witnessed a woman being stripped for wearing leggings. She took refuge in a shop, and the police later came to the scene and rescued her. The District Police Commander told Amnesty International, “We got her from [the shop] and took her to Iganga Central Police Station.”²⁴⁵ The incident was not recorded in the crime report.

Mainstream and social media reported that five women were assaulted in Mbale because of “indecent dressing” but the Mbale District Police Commander could not confirm the incidents. He told Amnesty International, “We also got the same information from the community, but nobody came to us as a complainant.”²⁴⁶

Activists are concerned that the Act is not well understood, especially in rural areas, where, “women don’t even know that they have the right to report the attacks to the police.”²⁴⁷ The Act also places different women at different levels of risk. According to an activist from Women Arise for Change, lesbian and bisexual sex workers are at particular risk from both the APA and AHA, “because they are exposed first. They are out in the streets and not able to hide in their homes.”²⁴⁸

In response to the increase in harassment following the passage of the APA, activists told Amnesty International that some women have modified their dress.

However, others have refused to modify their appearance. Patience Akumu, one of the organizers of the End Miniskirt Harassment Coalition, told Amnesty International, “I still wore shorts and I went out to the rally. Some came in miniskirts, some didn’t. But of course it’s not just about miniskirts, men rape women in jeans or in *burkas*.”

Following the spate of attacks on women, the government has said it will review the APA, but at the time of writing there was no indication of what form this review will take. In the aftermath of the attacks on women in the first week after the APA was signed, the police issued a statement saying that the law was not in operation, calling for the public to wait for implementation, and reiterating that even after it comes into force, it does not give the public authority to undress people.

“If you suspect that the person is indecently dressed, then you have to report to Police but not take the law into your hands. If you participate in mob of undressing people, you will be dealt with accordingly.”
Statement given by police spokesperson, 24 February 2014

The statement also reiterated that “illegal acts of undressing women” constitute indecent assault, a criminal act.²⁴⁹ Yet, as can be seen from the cases above, where the police responded to attacks, it was to prevent further violence, not to bring the perpetrators to account.²⁵⁰ The police did not document the attacks, an indication that they were not taken seriously. Activists told Amnesty International that while the number of attacks has decreased, they believe that the mentality behind the attacks remains.²⁵¹

Amnesty International wrote to the Inspector General of Police on 9 September 2014 requesting details of any action taken by the police against members of the public who attacked women on the streets, as well as any measures taken by the police to ensure that members of the public do not take the enforcement of the APA into their own hands. At the time of writing, the organization had not received a response.²⁵²

The government’s failure to take measures to address prejudices and practices – including to address violence committed on the basis of dress – based on stereotyped gender roles also represents a failure of the Ugandan government to fulfil its obligations under the Convention

on the Elimination of All Forms of Discrimination Against Women (CEDAW), to which Uganda is a state party and to take measures to eliminate prejudices and practices, including harassment and violence, in relation to these stereotyped gender roles.²⁵³

HOMOPHOBIC VIOLENCE

While the AHA was in force, LGBTI people reported an increase in the number of mob attacks. Theodore, a gay man, told Amnesty International, “There are two types of negative reactions – people thinking that gay people are a curse and should be ‘deleted’, and people who think that gay people are bad but who want to know more – these are the ones who try to trap you.”

The week after President Museveni signed the bill into law, a transgender sex worker in Kampala, known as “Queen,” was brutally attacked and killed by a man she met in a bar. Friends of the victim said they were afraid to report the killing to the police, out of fear that, as transgender women, they could be arrested.²⁵⁴ In February 2014, a transgender woman was attacked and raped by three men at the home of an acquaintance. She sought medical treatment but was afraid to go to the police.²⁵⁵

In late March 2014, George*, a transgender gay man, was at a public taxi stop on the road into central Kampala from his home near Bwaise, a slum area. An acquaintance recognized him and shouted to a crowd of taxi and boda boda²⁵⁶ drivers that “there are gays here, they are destroying the people, they are transmitting HIV.” George tried to run but was caught and beaten. He told Amnesty International that his attackers tore his clothes and tried to stone him. He did not report the attack to the police and did not have money to go to the hospital. Since the incident, George told Amnesty International, he has been too scared to leave his area again.²⁵⁷

Sarah*, a transgender woman, was attacked by around 10 men in March 2014. She still has difficulty breathing, but cannot afford hospital treatment.²⁵⁸ People who have been attacked told Amnesty International that they feared future attacks. Kyle*, a gay man, told Amnesty International that since he was attacked, “I have stayed indoors, I don’t move around, I don’t even go out on to the streets.”²⁵⁹

“YOU WILL REGRET GOING TO THE POLICE”

In March 2014, three people were lured to a house in Kampala by men that they met on social media. There they were physically assaulted while being subjected to homophobic insults. One of the people who was attacked told Amnesty International: “When I went into the house, there were three men waiting for me. They pushed me to the ground and started to beat me. They took my phone, money and passport, and forced me to take my clothes off. They told me, ‘We are healing you from homosexuality.’”

The attackers poured hot water onto one of the other people who was attacked, and tried to force him to have sex with another man.

Two of the people who were attacked fled and filed complaints with the police, but both told Human Rights Watch and Amnesty International that they are hesitant to follow up the police complaint out of fear that they themselves could be arrested.

A lawyer who followed up on the case underlined that she believed the risk of arrest was real: “When I went to police they were making homophobic statements: ‘Oh these guys who are having sex for money.’ I was afraid they could charge our clients [with homosexuality].”²⁶⁰ A paralegal, who also discussed the case with the police, said: “The police attitude was terrible. They said, ‘You human rights organizations are helping gays.’”²⁶¹

One perpetrator later found one of the victims on social media and sent threatening messages: “I know where you live, you will regret going to the police.”²⁶²

The case did eventually come to court; one of the alleged perpetrators is currently remanded in custody while witnesses, including two of the individuals subjected to the attacks, give evidence.²⁶³

Unlike in the case of attacks related to the APA above, the police have issued no statement in response to homophobic attacks or violence related to the passage of the AHA.

Amnesty International wrote to the Inspector General of Police on 9 September 2014 to request information on any steps taken by the police against members of the public who attacked LGBTI individuals after the signing of the AHA, as well as any measures taken by the police to ensure that members of the public did not take enforcement of the AHA into their own hands. At the time of writing, the organization had not received a response.²⁶⁴

The constitutional petition challenging the AHA alleged that “the spirit of the Anti-Homosexuality Act 2014, by promoting and encouraging homophobia, amount[ed] to institutionalised promotion of a culture of hatred.”²⁶⁵ The Constitutional Court, however, in its judgment nullifying the AHA, did not rule on this point, focusing solely on the issue of quorum.²⁶⁶

HARASSMENT AND THREATS OF VIOLENCE

“Men are way bolder after [the APA]. They are given permission and legitimacy. Acts like [verbal harassment] would have never happened before, they wouldn’t stick their heads out a window and yell those things.”²⁶⁷

Sharon Laker, women’s rights activist

Since the signing of the APA, verbal harassment of women by men – particularly referencing their dress – has increased. A women’s rights organization told Amnesty International that the APA has a “major dehumanizing aspect”,²⁶⁸ and that the perpetrators felt empowered by the APA to criticize, humiliate and shame women in public places.

“One time after [the APA] passed, a man stuck his head out of his car window with rage and yelled to me ‘eh, you’re naked, go squat in front of your mother’s house. I’m gonna come out and undress you.’”²⁶⁹

Maud, journalist and activist

“I was at the pool with my daughter and was wearing shorts. I stopped at the market after and people said, ‘Please undress her. They passed the law. Why is she wearing this?’”²⁷⁰

Patience Akumu, journalist and women’s rights activist

Amnesty International also heard many reports of harassment and threats of violence made

against LGBTI people – by families, neighbours and people living near them. In some cases, the threats are explicit, while others reported threatening behaviour that made them feel unsafe, sometimes even in their own homes. These threats and harassment are wide-ranging: they are made in person, over the phone, and through social media; by strangers, neighbours, and family members; they threaten violence, warn of arrest, and demand money.

“When I come home late, I don’t turn on the lights because I don’t want people to know I am around.”²⁷¹

Martin, a gay man living in Kampala

Some threats explicitly referenced the AHA. After the Act was passed but before it was signed, neighbours of Naome, a lesbian woman living in Kampala, began to threaten her. One told her, “The minute [the AHA] is signed, we will beat you.” She told Amnesty International, “After someone says something like that to you, there’s no way you can feel safe enough to sleep.” She left her neighbourhood and is now staying with a friend, but she knows this puts her friend at risk “and it’s another mouth for her to feed”.

One week after the AHA was signed, five people came to where Florence*, a transgender woman, was living, wanting to beat her up. They said to her, “Now that [the AHA] has passed, we can do whatever we want to you... you deserve to be burned in your house.” She is now staying with a friend.²⁷² Family members are also making threats to LGBTI people. Edward*, a transgender man, told Amnesty International that after he was “outed” in the papers in February 2014, his aunt called him and said, “ You should consider yourself family-less... assume that when you were born, your mother dumped you in a pit and left you, assume you have no family... we will hunt you down ourselves.”²⁷³

Nim*’s landlord evicted him after Nim’s father found out he was gay and told the landlord. During the month that his landlord gave him to vacate his home in western Uganda, Nim told Amnesty International that he was threatened by his neighbours. “My neighbour was shouting, ‘These people are animals. Even Museveni knows that these people are inhuman. If these people are inhuman, how can he be in the house? How can you even give him one whole month? We have this law, the police should throw him out.’ She was inciting other neighbours.”²⁷⁴

LGBTI people have also been physically harassed and intimidated. Late one night in March 2014, Martin, a gay man living in Kampala, received a phone call from a man he didn’t know. The man said that he was at the gate of Martin’s house and asked him to come and open it. Martin crept out of a back door and round to the front of the house, where he saw three men banging on his gate. He no longer feels safe in his home, but does not have money to move.

Bad Black, a transgender activist, told Amnesty International that transgender people often used to live together for support, but no longer do. She told Amnesty International, “Now it puts everyone at risk. People have been threatened, they have received threats to burn their houses down.” Her organization is trying to relocate people individually.

LGBTI people also reported an increase in harassment because of their dress or jewellery since the passage of the AHA. Helen* is a transgender woman who works in a bar in

Kampala. She told Amnesty International that after the AHA was passed, a customer spotted her earrings and started to pull her ears, saying, “Why do you put on earrings, are you a lady?” He quickly became more aggressive, saying he was going to take her to the police and asked her boss, “Why do you hire homosexuals?” Helen’s boss defended her and the man left, but her other colleagues have started asking questions and wondering if she is gay.²⁷⁵

**“My shirt is just cloth, it doesn’t say who I am. The inner me is who I am.”²⁷⁶
Rose, a lesbian woman in Kampala**

Many LGBTI people have also modified how they dress – not, in this case, because of the content of the law, but out of fear that their dress, jewellery or attire could identify them as LGBTI to others, and thus put them at risk of attack. Sarah and Florence, both transgender women, told Amnesty International that they have changed how they dress. Sarah said, “I don’t wear tight shirts, I wear baggy clothes – but I feel uncomfortable, I’m not dressing how I want to.” Harun*, a gay man, told Amnesty International, “I used to paint my nails. Red, of course! But no longer.”²⁷⁷

**“We have changed everything about ourselves – the way we dress, the way we talk, the way we move.”²⁷⁸
Stella* and Theodore*, gay men in Kampala.**

For many LGBTI people, in order to try to stay safe, this modification of behaviour goes beyond dress. Many of the people that Amnesty International spoke to said that they had to hide elements of who they are. George, a transgender gay man, told Amnesty International, “I am trying to hide my identity,” while Martin, a gay man, said, “We have to pretend that we’re something we’re not”. Theodore, a gay man, told Amnesty International that he felt that LGBTI people have to do things that please other people, not things that please ourselves”.

**“Before, they were quiet about it, but after the law, everyone is now on the lookout. People are pointing their fingers at you, which they didn’t do before the law.”²⁷⁹
Nim, a gay man living in western Uganda**

Many LGBTI individuals that Amnesty International spoke to described incidents where they were pointed out on the street, which had the potential of “outing” them in their communities and putting them at increased risk of discrimination, further harassment, or even violence.

Brenda, a transgender woman, told Amnesty International that people point her out in the street, saying “you, homosexual”. She explained, “Before [the AHA], people were scared to do this – but now that it has passed, people have more liberty to target you.” Fred*, a gay man living near Mbarara, also reported that he had experienced more harassment since the AHA was signed. Fred and his partner relocated to a new village because the harassment – people shouting at them on the street, saying, “These are homosexuals” – had gotten too much. “We didn’t feel safe, we thought people would report us to the police, or just attack us and we would be killed.”²⁸⁰

This active “outing” and harassment on the streets has left many LGBTI people feeling unsafe, and in some cases, has affected their livelihoods. Hanifa, a lesbian woman, used to

sell clothes door-to-door, but people have started talking about her, so she has stopped doing so, which is affecting her income. She also has stopped taking public taxis. She said, “People talk about you, you don’t feel safe.” This has curtailed her freedom of movement.

**“I get strange phone calls from unknown numbers, people saying, ‘We’re looking for you, we know who you are, we want to kill you and burn you up.’”²⁸¹
Beyonce, a transgender woman**

Many LGBTI activists and individuals reported an increase in the number of threatening calls or threats on social media – often through Facebook messages – since the AHA was passed. A staff member at an LGBTI organization told Amnesty International that some of the callers pretend to be from the police: “People get very insecure – they think that [the callers] know who they are.”²⁸²

Amnesty International found that there was a pervasive climate of fear that had been created by these attacks, as well as the threats and harassment. Lillian Drabo told Amnesty International, “People are really scared of mob justice, they think no-one would step in to help them. The mobs say that they are helping the police.”²⁸³

Other LGBTI individuals reported to Amnesty International that incidences of blackmail had increased since the passage of the AHA. One interviewee told Amnesty International that blackmailers obtain the phone number of LGBTI people and ask to meet them, then demand money and threaten to report them to the police if they are not paid.²⁸⁴

Fred, a gay man living near Mbarara, told Amnesty International how he met a man at a party. They went to Fred’s home and had sex. Afterwards, the man asked Fred for 200,000 shillings (approximately US\$78) and threatened to report him to the police. Fred refused. To his knowledge, the man did not follow through on his threat.

In early March 2014, Kelly, a 24-year-old activist, told Amnesty International that a man came to a house where he was staying with his boyfriend and another friend, and demanded money from them. Kelly gave the man his phone, but disabled it remotely so that it didn’t work. The man returned a few days later to complain and to demand more money – when they refused, he started shouting outside their house, saying, “I don’t care how many homosexuals you are, I can handle you all by myself.” Kelly called members of the National LGBTI Security Team, who came in a car, and the man ran off. Kelly did not report the incident to the police because he feared a counter-accusation from the perpetrator.

The increased levels of discrimination have a differential impact on different LGBTI people and the risks are much higher for transgender people. Arthur, a transgender man, told Amnesty International that as the most visible group, transgender people are affected by harassment, threats and violence more often than lesbian and gay people. Bad Black, a transgender woman, told Amnesty International that many transgender women did not go to school and so do not speak English, limiting their ability to advocate in English-speaking spaces.

Other organizations told Amnesty International that lesbian women face different risks, and are able to access fewer support services than gay men. Freedom and Roam Uganda

(FARUG), an organization supporting LBT women, has developed relationships with partner organizations that offer health services for at-risk populations. However, most of the services they are aware of provide services for MSM – there is nothing in particular for women who have sex with women (WSW).²⁸⁵ In some ways, lesbians are able to protect themselves, but at the cost of concealing aspects of their lives. Rose told Amnesty International, “Identifying a lesbian woman is not easy – unless you are caught in the act. The word ‘lesbian’ is not written on peoples’ faces. But people might still report you – ‘I know you, I saw you doing this’ – if they see you, for example, kissing another woman.”

Some organizations still advise their members to report attacks to the police, but activists say that people are afraid. William told Amnesty International that people are afraid that their attackers will “out” them; “they are scared of the statements that the people attacking them will give.” One organization told Amnesty International that whereas before the passage of the AHA, they had been able to report violent attacks to the police and were sometimes taken seriously, now they don’t report “because if the case is to do with homosexuality, the police wouldn’t even prosecute the attacker, just the reporter”.²⁸⁶ Even in cases of violence, many of the LGBTI people that Amnesty International spoke to said that they did not report the attacks they experienced to the police. George told Amnesty International that he did not report being attacked because he was afraid that the police would ask why he was targeted.

However, some organizations continue reporting attacks and cases of harassment: FARUG told Amnesty International that it still assists its members in reporting rape cases to the police.²⁸⁷ Individuals we spoke to have employed a number of strategies to try to minimize their risk. Simon*, a gay man who was kicked out of his home near Mbarara after being “outed” in 2013, still visits his family, “but since [the AHA] was signed, I only travel to see them at night...and even at night, I have to make sure that nobody sees me”. He fears being recognized by his neighbours and taken to the police.²⁸⁸

**“We are intimidated...we can’t fit in society because of [the AHA]...there is nowhere safe to go.”²⁸⁹
Martin, a gay man**

Different LGBTI individuals adopt different strategies for their security. Naome, a lesbian woman, told Amnesty International that even when she goes somewhere she is not known, like another town, she always goes with two or more other people. In contrast, Sarah, a transgender woman, said that transgender people no longer move around in groups, “never more than two people at a time” and even that is risky.

Many individuals spoke about how, before the AHA was passed, there had been small safe social spaces for LGBTI people; however, following the passage of the law in Parliament, these had been closed down. Theodore, a gay man living in Kampala, told Amnesty International that “there used to be managers of bars who were OK with gay people – but now they don’t want them there... the managers are scared that their bars will be in the papers and they will lose customers”. One Kampala bar had run an LGBTI-friendly night once a week: Stella, a gay man, told Amnesty International, “Everyone used to save up to go out on Sundays.” The bar remains open, but the weekly event no longer happens.²⁹⁰ Some individuals believe it was because the owner was afraid of losing other customers,²⁹¹ but Naome, a lesbian woman, said that LGBTI people were no longer going out anyway.

Ahmed* told Amnesty International: “There are about eight of us in Mbarara that are known to everyone. Before [the AHA] was signed, we used to go out in town, go around, meet friends, eat in a nice restaurant. Now we can’t do these things.”²⁹² In Kampala, Martin, a gay man, told Amnesty International, “We used to be able to go to safe spaces – bars, beaches – but these are now not safe.”

Many people told Amnesty International about the effect that the lack of social spaces has had on their lives. Martin said, “When we go to bars, we are able to live free. Not being able to go out – it’s like being locked in a cocoon.” Theodore agreed, saying “We feel bad – we feel like we are held captive.” This lack of space has an effect on relationships with friends and partners. Previously, LGBTI organizations had sometimes organized parties, but the last one was on 20 December 2013, the day the AHA was passed. Alice* told Amnesty International that this meant that LGBTI people “no longer see our friends, no longer communicate”.²⁹³ Rose told Amnesty International that people felt that they had to be very careful with their partners, whether out at bars or even at home: “We need to think about where we are having our fun and with whom.”

Even those who still go out and socialize report a change in attitudes of other people. Hanifa told Amnesty International, “In clubs, people push you out of their way, they say ‘look at this lesbian!’ It wasn’t like that before [the AHA], but now people are more attentive.” It is clear that the passage of the AHA sanctioned targeting, harassment and threats towards people who are or are believed to be LGBTI.

“You can’t report to the police – if I went to the police, people would try to beat me up and kill me.”²⁹⁴

Beyonce, a transgender woman

Most of the LGBTI people that spoke to Amnesty International said they did not feel safe reporting threats to the police. Naome said that she would never report: “They would ask questions, ‘Why are people saying this, are you a lesbian?’” Kyle, a gay man, agreed: “The police response would be, ‘These are the homosexuals we have been looking for.’” Others feared being asked for bribes by the police. Harun told Amnesty International, “The police think gays have a lot of money.” Martin agreed: “The police ask for bribes – otherwise they will throw you back to the public.”

Not all individuals are afraid to report. Clare, an LGBTI activist, told Amnesty International that if she was threatened, she would report: “I’d rather be charged than killed.” Yet even when reports are made, the police may not take action. Sister Vero is an intersex person living in a rural area. She told Amnesty International how, in December 2013, her neighbours, came to her house and told her, “We don’t want you here, we are coming in good law to take you, you can settle it with police.” To Sister Vero’s knowledge, no action was taken against the harassers after she reported the incident to the police. She left her home and moved to another location.

The police have sometimes stepped in to assist LGBTI people, but some have acknowledged that their powers are limited. One evening in February 2014, Alex*, an activist who runs an LGBTI organization, was sitting watching football with friends in a bar near her house. Two men entered the bar, followed closely by another two – one of whom pointed to Alex and said,

“Arrest him [sic], he’s gay”. The bar owner called the police, who took Alex home. Alex has kept in touch with one of the police officers who assisted, who has said to her, “If anyone tries to take advantage of you, you can always call me, but if it’s about [the AHA] I can’t help”.²⁹⁵

A member of the LGBTI National Security Committee reported that attacks against LGBTI individuals have since reduced especially after the nullification of the AHA. A support organization for LGBTI people reported that two individuals that were being accommodated in their safe house had been physically attacked following the Constitutional Court’s nullification of the AHA.²⁹⁶ LGBTI support organizations are worried that the tabling of a new bill on the same subject, as has been proposed by several members of Parliament, might “re-ignite the debate which may be followed by attacks”.²⁹⁷ The official government position is that LGBTI people shouldn’t be discriminated against, but LGBTI individuals, in particular, do not feel that they have any avenues through which they can access remedy for human rights violations or abuses that they have suffered. The failure by police to record, investigate and prosecute cases of violence or threats related to dress, or to perceptions of sexual orientation or gender identity, also represents state failure to protect the right to freedom of expression without discrimination, as well as failure to ensure that individuals who are subjected to these abuses have access to justice and an effective remedy.

In 2014, the African Commission passed a resolution urging states to “to end all acts of violence and abuse, whether committed by state or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims,”²⁹⁸ in line with Articles 2, 3, 4 and 5 of the African Charter, to which Uganda is a state party.

More broadly, police failure to address the climate of fear created by the APA and AHA, and to ensure an environment in which all victims of violence – regardless of their gender, gender identity or sexual orientation – are able to report these attacks to the police is a violation of their rights to freedom from discrimination and to equality before the law. The government’s failure to take measures to address prejudices and practices – including to address violence committed on the basis of dress, or real or perceived sexual orientation – based on stereotyped gender roles also represents a failure by the Ugandan government to fulfil its obligations under the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).²⁹⁹

FAMILIAL IMPACT

“My father told me ‘wherever you go, I’m going to expose you. You have shamed me, I’m going to shame you wherever you go’.”

A gay man living in western Uganda

When Nim’s father, a staunch Anglican, found out that his son was gay, he said to Nim, “Do not consider yourself one of my children any more... you people, you are inhuman.” Nim’s father “outed” Nim to his landlord and his employer, causing him to be evicted and to lose his job. Hanifa’s mother, a strict Muslim, told her, “I’m so disappointed in you, I ask God what did I do to have a child like you? I trusted you, I was proud of you, now I feel you are

dirty, you're not worthy to be with people.”

Families also fear arrest. Since the AHA was signed, Naome, a lesbian woman, has not been able to talk to her family; even though there is now no “reporting” clause in the AHA, she told Amnesty International, “They are afraid of criminal penalties, and it is easier for them to distance themselves from me than to have to report me to the police.”

In some cases, rejection by families is linked to how widely known it is that the family member is LGBTI. Alice, a lesbian woman, told Amnesty International that she used to be close to her father, who knew she was lesbian and didn't care. But in March 2014, after pictures of her were published in the papers, he cut her off and told her sisters not to talk to her.

In the absence of family, many people turn to other LGBTI people for support. Naome told Amnesty International that she has created a family of LGBTI people – her “family of choice”. “We look after our own.” Others are fighting back against the risk of their families rejecting, ostracising or even reporting them to the police. Clare told Amnesty International, “I told my mother, the sentence is seven years to life – if I go to jail, you can forget about grandchildren.”

Many LGBTI activists and individuals reported that rejection and ostracisation by families – already an issue faced by LGBTI people – became a much bigger problem after the AHA was passed. The UN Special Rapporteur on the right to health has stated that “sanctioned punishment by States reinforces existing prejudices, and legitimises community violence and police brutality directed at affected individuals.”³⁰⁰

INFRINGEMENTS WITH RIGHT TO ADEQUATE HOUSING

**“My landlord told me ‘now that the Bill is signed, we’re not allowed to house gay people or get close to them. So I’m giving you one week and you have to get out of the house’.”
Jay, a transgender man**

Many LGBTI people have been forced to leave their homes because they are afraid of being attacked, harassed, threatened or forcibly evicted. Some people have been relocated by support organizations, while others are staying – temporarily or permanently – with friends, and still others have left the country altogether.³⁰¹ Many LGBTI people have been left homeless.

A number of LGBTI people were rendered homeless while the AHA was in force by many landlords evicting tenants who are or are believed to be gay or lesbian. The National LGBTI Security Team told Amnesty International that landlords ask people to leave because they believe the law was passed with the “reporting” clause. Even if the landlords do not have a problem, they come under pressure from the community – some believe their tenants are “bringing curses” on the house and the landlords.³⁰² Eighty per cent of the requests for assistance received by the National LGBTI Security Team were seeking support with relocation. Sexual Minorities Uganda (SMUG) have documented around 50 cases, of which roughly half are evictions by landlords, while the others are individuals who need new accommodation because they no longer feel safe in their homes.

Even if they have not been evicted by their landlords, many LGBTI individuals have left their homes because they no longer felt safe to stay where they had been living. Ahmed, a gay man, told Amnesty International, “At the moment I think no-one is staying in one place. To be safe, you have to be moving, moving, moving. The longer you stay in one place the more likely you are to be attacked.”

“I ASK YOU TO LEAVE MY HOUSE”

Rose* is a lesbian woman living in Kampala. She told Amnesty International that she had been living in her house for around two and a half years without problems from the landlord. Shortly after the AHA was signed, her name appeared in *Hello Uganda*, a tabloid paper. One week later, in early March 2014, her landlord called her and said that he wanted her to leave the house. When she asked why, he did not initially give a reason, but said it was not because of a late rent payment. Eventually, he told her, “I am sick and tired of your un-ancestral behaviours in my house.”

She asked for a formal eviction letter, and his son brought it that day. Rose showed Amnesty International the letter, which asked her to leave the following day. The letter stated:

“... you were been practicing homosexuality/gay which I was been suspecting and to revealed at I read your name in the newspaper which is even against the government rules... I ask you to leave my house before I make an alarm to the public...”

He also warned her against taking legal action. “Take me to court, we’ll see who will be the loser.” She moved out two days later.³⁰³

Some LGBTI people have been evicted by their landlords who believe that the passage of the AHA makes it a crime for them to remain tenants. Jay, a transgender activist, rented both his home and his organization’s office from the same landlord. In mid-March 2014, his landlord gave him one week’s notice to leave the properties. Jay asked for more time, and was told, “I can’t give you a period of time unless you want me to involve the police.” Jay and his partner were able to find a new house; nine people who have also been made homeless were now staying with them.³⁰⁴

Hanifa, a lesbian woman, had been staying in her house in Kampala for two and a half years without problems when in early March 2014 she received a letter from her landlord reading, “You have been very good to me and you have been paying rent well, but because of your behaviours and your ways with your friends, you are doing something scandalous, we can no longer allow you to rent. We cannot fight the government.”

Kelly was asked to leave by his landlord, who involved the local council, in late February 2014, just after the AHA was signed. Kelly told Amnesty International that the landlord gave him two days to leave the property. He said, “I know everything about you, I have known you were gay for six months...but people in the village aren’t happy, you don’t fit in the village anymore.” The landlord told Kelly that he believed the village was planning mob justice and that he was evicting him to “keep you safe”. The landlord came to the property to ensure that he was not attacked while he was moving out. Kelly is now staying with a friend.

Amnesty International received other reports that a number of private landlords have sought

help from the local councils or police to evict their tenants,³⁰⁵ and, in some cases, the eviction letters are written by local council personnel, especially council members responsible for security. The police have also been copied in on eviction notice letters.³⁰⁶

Even when LGBTI individuals have been able to relocate, some have had difficulties finding a new place to stay. Grace, a transgender woman who fled her home, attempted to find a new place but was repeatedly turned away by the landlords. In one instance, she thought she had successfully found accommodation, but when the landlord saw her, he asked if she was a man or a woman – and returned her money. She finally found rental accommodation through an agent.

Some individuals, especially activists who are familiar with the actual content of the AHA, have successfully challenged attempts to evict them. Some LGBTI persons have asked for their advance rent (which can be as much as three months' rent) back – in some cases, this has worked and landlords have allowed their tenants to stay longer.³⁰⁷

The right to adequate housing applies to everyone without discrimination. While the AHA was in force, LGBTI people were not only been denied protection from forced evictions but were also denied access to adequate housing because of their gender identity. As illustrated in the cases above, LGBTI people are increasingly vulnerable to being evicted from their homes on discriminatory grounds and without due process, which includes provision of adequate notice. Additionally, they are unable to seek effective remedies, including legal remedies, fearful this could expose them to prosecution and punishment on grounds of their identity. Provision of legal remedies is one of the key safeguards against forced evictions which constitute human rights violations.

Amnesty International did not document any cases of individuals seeking recourse through the court system.

ABUSES OF THE RIGHT TO WORK

**“My former employer told me ‘we can’t have a homosexual here’.”
Kyle, a 19-year-old gay man.**

LGBTI individuals also reported losing their jobs after the AHA was signed because they were “outed” in the media or by others; their employers began asking more questions and were worried that if they hired someone who is gay, they would be arrested for “promoting homosexuality”. Stella, a gay man, told Amnesty International that in his experience, many people believed that gay employees are “a curse on the business” and think that “since the Bill was passed, we can’t give you a job if you are gay”.

Agie* was working at a restaurant until March 2014, when her boss saw her spending time with transgender male friends and confronted her. When she told him she was lesbian, he said that she was putting his business at risk, and that he didn’t need her services any more.³⁰⁸

Alice’s employers were concerned about the government response to her being employed. She was working, and living at her workplace, until March 2014, when her manager asked her to leave as she was “advocating for gay rights”. The manager had printed out the AHA and

specifically referenced the section on “harbouring”, and asked her to cease work and leave both the job and the residence that afternoon.

After Nim’s father “outed” him to his landlord (see above), Nim moved to a new area of his town, in western Uganda, and got a job in a restaurant. His father talked to the boss there and said, “You can’t employ this man. He’s gay, you can’t have him.” Nim told Amnesty International, “My boss called to tell me that my father doesn’t want him to employ me, and he’s going to let everyone know the cashier is gay, so for the sake of his business, he thought I should go. He said that even the law is strongly against it, they could even close his place for employing people like me.” The boss asked Nim to leave, but paid him for the remainder of the month.

Self-employed LGBTI people have also experienced loss of livelihood since the passage of the AHA. Fred and his partner were working as party decorators and musicians, and told Amnesty International that they had fewer customers. Ahmed had been running a driving company near Mbarara. Many of his clients were companies and organizations in the area, but since the AHA was passed, they have all stopped booking him. He told Amnesty International, “One of the organizations, a healthcare organization, told me that they want to protect their organization. They said if they are caught with me, the government could stop them from working.” Since he has not been able to work, his savings are running out and he sometimes misses meals.

Some LGBTI individuals, particularly transgender individuals who had previously been sex workers, reported to Amnesty International that they felt more insecure working now than they did before the AHA was passed.³⁰⁹ Women Arise for Change, an organization working with lesbian and bisexual sex workers, told Amnesty International that their members were afraid of the authorities: “If they find you with a female client, you are in trouble.”³¹⁰ Florence, a transgender woman who has done sex work in the past, is afraid of the customers. “They might report to the police, or the press, or turn violent – this was a risk before, but not nearly so much.”

Some sex workers reported that they had stopped working altogether. Beyonce, a transgender sex worker and activist, told Amnesty International, “Even my old clients are calling me and I say I can’t work, it’s not safe.” Bad Black, a transgender sex worker and activist, told Amnesty International that many of the members of her organization, “don’t do sex work any more because it’s not safe”, and consequently many don’t have enough money to buy food.

LGBTI people also reported that they were afraid to apply for jobs, especially if they had already been outed in the media. George, a transgender gay man, was told by his employers in Kampala that they no longer needed his services just after a picture of him appeared in the papers. He told Amnesty International that he is afraid to apply for other jobs in case he is recognized.

“WE CAN’T WORK WITH A HOMOSEXUAL.”

Kyle is a 19-year-old gay man living in Kampala. He told Amnesty International how he lost his job following the passage of the AHA.³¹¹

“I grew up in a town seven hours’ drive from the capital. My family chased me away from my hometown when

they found out I was gay. I came to Kampala.

“In January 2013, I found a job. For a year, I was able to support myself. I was so happy when I got this job. I was going to go back to school, finish my education, have a happy life. It was going to be like a fairy tale.

“But then [the AHA] was passed. In January 2014, the *Red Pepper* published a picture of me in a story about ‘homosexuals’. One of my colleagues brought a copy to work. My boss told me, ‘We can’t work with a homosexual, we can’t have a homosexual here.’ He fired me.”

Kyle has not been able to find another job. He is being supported by a friend and cannot afford to return to school.

Discrimination and lack of job opportunities for LGBTI people has an additional impact on young LGBTI people, many of whom have already been rejected by their families. Simon, a 19-year-old man, told Amnesty International that he had been kicked out by his family in 2013 after being caught in bed with another man, and that his family had refused to pay his school fees. He is living with a friend and hopes to return to school. “The thing I liked most was education. I don’t go to school so I don’t feel myself. Everyone in my family is educated. As the first born, I should also be educated. But because of what happened, my chances are limited. I am saving up to go back to school, but how will I work if I am going back to school?”

Hamisi* had sold clothes in a market, but stopped after one of his friends was outed in a newspaper in February 2014. He told Amnesty International that since he lost his job, “If you have breakfast, you don’t take lunch. You take lunch, you don’t take dinner. Life in prison? It’s already like that in my house.”³¹²

The UN Committee on Economic, Social and Cultural Rights has stated that Articles 2(2) and 3 of the International Covenant on Economic, Social and Cultural Rights – to which Uganda is a state party – “prohibits any discrimination in access to and maintenance of employment on the grounds of... sexual orientation... or other status, which has the intention or effect of impairing or nullifying exercise of the right to work on a basis of equality.”³¹³ Uganda’s failure to protect LGBTI people from discrimination in employment is a clear violation of its obligations under international human rights law.

MEDIA “OUTINGS”

Many of the LGBTI people Amnesty International spoke with attributed the abuses they had experienced, such as evictions, loss of jobs, harassment or attacks, to the fact that their names and/or photographs had been published in media outlets. In some cases, activists knowingly participate in media interviews, and are able to assess the risk to themselves and others of doing so. In other cases, interviews and photographs given by activists to media outlets outside Uganda (on the understanding that there would be no in-country publication) appear to have been lifted and distorted for publication by the tabloid press in Uganda, while others have been “outed” when private photographs were published without their permission. The publication of names and/or photographs is not only a violation of the right to privacy, it contributes to the violation of other rights. By “outing” LGBTI people, the tabloid press has facilitated further human rights abuses against these people, including harassment, threats and physical attacks.

Amnesty International has documented and condemned these media “outings” since 2006. In 2010, the High Court issued a permanent injunction against one of the tabloids (see below).

HIGH COURT RULING AGAINST *ROLLING STONE*

Kasha Jacqueline, Pepe Onziema & David Kato vs. Giles Muhame and The Rolling Stone Publications Ltd.³¹⁴

In January 2011, a High Court judge banned the *Rolling Stone* tabloid newspaper from revealing the identities of LGBTI people, and extended the ruling to all Ugandan media.³¹⁵

The court ruled that the case was “about fundamental rights and freedoms”, and that the front page of an edition of *Rolling Stone* carrying the headline “100 Pictures of Uganda’s Top Homos Leak”, and including the words “Hang Them!” was an attack on the right to human dignity of those threatened, and that the exposure of the identities and homes of the people who were outed threatened the right to privacy.

The court issued a permanent injunction preventing *Rolling Stone* and their managing editor, Giles Muhame, from “any further publications of the identities of the persons and homes of the applicants and homosexuals generally”.³¹⁶

Following this injunction, tabloid papers ceased publishing names and photos of LGBTI individuals. In the week following the signing of the AHA, however, tabloid newspapers, in particular the *Red Pepper*, published photos of activists and individuals under headlines such as “Uganda’s 200 Top Homos Named”³¹⁷ and “How We Became Homos: Uganda’s Top Gays Speak Out.”³¹⁸

Most of the individuals whose photos appeared in tabloid newspapers had not consented to their photos being used in this way. A photo of Paul*, a gay man living near Mbarara, was published in the *Red Pepper* on 28 February 2014, just after the AHA was signed. The photo and the accompanying story were lifted from an interview Paul gave to a US publication around two years previously. When Paul’s colleagues saw the story, he was fired from his job.³¹⁹ A photo of Ryhan, a 24 year old man from Kampala, appeared in the *Red Pepper* that same week. He believes the photo was taken by a London-based journalist, who had assured him she would not share the photo with the media. After his family saw the photo, he was chased away from his home.

**“You can’t walk freely, you never know who has seen your picture.”³²⁰
A paralegal working with a civil society organization**

The tabloid newspapers are widely read, and LGBTI people who are “outed” in the papers are put at significant risk of harassment or attack. Kyle was recognized in the street after his picture appeared in the *Red Pepper*. He told Amnesty International, “A boda-boda driver shouted, ‘We saw this guy in the papers, isn’t he the one?’ Then he punched me and I ran away.”

LGBTI people also spoke about their fear of being attacked after being “outed” in the media. Naome told Amnesty International that since the AHA was passed, she feels that anyone

could report or attack her “because they feel like they have the right”. Martin, a gay man, agreed, telling Amnesty International that he feels that people try to take the law into their own hands, that the public thinks that, “now that we have this law, it’s OK for us to do away with you, we can do whatever we like with you.”

It is not only stories in tabloid papers that have put LGBTI individuals at risk. Hush, a transgender woman, told Amnesty International that in December 2013, shortly after the AHA was passed, a story ran on Al Jazeera featuring a high-profile LGBTI activist. During the interview, a picture of Hush could be seen. Shortly after, she was jogging when four men recognized her from the interview. Hush told Amnesty International that they shouted at her, “You were on TV promoting homosexuality, with a woman who always goes on TV and promotes homosexuality.” She fled the city where she was staying and went to Kampala, where she slept in bars for a week because she had nowhere else to stay.³²¹

Radio stations have also “outed” LGBTI people. In February 2014, Moses, an LGBTI activist, was named on a local radio station that is broadcast through loudspeakers in the area in which he was living. He told Amnesty International that he had been living in the house for about two years, and had a good relationship with his landlord, but after the broadcast, his landlord started watching him more closely and began asking questions about his marital status. Eventually she told him not to pay the following month’s rent and to find a new place. In March, he moved to a new area, out of broadcast range of the radio station. He hasn’t returned to that area since.

“Outing” in the media does not only put those specifically named or pictured at risk. Hanifa, a lesbian woman, heard that her name was in the papers, though she hadn’t seen it. However, she is part of a sporting community and others in the community were named – as a result, she told Amnesty International, “everyone is implicated by association”. Some individuals who have already been “outed” worry about the impact of further media attention, not on themselves but on their friends. Kyle told Amnesty International, “I don’t care if I am outed – but I care about my family [his close friends].”

Hamisi, was working with an LGBTI organization. While he has not appeared in the media, he told Amnesty International that a picture of the founder appeared in the *Red Pepper*, and was seen by Hamisi’s brother, who called a family meeting. The day after the AHA was signed, Hamisi’s family said, “We told you before that there is an organization you are with that you should not be with – we think it’s time for you to be chased out of the family. We think you should be beaten and taken to the police... you are no longer a part of us, please go away from here, you are no longer our son.”

Activists are also put at risk, even those who do not work specifically on LGBTI rights issues. A picture of Daisy, a staff member at WONETHA, a sex worker organization, appeared in the *Red Pepper* after the AHA, with a caption claiming she was a “top homosexual” and that she was “promoting homosexuality”. A few days later, four men broke into her office, looking for her. She was not there at the time, but two of the men were there waiting for her when she returned. Daisy told Amnesty International that they told her they were “looking for Daisy”, but left when she told them, “there is no Daisy here”. She reported the incident to the police and the local council, but to date they have not taken any action.³²²

Even people who are not LGBTI are at risk of implication by association. Kelly told Amnesty International that after he was pictured in the papers, one of his friends was kicked out of his home by his wife, who saw the picture and thought that her husband was sleeping with Kelly.

The Constitutional Petition against the AHA sought a “permanent injunction and/or gagging order against persons, organizations, or companies restraining them from publishing, or writing in the print and electronic media including the internet; articles, letters, against adult persons who profess and engage in consensual same sex/gender sexual activity among themselves as adults which articles may bring such persons into public ridicule, odium and hatred.”³²³ Since the Constitutional Court ruled the AHA null and void solely on procedural grounds, this part of the petition was not addressed.

**“We have to talk to people in a brave way.”³²⁴
Rose, a lesbian woman in Kampala**

Some LGBTI activists have tried to use the increased attention prompted by the tabloid stories as an opportunity. Rose told Amnesty International that when she is asked if she was the person named in the paper, she tries to explain to them who she is. “Running away doesn’t make sense, there’s no way people are going to understand the others without us teaching them.” But she is still afraid of arrest.

“Outings” of people in the media because of their real or perceived sexual orientation are a clear violation of the right to privacy that is guaranteed by Article 27 of the Constitution of Uganda and Article 17 of the ICCPR. The African Commission Special Rapporteur on Human Rights Defenders in Africa has noted that “some newspapers are already publishing the names and photographs of individuals considered as homosexuals, a situation which further increases the feeling of insecurity among the persons concerned”. She “strongly condemns any interference in the privacy of these individuals as well as acts of violence and harassment they are subjected to”.³²⁵

DENIAL OF ACCESS TO HEALTH CARE

**“People are going back into the closet. People are going to die.”³²⁶
Billy, a sexual health peer educator in Kampala.**

Despite commitments by the Minister for Health that the AHA would not impact access to health care,³²⁷ Amnesty International found that LGBTI people’s ability to access health care – and in particular HIV/AIDS and sexual health care – decreased after the passage of the AHA. The nullification of the AHA by the Constitutional Court has partially restored confidence in some healthcare providers, but concerns remain linked to section 145 of the Penal Code and following the promulgation of the new HIV/AIDS Prevention and Control Act which is outside the scope of this report.

GENERAL HEALTH CARE WHILE THE AHA WAS IN FORCE

LGBTI organizations reported that the AHA has rolled back a lot of the progress that they had made in sensitising health care providers. One activist told Amnesty International, “Staff at medical centres are scared they’ll be seen in a different way because they’re working with these ‘evil people’ in the society.”³²⁸

A mapping exercise carried out by Women Arise for Change identified seven clinics that were refusing treatment to lesbian and bisexual sex workers.³²⁹ An organization supporting LBT women and women who have sex with women told Amnesty International that some of their members who tried to access health services were told, “We are not going to offer services to gay people; even if you are gay and you come for services here, you just have to represent yourself like anyone else – you have to camouflage or pretend to be a straight person.”³³⁰

An organization providing sexual health services had carried out sensitisation training in previous years, but one staff member told Amnesty International, “Even formerly friendly health services are now saying they cannot welcome our people... or they say, ‘We’re still working with you,’ but when you call to make an appointment for a sick person, they say they’re not there.”³³¹

“YOU KNOW WE DON’T OFFER SERVICES TO GAY PEOPLE”

Jay is a 28 year-old transgender activist living in Kampala. He told Amnesty International about the way he was treated by a medical clinic.

“A few days after the AHA was signed, I got sick with a fever. I went to a clinic in Kampala with my partner. I had been there before to buy medicine, but had never had a check-up there before.

“I met the nurse and told her how I was feeling. But when I tried to explain, she just asked, ‘Are you a he or a she?’ I said I’ve come here for treatment, not to explain to you if I’m a he or a she. I’ve come here for a fever. She told me that she couldn’t give services to me, and told me to wait for the doctor.

“When the doctor arrived, he also asked, ‘Are you a woman or a man?’ I told him that I’m a trans man. He said, ‘What’s a trans man? You know we don’t offer services to gay people here. You people are not even supposed to be in our community. I can even call the police and report you.’

“I tried to leave, but the doctor threatened to lock the door and call the police. Eventually my partner paid 50,000 shillings (approximately US\$20) to the doctor to let us go. The doctor said, ‘You can go, but never come back.’”

After this incident, Jay stopped binding his breasts.

“To get services for my fever, I had to stop binding and go to another clinic and present myself as a woman. It’s really hurting, but we have to face it.”

Article 16 of the ACHPR guarantees “the right to enjoy the best attainable state of physical and mental health.” The African Commission has ruled that state parties have an obligation to “respect, protect, promote, and fulfil” these rights³³² and to “take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick”.³³³ Failure to ensure that LGBTI people can access health care services without discrimination is a clear violation of this right by the Government of Uganda.

SEXUAL HEALTH SERVICES WHILE THE AHA WAS IN FORCE

The environment created by the AHA has affected the ability of LGBTI people to access sexual health services, including HIV/AIDS treatment. In particular, the police raid on the

Walter Reed project which provided HIV/AIDS treatment, had a chilling effect on HIV-positive LGBTI people in Uganda. Activists told Amnesty International that HIV-positive LGBTI people are worried about visiting clinics in case the police raid them and “out” or arrest the patients.³³⁴ Icebreakers, an LGBTI support organization that runs a sexually transmitted infections (STI) clinic that provides free medication to LGBTI people, recorded a 50 per cent decline in the number of LGBTI people who visited the clinic during the period the AHA was in force. The clinic had to “step-up” its outreach programme.

Some organizations told Amnesty International that they suspended or ceased their sexual health programmes after the AHA was passed. An LGBTI-focused organization providing sexual health and human rights information suspended its outreach programme for two weeks after the AHA was signed, but a peer educator told Amnesty International that even when it reopened, there was about a 70 per cent drop in the number of people seeking outreach, prevention and testing services. “People are concerned that there could be a raid while they are there.”³³⁵ Another LGBTI support organization, fearing that its premises could be raided by the police, carted away all its literature and hid them somewhere else.³³⁶

Stigma and suspicion are making it hard for LGBTI people to access safer sex supplies through other means. Hush told Amnesty International, “One time I tried to buy lube [lubricant] at the shop and people laughed at me, saying, ‘What are you going to use it for?’ I said it was for my sister.” She is worried that buying lube will lead to accusations of “promotion”.

Homophobia affects male victims of sexual violence, who are stigmatised as gay even when they are not. Godfrey, who has worked in sexual health outreach, told Amnesty International, “People are still getting STIs. But if they have an anal STI, the doctors want a letter from the police and the local council to show that they’ve been raped. Without these letters, they have to bribe the doctors.”

Activists told Amnesty International that many of the organizations providing HIV services say that in their funding and project proposals that they work with “most-at-risk” populations, including MSM and LGBTI people, because the funders want to know. In reality, “they don’t know how to work with the community... they say ‘we don’t work with people like you.’”³³⁷

The increased threat levels for LGBTI people that has led some to flee Uganda altogether has also had an effect on access to HIV treatment. Julius*, who works for an organization providing HIV/AIDS services for MSM, told Amnesty International that he knows four people who left for Kenya, but they only had about one week’s worth of medication on them when they left. He doesn’t know if they are still receiving medication.³³⁸

There are also concerns about security of information. Clinics collect data on their patients, including on their sexual activity. While Walter Reed used databases, other clinics use paper files. George told Amnesty International, “We are worried that the hospital might give out our names, because they keep records... we don’t know which hospitals are safe, we can’t know who to trust.”

Police targeting health services – either directly as in the Walter Reed raid, or indirectly in the form of arrests and detentions of peer educators, dissuading others from carrying out peer

education or seeking health services – is a clear violation of the right to the highest attainable standard of health, as guaranteed by international human rights treaties to which Uganda is a state party.³³⁹ Additionally, state restriction – through legislation and through failure to protect individuals from discriminatory treatment – of access to health, is also a violation of this right. All individuals, regardless of their real or perceived sexual orientation, have this right to health without discrimination, and Uganda’s failure to uphold this is a clear breach of its international human rights obligations and commitments.

MENTAL HEALTH

The situation has also had an impact on the mental health of LGBTI people in Uganda. The demands placed on activists – many of whom are also at personal risk because of their sexual orientation and/or gender identity – have an effect on their mental health. One activist told Amnesty International that she had tried to seek counselling, but had not been able to access a service provider who would be able to provide appropriate counselling services without discrimination.

According to a report by SMUG, three people have attempted suicide since the passage of the AHA; one other person committed suicide by consuming rat poison.³⁴⁰ Some people that Amnesty International spoke to also admitted having suicidal thoughts. When Amnesty International raised this issue with the Minister of Health, he acknowledged that “It doesn’t surprise me that there were different reactions”.³⁴¹

This lack of access to mental health care is also a violation of Article 16 of the African Charter. The African Commission has ruled that “mental health patients should be accorded special treatment which would enable them not only to attain but also sustain their optimum level of independence and performance,” and that a failure to provide resources and programmes of treatment for persons with mental disabilities “falls short of satisfying the requirements laid down in Articles 16 and 18(4) of the African Charter”.³⁴²

GOVERNMENT RESPONSE AND MINISTRY OF HEALTH DIRECTIVE ON NON-DISCRIMINATION

In June 2014, after the raid on the Walter Reed clinic, the Ministry of Health issued a directive “to reaffirm the government’s commitment to provision of health services based on the key principles of non-discrimination, privacy and confidentiality and to promote adherence to existing ethical and professional code(s) of conduct.” The Directive acknowledged that the passage of the AHA raised concerns about the provision of health services – in particular HIV/AIDS treatment – being potentially interpreted as “promotion of homosexuality”, and reiterated that “no health facility or health care provider shall discriminate patients [sic] on grounds of disease, religion, political affiliation, disability, race, sex, age, social status, sexual orientation, ethnicity, nationality, and country of birth or other such grounds.” It also emphasized the obligation of health care providers to ensure that patient privacy and confidentiality are respected and upheld, and outlined where patients can go to seek redress if healthcare providers behave unethically and/or their access to health care is obstructed or denied.

In a meeting with Amnesty International in August 2014, the then Minister of Health Dr. Ruhakana Rugunda, explained that the Directive was designed to help health workers in Uganda in the exercise of their professional and Hippocratic Oath. He said that it constituted a restatement of the Ugandan government’s “unequivocal commitment” to non-

discrimination “against any patient on any basis”. The Minister noted that there had been an issue in Kampala before the Directive, but felt that there had not been a significant problem in practice, and emphasized that the AHA had now been thrown out by a court of law.

While the Directive is a welcome step forward, for it to fulfil its aim to mitigate the negative impact of section 145 and the legacy of the AHA on the right to the highest attainable standard of health of LGBTI people in Uganda, steps must be taken to ensure the Directive is fully implemented. This should include training of Ugandan health workers on non-discrimination in service delivery and requirements to respect patient confidentiality, privacy and informed consent to all treatment, as well as robust third-party monitoring mechanisms to ensure non-discrimination.

IMPACT OF THE NULLIFICATION OF THE AHA

The nullification of the AHA by the Constitutional Court has partially restored confidence amongst healthcare providers. A number of HIV/AIDS organizations attended the 2014 gay pride rally held on 9 August 2014 in Entebbe and offered Voluntary Counselling and Testing (VCT) services.³⁴³ However, the confidence amongst LGBTI people to seek healthcare services in specific health facilities has not yet been fully restored partly because “there is still the threat of section 145 of the penal code”.³⁴⁴ A member of the LGBTI National Security Committee told Amnesty International that “people still fear from going to Walter Reed. They fear arrest”.³⁴⁵ At Icebreakers, “the number of clients is growing slowly’ but “it is not increasing at the speed at which it dropped”.³⁴⁶ The petition by MPs to introduce a new anti-homosexuality bill in Parliament has forced LGBTI people to adopt a “wait-and-see” approach.

ABUSES WITH IMPUNITY

Victims of human rights abuses perpetrated by non-state actors are in many cases reluctant to report to the authorities for fear of the consequences to themselves. In some cases, the perpetrators know this, and have explicitly told their victims not to seek remedy through the police or the courts. Most victims have no other route to access justice; this is a violation of due process and the right to an effective remedy³⁴⁷ and allows perpetrators to commit these attacks with impunity.

The Ugandan government is violating its obligations to “respect, protect, promote, and fulfil” the human rights of its citizens, through allowing human rights abuses to be perpetrated with impunity. These human rights abuses include violations of the right to freedom from discrimination, as well as evictions (violating the right to housing) and denial of medical services (violating the right to the highest achievable standard of health care). These rights are violated by provisions in the laws – especially the AHA – which are vaguely worded but can be interpreted in a way that encourages these abuses, which are aided by state complicity and state failure to ensure access to the right to an effective remedy, without discrimination, for abuses related to economic, social and cultural rights, including the rights to housing, work and health care. In effect, LGBTI people in Uganda are denied constitutional protections, including the right to freedom from discrimination and equal protection before the law.³⁴⁸

8. SHRINKING SPACE: THE IMPACT ON CIVIL SOCIETY

“We have nowhere to meet to talk about issues that really affect us.”

Women Arise for Change

The work of many civil society organizations in Uganda has been affected by the passage of the POMA, the APA and the AHA, both while it was in force and its legacy now nullified. Their ability to provide services, carry out public activities, and advocacy have all been negatively affected.

Civil society is restricted not only because of the actions of state actors, but also because of the climate created by these laws. Civil society actors, as individuals, activists, or organizations, are being subjected to human rights abuses by non-state actors with impunity. The prevailing situation violated their rights to freedom of expression, association and peaceful assembly.

PUBLIC ACTIVITIES AND ADVOCACY

Many organizations told Amnesty International that the Acts had affected their public activities, including meetings, rallies and workshops. In addition to the incidents documented above some organizations have found increased barriers to carrying out their activities, and in some cases have even pre-emptively stopped organizing certain events.

Women Arise for Change (WAFC) told Amnesty International that since the passage of the POMA, they have not been able to find venues to meet at. “Even friendly hotels that have been OK to work with us have pulled out. So now we have nowhere to meet to talk about issues that really affect us.” These issues include the APA, which has a disproportionate effect on WAFC members.³⁴⁹

Police have in the past raided training sessions held for LGBTI activists. In February 2012, Fr. Lokodo, the Minister for Ethics and Integrity, raided a workshop organized by LGBTI activists.³⁵⁰ The workshop had included activities designed to encourage participants to have self-esteem and confidence.³⁵¹ Four activists subsequently filed a case against the Minister, claiming that the raid infringed on their constitutional rights.³⁵²

On 23 June 2014, the High Court found in favour of the government, holding that it acted in the public interest by closing the workshop. The ruling found that the applicants “acted in a

manner prohibited by law,” citing section 145 of the Penal Code and other criminal provisions to argue that “the applicants’ promotion of prohibited homosexual acts in the impugned workshop would thus amount to incitement to commit homosexual acts and conspiracy to effect and unlawful purpose”. Consequently, the court found that the Minister’s actions were “permissible limitation of the applicants’ rights”³⁵³ and that the Minister and the police acted lawfully in order to “protect public morals”, because same-sex sexual activity is illegal under Ugandan law.

In this ruling, the court did not take full cognizance of Uganda’s good faith and voluntary international obligations and commitments, including those assumed by the government under the ACHPR. Further, the criminalization of consensual same-sex sexual activity is a violation of the right to privacy, guaranteed by the ICCPR.

While “protecting public morals” may be a ground for restricting the rights to freedom of expression, association and assembly, its use, in this case, to remove the essence of the rights, is unjustified. The Human Rights Council has stated that permissible limitations of rights “may not be imposed for discriminatory purposes or applied in a discriminatory manner”³⁵⁴ and the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, has stated that “provisions restricting or prohibiting the right to freedom of association of a specific group on discriminatory grounds, such as sexual orientation or gender identity, is not permitted under the Covenant and must be reviewed with a view to repeal.”³⁵⁵

Activists have filed a notice of appeal. The Minister, however, welcomed the ruling, saying, “This is going to curtail anyone from socialising, grouping, congregating with this agenda... I’ll still again keep my ears on the ground, available for my patriotic Ugandans who are noticing that there is an activity of the same type going on, notify me, I will certainly spare no breath but to reach there and advise them to leave and go home, as I did the other time.”³⁵⁶

The POMA had already impacted on LGBTI activists’ ability to organize. The High Court decision will also have a chilling effect on the full and effective enjoyment of the rights to freedom of association and assembly for any individuals or groups discussing anything that is prohibited under the Penal Code of Uganda, and will have an especially negative effect on future activities by LGBTI activists, including capacity building activities, social gatherings, and even planning for human rights advocacy.

**“The culture of silence is growing.”³⁵⁷
Uganda Youth Network**

The Acts have also stifled the oversight role of civil society because organizations are afraid of being shut down. A national NGO told Amnesty International that the climate created by the AHA has led to a lot of self-censorship amongst civil society organizations working on LGBTI issues and on the AHA.³⁵⁸

**“When people are informed, they learn that they are being suppressed. [The POMA] stops people from getting information through restricting access of civil society organizations to citizens, particularly in its discriminatory implementation.”³⁵⁹
Women’s rights activist**

Civil society organizations are also finding that challenging the Acts consequently diminishes their capacity to carry out other work, particularly engaging with the public in rural areas.³⁶⁰ In May 2014, the African Commission passed a resolution calling on states to “ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities, including the rights of sexual minorities”,³⁶¹ in line with their obligations under the African Charter, to which Uganda is a state party.

SERVICE PROVISION

Organizations providing direct services to particular constituencies have begun to carry out new activities to combat the new violations and abuses affecting their clients and members. A member of the National LGBTI Security Team told Amnesty International that he got around 80 calls a day asking for assistance when the AHA was in force, of which around 80 per cent were genuine. He provides advice on security protocols, advice on handling evictions and relocation, safe transport, and support for individuals who have been arrested, harassed or blackmailed.

Many LGBTI individuals who have had to leave their homes have sought relocation assistance from LGBTI organizations, but many of these organizations have very few resources and few LGBTI individuals have been able to relocate.³⁶²

Some organizations are providing information, advice and training to their clients and members about the implications of the Acts. Women Arise for Change have actually seen a decrease in the number of their members – lesbian and bisexual sex workers – who have been arrested since the signing of the APA. This is partly because they have been educating their members about the implications of the Act, and advising them to only work with old clients and with clients they know.³⁶³

The suspension of Refugee Law Project’s work has denied vital assistance to hundreds of refugees. Before its suspension, the Refugee Law Project’s Assessment and Intake Team would conduct face-to-face interviews with about 264 refugees every month to ascertain their justice and mental health needs, and experiences of sexual and gender based violence. Undoubtedly, the impact and opportunity cost of the suspension has been huge. In September 2014, Refugee Law Project indicated to Amnesty International that “in the last three months alone, if RLP’s activities had not been suspended, the [Assessment and Intake] team would have made approximately 300 internal referrals to the Gender and Sexuality Programme, 300 to the Access to Justice Programme, and 360 to the Mental Health and Psychosocial Wellbeing Programme”. In addition to these internal referrals, the Refugee Law Project would have made an average of 120 external referrals. The majority of refugees that RLP assisted before the suspension were not fluent in English or local Ugandan languages. For this reason, the Refugee Law Project’s community interpreters would conduct about 280 translation sessions per month, including at police stations and hospitals. According to Refugee Law Project “the suspension of our interpreters’ work means that thousands of refugees in need are being silenced and cannot get the services they require”. The Refugee Law Project estimates that if the suspension of its Gender and Sexuality Programme continues for a year, 2400 female and 1400 male survivors of sexual and gender based violence will be deprived of life-saving support including, for rape victims, post-exposure prophylaxis (PEP). Furthermore, the majority of the 16 refugee support groups that Refugee

Law Project works with (these are generally structured around particular vulnerabilities such as Persons Living With HIV/AIDS, Elderly, Survivors of Sexual Violence, Youth, Unaccompanied Minors, Survivors of Torture, etc.), and which before the closure would use Refugee Law Project premises to hold their regular meetings, now lack the space in which to get together. This has further impacts on refugee wellbeing and capacity to raise issues with other refugee stakeholders.

FARUG has started sending out text messages and using social media to warn its members of “no-go areas” where they may be particularly at risk.³⁶⁴

“Since the raid on Walter Reed, there is a fear that the government is coming for all health services.”³⁶⁵

William*, LGBTI activist in Kampala

Despite commitments by the Minister for Health that the AHA would not impact access to healthcare,³⁶⁶ it is clear that in practice the ability of organizations to provide healthcare – in particular related to sexual health for MSM and transgender people – was negatively affected by the AHA.

In contrast, some organizations have seen a drop in the number of people accessing their services). One organization providing sexual health services to MSM reported a 70 per cent drop in the number of people accessing their outreach services when they reopened after closing in the immediate aftermath of the signing of the AHA.³⁶⁷ LGBTI individuals who previously had access to organizations for support, in areas ranging from healthcare to housing and social support, have found that some have ceased operations, while the rest are overwhelmed and, in some cases, lacked the capacity to deal with new challenges that arose from the passage of the AHA while it was in force and its legacy.

OPERATIONS

“I try to keep notes in my head as much as I can.”³⁶⁸

Member of the National LGBTI Security Team

Some LGBTI organizations totally ceased their operations after the AHA was signed. Naome told Amnesty International that the small LGBTI organization which she had been working for had closed and she was no longer being paid. Closures have left a void in communications and support for many LGBTI people. SMUG, as an umbrella organization, used to disseminate information to LGBTI people in Uganda via its member organizations, but with some closing down, they are currently struggling to reach the members of those organizations in a strategic way.³⁶⁹

“DON'T GO TO YOUR OFFICES, THERE ARE SOME GUYS WHO WANT TO KILL YOU.”

Harun told Amnesty International that in January 2013 he had started an organization in a village around 13 km from Kampala that provided economic empowerment training to LGBTI people, and also some services for LGBTI people living with HIV.

After the AHA was signed, gossip about Harun in the village increased, and he became increasingly afraid that

the police would arrest his members. In early March, Harun received a call from a friend who told him, “Don’t go to your offices, there are some guys who want to kill you. Don’t come back home.”

Harun stayed away for a week, and when he returned, found the office padlocked. He was able to get in with the help of the local council chairman, but did not reopen – instead, he cleared the office, packed his personal effects, and went to stay in another village with a friend. While there, he called all the members to a meeting to try to decide how to continue the work.

But two weeks later, he had to flee that village as well after an acquaintance told the imam, “I know who is promoting gays in the village.” Harun relocated to another village.³⁷⁰

Other organizations remained open while the AHA was in force, but told Amnesty International about the measures they took to try to ensure that their day-to-day operations did not put activists or individuals at greater risk. Some have closed their office premises but continued to carry out some of their activities. All three officers of one support organization were “outed” in the media; they took the decision to close their offices, which were directly opposite a police station. Another organization closed their offices to the public in January 2014, though they kept the premises and sometimes held internal meetings there with the door locked. A third organization told Amnesty International that it fears being raided by the police. Staff members currently only hold meetings at their offices by appointment, ensuring they know in advance who is coming and how many people to expect. An organization providing support to LGBTI young people has kept its office premises, but showed Amnesty International the bare spaces on the wall that had previously displayed informational posters, and the burnt patch in the compound yard where they destroyed all their written notes in a bonfire.³⁷¹

To minimize the risk to others if arrested or attacked, many activists try to keep minimal written records. Moses, an LGBTI activist, told Amnesty International that, “even in a meeting, we don’t record notes”. In the current situation, even seemingly innocuous actions can put others at risk. FARUG told Amnesty International that “the climate of fear means that we cannot even greet our members in public”.³⁷² While LGBTI-focused organizations are at highest risk, other civil society organizations have also taken security precautions. The offices of an organization providing legal support to combat the shrinking space for civil society does not have any identifying signs outside its office for security reasons.³⁷³

SECURITY

A number of activists reported their concerns about being followed or having their offices under surveillance. One organization told Amnesty International that its offices were under surveillance and that staff members could no longer hold meetings there openly.

Several other organizations reported break-ins and thefts of information. A national NGO told Amnesty International that the burglars mostly steal laptops and files, but that they also take CD-ROMs, flash drives, and hard drives. Staff members said that while organizations that are victims of data theft do report to the police, even if the police open an investigation, the investigations remains “ongoing” for a long time, which is discouraging for the organizations.³⁷⁴

The measures organizations are taking to enhance security are not unwarranted. Many of the

organizations which Amnesty International spoke to reported suspicious behaviour by members of the public – and even by their own members or clients – which led them to believe that their security was at risk. An LGBTI organization told Amnesty International that in March 2014, a woman came to their offices and asked neighbours about the organization. The organization is discreet and the neighbours were only able to tell the woman that it was a youth organization which sometimes organized events. One neighbour called the organization to tell them that someone had been asking questions, and an organization staff member was able to take the number plate of the woman’s car. The director of the organization spoke to three other organizations that had seen the same car at their offices, and said that the woman had reportedly claimed to be from an electricity company. The director reported the incident to the police, who initially demanded 10,000 shillings (approximately US\$3.75) to record the statement. So far, as far as the organization is aware, the police have not followed up on the incident.³⁷⁵

Other organizations have also reported receiving threats. A national NGO told Amnesty International that they receive a lot of anonymous phone calls and texts with threats to stop doing their work. Other organizations report receiving calls that they believe are “fishing” for something that can be used to attack or discredit them or their staff. One such organization told Amnesty International that its staff members frequently receive calls from people asking them to put the caller in touch with “underground LGBTI organizations”. They think that the callers are trying to find out what other organizations they work with.³⁷⁶

9. CONCLUSION

“The Acts are all threads in the same scarf, knitted together.”

Maud*, journalist and activist³⁷⁷

As documented in this report, the passage of the three Acts discussed here, as well as the rhetoric surrounding them, has created a climate where human rights violations and abuses are taking place with impunity. Each of these Acts alone has a harmful effect, but they are all connected, and together, they are greater than the sum of their parts.

The Public Order Management Act creates a legislative umbrella that restricts the right to freedom of expression beyond what is permissible by international law. Under the rubric of the POMA, the Anti-Pornography Act and Anti-Homosexuality Act have additionally enabled and encouraged abuse of specific groups – women and LGBTI people – by non-state actors.

The pattern of repression, particularly of the right to freedom of expression, association and assembly, predates the passage of the Acts, as does targeting of women and LGBTI people. However, the passage of these acts, which in themselves violate human rights, has further encouraged and enabled abuses. Through enacting these laws, the Government of Uganda has created a situation where people can be targeted; LGBTI people, civil society activists and “inappropriately dressed” women have faced discrimination in work, housing and healthcare, and have experienced harassment, and even violence, without recourse.

Through enacting these discriminatory laws, the Ugandan government has failed to uphold its obligations to respect human rights; and through failing to protect the population, especially civil society activists, women and LGBTI people, from the consequences of the climate created by these laws, the Ugandan government has violated its obligations to protect the human rights of Ugandans.

The AHA has been nullified: the POMA and APA should also be repealed or substantially amended to ensure that no provisions in the law violate human rights. Further, the Government of Uganda must take positive steps to ensure that all Ugandans – regardless of their political views, their dress or their real or perceived sexual orientation - can claim and enjoy all their human rights.

10. RECOMMENDATIONS

To the Government of Uganda:

- Revise the Public Order Management Act to ensure that it does not violate human rights, including, but not limited to, the rights to freedom of expression, association and peaceful assembly.

- Fulfil its expressed commitment to review the Anti-Pornography Act and bring it in line with international standards to ensure that it does not violate human rights, including the rights to freedom from discrimination, privacy and equality before the law.

- Repeal section 145 of the Penal Code of Uganda, which criminalizes consensual sex between adults of the same sex.

- Take steps to prevent, and publicly condemn, mob justice attacks related to dress and homophobic and transphobic violence.

- Take steps to prevent, and publicly condemn, discrimination, including in the areas of employment, housing, and healthcare provision.

- Take concrete measures with the aim of eliminating prejudices and practices based on stereotyped gender roles, including harassment related to dress and behaviour.

- Provide directives to relevant agencies to reiterate that all Ugandans have the right to freedom from discrimination in all areas, including, but not limited to, employment and housing, and ensure that these are implemented.

To the Ministry of Internal Affairs and the Uganda Police Force:

- Immediately cease the application of the provisions of the POMA, and uphold and promote the right to freedom of expression, association and peaceful assembly within the scope permitted by the Constitution of Uganda and international human rights law.

- Ensure that the constitutional maximum of 48 hours' detention without charge is respected.

- End the use of arrests and detention to harass activists and stop preventing them from exercising their right to peaceful assembly and protest.

- Suspend arrests of individuals under section 145 of the Penal Code.

- End police harassment of LGBTI individuals when reporting crimes of which they have been a victim.

- Cease police harassment and detention solely because individuals do not conform to gender stereotypes, whether because of their dress or their gender expression.
- Ensure that incidents of mob justice attacks are fully investigated and the perpetrators brought to justice.
- Ensure that detainees are not ill-treated in detention, and have access to medication when required.
- End the practice of parading detainees in front of the media.
- Carry out a prompt, independent and impartial investigation into allegations of human rights violations by the police.
- Ensure that before any new law that require police enforcement comes into force, the police receive comprehensive training on the provisions of the new law.

To the Ministry of Public Health:

- Ensure that healthcare providers can carry out their work without fear of arrest.
- Ensure that the Ministerial Directive on Access to Health Services without Discrimination is implemented including through training of Ugandan health workers on non-discrimination in service delivery and requirements to respect patient confidentiality, privacy and informed consent to all treatment.
- Allow robust third-party monitoring mechanisms to ensure the Ministerial Directive on Access of Health Services without Discrimination is effectively implemented.
- Ensure that individuals who experience discrimination, breaches of confidentiality or other abuses in health settings are able to access remedies.

To the Ministry of Justice:

- Ensure that individuals who are subjected to discrimination in areas including, but not limited to, employment, housing, and healthcare, have access to remedy mechanisms, including the judicial system.
- Ensure that the right to privacy for all individuals is respected, and that individuals whose right to privacy is violated or abused have recourse to remedy mechanisms.

To the World Bank:

- Publicly share the outcome of the World Bank's independent assessment of the impact of Uganda's Anti-Homosexuality Act on the proposed \$90 million loan to the health sector.
- Ensure the proposed loan to the health sector includes training of Ugandan health workers on non-discrimination in service delivery, robust third-party monitoring mechanisms to ensure non-discrimination, and requirements to respect patient confidentiality, privacy and informed consent to all treatment.

- Publicly and privately urge the Ugandan government to repeal all discriminatory laws and end discriminatory practices.
- Provide financial support for patient advocates and legal counsel for individuals who face discrimination, breaches of confidentiality, or other abuses in health settings.

To states providing development assistance to Uganda:

- Ensure that human rights are respected in the use of development assistance.
- Refrain from placing conditions on international assistance necessary to realise essential levels of economic, social and cultural rights, other than those necessary to ensure that assistance is used for the purposes for which it is intended and that it is used in a manner consistent with human rights.

To the African Commission:

- Continue to monitor the human rights situation in Uganda, including by sending Special Rapporteurs on fact-finding missions.
- Call on the Ugandan government to ensure that human rights defenders in Uganda work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities, in line with Resolution 275 of the Commission and the recommendation of the African Commission Special Rapporteur on Human Rights Defenders in Africa.
- Urge the Ugandan government to end all acts of violence and abuse, whether committed by state or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence, including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims, in line with Resolution 275 of the African Commission.

To the African Union Assembly:

- Publicly express concern about the continued deterioration of the human rights situation in Uganda, in particular for civil society activists, women and LGBTI people.
- Urge the Government of Uganda to respect, protect and fulfil all the human rights of the Ugandan people, consistent with its commitment under the Constitutive Act of the African Union and the African Charter on Human and Peoples' Rights.
- Put forward the human rights situation in Uganda for deliberation at the African Union Assembly's next Ordinary Session with the full and effective participation of civil society.

11. ENDNOTES

¹ Interview with Amnesty International, April 2014, Kampala, Uganda.

² Interview with Amnesty International, April 2014, Kampala, Uganda.

³ Interview with Amnesty International, August 2014, Kampala, Uganda.

⁴ Public Order Management Bill 2011, Bills Supplement no.3, 29 April 2011, 6(1): “[f]or purposes of this Act - “public meeting” means a gathering, assembly, concourse, procession or demonstration of three or more persons in or on any public road...or other public place or premises... - (a) at which the principles, policy, actions or failure of any government, political party or political organisation, whether or not that party or organisation is registered under any law, are discussed; or (b) held to form pressure groups to submit petitions to any person or to mobilise or demonstrate support for or opposition to the views, principles, policy, actions or omissions of any person or body of persons or institution, including any government administration or government institution.” Available at http://www.parliament.go.ug/new/images/stories/bills/Public_Order_Management_Bill_2011.pdf [accessed 21 September 2014]. .

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⁶ Amnesty International, *Annual Report 2012*, <http://www.amnesty.org/en/region/uganda/report-2012> [accessed 21 September 2014].

⁷ Amnesty International, *Stifling Dissent*.

⁸ Amnesty International, *Stifling Dissent*.

⁹ Amnesty International, *Annual Report 2012*.

¹⁰ Letter from the Uganda Communications Commission, signed by the acting Executive Director, Quinto Ojok, addressed to internet service providers in Uganda and copied to the Minister of Information and Communications Technology and the Inspector General of Police, 14 April 2011 available at <http://globalvoicesonline.org/2011/04/19/uganda-government-attempts-to-block-facebook-twitter-as-protests-continue/> [accessed 23 July 2014]. For more information, see Amnesty International, *Stifling Dissent*.

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¹³ Amnesty International, *Stifling Dissent*, pp. 9-11.

¹⁴ Amnesty International, *Stifling Dissent*, p. 12.

¹⁵ Amnesty International, *Stifling Dissent*, p. 19.

¹⁶ Amnesty International interviews with journalists and civil society activists, 24 May 2013; Amnesty International, “Journalists arrested as disturbing crackdown continues”, 24 May 2013, PRE01/246/2013.

¹⁷ For details of pre-election payouts to parliamentarians and analysis of the impact of oil exploration see Joel Barkan, *Uganda: Assessing Risks to Stability*, Centre for Strategic and International Studies, June 2011, http://csis.org/files/publication/110623_Barkan_Uganda_Web.pdf [accessed 25 July 2014].

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¹⁹ Elias Biryabarema, “Uganda public workers miss salaries as aid cuts squeeze funds”, *Reuters*, 23 July 2013, <http://206.132.6.105/article/energyOilNews/idAFL6N0FT2YF20130723?pageNumber=2&virtualBrandChannel=0&sp=true> [accessed 25 July 2014].

²⁰ Allard K. Lowenstein International Human Rights Clinic, Yale Law School and Human Rights Watch, “*Letting the Big Fish Swim*”: *Failures to Prosecute High-Level Corruption in Uganda*, October 2013, pp. 44 – 47, http://www.hrw.org/sites/default/files/reports/uganda1013_ForUpload_1.pdf [accessed 25 July 2014].

²¹ Human Rights Watch, ‘*Letting the Big Fish Swim*’.

²² Human Rights Watch, ‘*Letting the Big Fish Swim*’.

²³ Human Rights Watch, ‘*Letting the Big Fish Swim*’.

²⁴ Amnesty International, *Making Love a Crime*, p.44; Full Credit Productions, *God Loves Uganda*, documentary film available on DVD.

²⁵ Human Rights Watch, *Curtailing Criticism: Intimidation and Obstruction of Civil Society in Uganda*, August 2012, p. 36, <http://www.hrw.org/sites/default/files/reports/uganda0812ForUpload.pdf> [accessible 25 July 2014]; Amnesty International, “Uganda : Police close down gay rights workshop”, 19 June 2012, <http://www.amnesty.org/en/news/uganda-police-close-down-gay-rights-workshop-2012-06-19> [accessible 25 July 2014].

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- ³³ HRW, *Curtailing Criticism*.
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- ³⁵ Professor Joe Oloka Onyango, 'Of Mice and Farmer's Wives'
- ³⁶ The Public Order Management Act (Commencement) Instrument No, 51 of 2013 (Published as a supplement to The Uganda Gazette No. 59 Volume CVI dated 18 November 2013).
- ³⁷ Public Order Management Act, 2013, Section 3
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- ³⁹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, 14 April 2014, A/HRC/26/29, para. 21.
- ⁴⁰ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, 24 April 2013, A/HRC/23/39, para. 18.
- ⁴¹ Section 4(1) of the POMA states that "public meeting" is defined as "a gathering, assembly, procession or demonstration in a public place or premises held for the purposes of discussion, acting upon, petitioning or expressing views on a matter of public interest".
- ⁴² See Amnesty International, "Public order management act is a serious blow to open political debate", 5 August 2013, <http://www.amnesty.org/en/news/uganda-public-management-order-bill-serious-blow-open-political-debate-2013-08-05> [accessed 22 September 2014].
- ⁴³ *Muwanga Kivumbi vs Attorney General* (Constitutional Petition No. 9 of 2005), 26 May 2008 <http://www.ulii.org/ug/judgment/constitutional-court/2008/4>, [accessed 8 May 2014].
- ⁴⁴ *Muwanga Kivumbi vs Attorney General*.
- ⁴⁵ Article 92 of the Constitution provides that 'Parliament shall not pass any law to alter the decision or judgement of any court...'
- ⁴⁶ Amnesty International interview with HURINET-U, April 2014, Kampala, Uganda.
- ⁴⁷ Professor Joe Oloka Onyango, "Of Mice and Farmer's Wives"
- ⁴⁸ Amnesty International interview with Nicholas Opiyo, August 2014, Kampala, Uganda.
- ⁴⁹ Stella Mukasa, 'Anti-Pornography Act a setback for gains made in women's rights,' Daily Monitor <http://www.monitor.co.ug/OpEd/Commentary/Anti-Pornography-Act-a-setback/-/689364/2249082/>

[/aywph5/-/index.html](#), [accessed 27 June 2014].

⁵⁰ The Anti-Pornography Act (Commencement) Instrument No. 45 of 2014 (Published as a supplement to The Uganda Gazette No. 26 Volume CVII dated 9 May 2014).

⁵¹ Anti-Pornography Act, 2014, Section 13(1).

⁵² The APA stipulates '500 currency points;' one currency point is equivalent to 20,000 shillings.

⁵³ Anti-Pornography Act, 2014, Section 24.

⁵⁴ Anti-Pornography Act, 2014, Section 3.

⁵⁵ Professor Joe Oloka Onyango, "Of Mice and Farmer's Wives".

⁵⁶ Anti-Pornography Act, 2014, Section 2.

⁵⁷ Interview with Amnesty International, April 2014, Kampala, Uganda.

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⁶² Email communication to Amnesty International, July 2014.

⁶³ CEDAW, article 5a.

⁶⁴ Edward Ronald Sekyewa, "Uganda: Anti-prom law to be reviewed after attacks on women", Index on Censorship, 10 March 2014, <http://www.indexoncensorship.org/2014/03/porn-bill-uganda/> [accessed 21 September 2014]; Cabinet to Review Anti-Pornography Act, undated, <http://www.parliament.go.ug/new/index.php/about-parliament/parliamentary-news/341-cabinet-to-review-anti-pornography-act> [accessed 21 September 2014].

⁶⁵ Professor Joe Oloka Onyango, "Of Mice and Farmer's Wives".

⁶⁶ For an analysis of the 2009 draft of the AHA, see Amnesty International, "Uganda: Anti-Homosexuality Bill is inherently discriminatory and threatens broader human rights, 7 January 2010, AFR 59/003/2010, <http://www.amnesty.org/en/library/asset/AFR59/003/2010/en/befd26d0-8051-469b-af76-b76858c423ff/afr590032010en.pdf> [accessed 21 September 2014]. For a more detailed report on the impact of these criminalization laws in Uganda and other sub-Saharan African countries, see Amnesty International, *Making Love a Crime*.

⁶⁷ For summary of parliamentary proceedings see the Ugandan Parliament's website: <http://www.parliament.go.ug/new/index.php/about-parliament/parliamentary-news/326-parliament-outlaws-homosexuality> [accessed 20 September 2014].

- ⁶⁸ Parliament of Uganda, "Minority Report by Members of the Sectoral Committee on Legal and Parliamentary Affairs on the Anti-Homosexuality Bill, 2009, November 2012, available at <http://www.parliament.go.ug/new/index.php/documents-and-reports/committee-reports/category/38-committee-on-legal-and-parliamentary-affairs> [accessed 20 September 2014].
- ⁶⁹ Letter from President Yoweri Museveni to the Speaker of Parliament, Rebecca Kadaga MP, 28 December 2013
- ⁷⁰ Judgment of Constitutional Court of Uganda, Prof. J. Oloka Onyango et al. vs. Attorney General, Constitutional Petition No. 08 of 2014, 1 August 2014.
- ⁷¹ Notice of appeal by the Attorney General in Constitutional Petition No. 08 of 2014, 8 August 2014.
- ⁷² Anti-Homosexuality Act, 2014, Section 13.
- ⁷³ Anti-Homosexuality Act, 2014, Section 7.
- ⁷⁴ Anti-Homosexuality Act, 2014, Section 3.
- ⁷⁵ See *Toonen v Australia*, Human Rights Committee, 1994. The right to privacy is guaranteed by Article 27 of the Constitution of Uganda and article 17 of the ICCPR.
- ⁷⁶ African Commission on Human and Peoples' Rights, 'Press Release on the implications of the anti-homosexuality Act on the work of Human Rights Defenders in the Republic of Uganda,' 11 March 2014, <http://www.achpr.org/press/2014/03/d196/> [accessed 24 July 2014].
- ⁷⁷ African Commission on Human and Peoples' Rights, "Resolution 275 on protection against violence and other human rights violations against persons on the basis of their real or imputed sexual orientation or gender identity", adopted at the 55th Ordinary Session of the African Commission on Human and Peoples' Rights in Luanda, Angola, 28 April – 12 May 2014, www.achpr.org/sessions/55th/resolutions/275/ [accessed 10 September 2014].
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- ⁷⁹ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ⁸⁰ See for example Amnesty International *Annual Report 2012*.
- ⁸¹ Interview with Amnesty International, April 2014, Kampala, Uganda and email communication to Amnesty International, August 2014.
- ⁸² For more on the AHA as a distraction, see Amnesty International, 'Making Love a Crime', p.33.
- ⁸³ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ⁸⁴ The Non-Governmental Organisations Registration (Amendment) Bill, 2013, Draft of 2 September 2013, Memorandum section 2.
- ⁸⁵ The Non-Governmental Organisations Registration (Amendment) Bill, 2013, Draft of 2 September 2013.
- ⁸⁶ The Non-Governmental Organisations Registration (Amendment) Bill, 2013, Draft of 2 September 2013, Section 11B
- ⁸⁷ The Non-Governmental Organisations Registration (Amendment) Bill, 2013, Draft of 2 September 2013, Section 11B(2)(c)

⁸⁸ Uganda National Civic Education Policy, Final Draft (Post Validation), section 6.2, October 2013.

⁸⁹ Uganda National Civic Education Policy, Final Draft (Post Validation), Section 6.4, October 2013.

⁹⁰ Amnesty International interview, April 2014, Kampala.

⁹¹ The Constitution of the Republic of Uganda, 1995, articles 29(1)(a), (e), (d); African Charter on Human and Peoples' Rights (ACHPR), adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986, ratified by Uganda 10 May 1986, articles 9, 10, 11; International Covenant on Civil and Political Rights (ICCPR), adopted 16 December 1966, G.A. Res. 2200A (XXI), 21 U.N.GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force 23 March 1976, acceded to by Uganda 21 June 2005, Articles 12, 21, 22.

⁹² Constitution of Uganda, article 21; ACHPR, articles 2, 3; ICCPR, articles 14, 26; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted 16 December 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force 3 January 1976, article 2.

⁹³ Constitution of Uganda, article 27; ICCPR, article 17.

⁹⁴ ACHPR, article 16; ICESCR, article 12.

⁹⁵ ICESCR, article 6.

⁹⁶ ICESCR, article 11.

⁹⁷ Constitution of Uganda, article 23; ACHPR, article 6; ICCPR, article 9(1).

⁹⁸ Constitution of Uganda, article 24, ACHPR, article 5; ICCPR, article 7.

⁹⁹ ICCPR, article 2.

¹⁰⁰ Convention on the Elimination of Discrimination against Women (CEDAW), adopted 18 December 1979 by G.A. resolution 34/180, entered into force on 3 September 1981, ratified by Uganda on 22 July 1985, article 5(a).

¹⁰¹ The petitioners are the Human Rights Awareness and Promotion Forum; the Centre for Health, Human Rights & Development; Professor J Oloko-Onyango, Professor of Law at Makerere University; the Hon. Fox Odoi-Oywelowo MP; Professor Morris Ogenza-Latigo, former MP; Andrew Mwenda, journalist and freedom of expression activist; Dr Paul Nsubuga Semugoma, medical doctor and HIV/AIDS prevention activist; and LGBTI rights activists Jacqueline Kasha Nabagesera, Julian Pepe Onziema, and Frank Mugisha.

¹⁰² Judgment of the Court, Constitutional Petition No. 08 of 2014, Constitutional Court of Uganda at Kampala, 1 August 2014.

¹⁰³ Constitutional Petition 8 of 2014, received 11 March 2014.

¹⁰⁴ The petitioners are: the Human Rights Network Uganda; the Development Network of Indigenous Voluntary Associations, an NGO network; the Uganda Association of Women Lawyers (FIDA-U); the Hon. Muwanga Kivumbi MP (petitioner in *Muwanga Kivumbi vs Attorney General*); and Bishop Zac Niringiye, anti-corruption activist.

¹⁰⁵ Constitutional Petition 56 of 2013, received 10 December 2013.

¹⁰⁶ Constitution of Uganda, 1995.

¹⁰⁷ The petitioners are: the Centre for Domestic Violence Prevention; the Women's Organisation Network for Human Rights Advocacy; the Strategic Initiative for Women in the Horn of Africa; the Uganda Health and Science Press Association; the Human Rights Network for Journalists – Uganda; and four lawyers and activists, Professor Sylvia Tamale, Lilian Drabo, Sarah Kihika and Lina Zedriga.

¹⁰⁸ Constitutional Petition 13 of 2014, received 7 May 2014.

¹⁰⁹ Constitutional Petition 13 of 2014, received 7 May 2014.

¹¹⁰ *Human Rights Awareness and Promotion Forum v Attorney General of Uganda, Reference No.6 of 2014*, http://www.hrapf.org/sites/default/files/publications/14_04_23_uganda_anti_homosexuality_act_eacj_reference_as_filed.pdf, [1 July 2014].

¹¹¹ Treaty for the Establishment of the East African Community, 1999, Article 6(d).

¹¹² East African Court of Justice, Reference No.6 of 2014, Respondent's Response to the Reference, lodged in the sub-Registry, Kampala, 27 June 2014, para. 5.

¹¹³ EACJ Reference No.6 of 2014, Respondent's Response to the Reference, para. 4(a).

¹¹⁴ EACJ Reference No.6 of 2014, Respondent's Response to the Reference, para. 4(c), (d),

¹¹⁵ EACJ Reference No.6 of 2014, Respondent's Response to the Reference, para. 4(i).

¹¹⁶ Interview with Amnesty International, April 2014, Kampala, Uganda.

¹¹⁷ Letter from President Yoweri Museveni to the Speaker of Parliament, Rebecca Kadaga MP, 28 December 2013.

¹¹⁸ Ugandan Ministry of Health, 'Scientific Statement on Homosexuality,' 10 February 2014.

¹¹⁹ Ugandan Ministry of Health, 'Scientific Statement on Homosexuality,' 10 February 2014, pg 8.

¹²⁰ Statement by H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, 18 February 2014, <http://www.newvision.co.ug/news/652797-museveni-responds-to-obama-on-anti-gay-bill.html> [30 June 2014].

¹²¹ Museveni: Homosexuals have lost argument in Uganda, *Daily Monitor*, 25 February 2014, <http://www.monitor.co.ug/News/National/Museveni-Homosexuals-have-lost-argument-in-Uganda-/688334/2220416/-/sjci8iz-/index.html> [accessed 10 June 2014].

¹²² Amnesty International interview with Stephen Tumwesigye, August 2014, Kampala, Uganda.

¹²³ Interview with SMUG activist, April 2014, Kampala, Uganda.

¹²⁴ Amnesty International interview with Nicholas Opiyo, August 2014, Kampala, Uganda.

¹²⁵ Solomon Arinaitwe, 'MPs begin drive to return law on homosexuality,' *Daily Monitor*, 6 August 2014, <http://www.monitor.co.ug/News/National/MPs-begin-drive-to-return-law-on-homosexuality-/688334/2409336/-/2his9q-/index.html> [accessed 6 August 2014].

¹²⁶ Perez Rumanzi, 'Indecent rape victims to blame, says Youth minister', *Daily Monitor*, 24 September 2013, <http://www.monitor.co.ug/News/National/Indecent-rape-victims-to-blame--says-Youth-minister/>

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¹²⁷ Emmanuel Mulondo and Marvin Kirunda, 'Tough penalties loom as Museveni signs Anti-Pornography Bill into law,' *Daily Monitor*, 19 February 2014, <http://www.monitor.co.ug/News/National/Tough-penalties-loom-as-Museveni-signs-/688334/2212444/-/s6daq/-/index.html> [accessed 1 July 2014].

¹²⁸ Fr. Lokodo, interviewed in 'Stephen Fry: Out There,' *BBC*, aired 22 May 2013. Penal Code Act, Chapter 120 of 1950, as amended by the Act of 2007, section 123 defined rape as "unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband". Under section 123, rape can only be committed against a woman or a girl and cases of rape of men by men are not recognized under Ugandan law.

¹²⁹ National Objectives and Directive Principles of State Policy, Constitution of Uganda, as amended 2005.

¹³⁰ Risdel Kasasira, 'Joy, anger as Museveni signs law against gays,' *Daily Monitor*, 25 February 2014, <http://www.monitor.co.ug/News/National/Joy--anger-as-Museveni-signs-law-against-gays/-/688334/2220400/-/ep9v42z/-/index.html> [accessed 21 September 2014].

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¹³³ "Museveni responds to Obama on anti-gay bill", *New Vision*, 21 February 2014 <http://www.newvision.co.ug/news/652797-museveni-responds-to-obama-on-anti-gay-bill.html> [last accessed 2 July 2014]

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¹³⁵ See for example statements reportedly made by Speaker of Parliament Rebecca Kadaga, asking why foreign countries were critical of Uganda and not other countries with criminalizing laws, "Kadaga blasts west over anti-gay law", *Red Pepper*, <http://www.redpepper.co.ug/kadaga-blasts-west-over-anti-gay-law/> [accessed 2 July 2014].

¹³⁶ 'Johnson Mayamba, "Minister, ambassador clash over gays Bill," *Daily Monitor*, 21 February 2014, <http://www.monitor.co.ug/News/National/Minister--ambassador-clash-over-gays-Bill/-/688334/2215278/-/i2msbj/-/index.html> [15 July 2014].

¹³⁷ Solomon Arinaitwe, 'MPs begin drive to return law on homosexuality,' *Daily Monitor*, 6 August 2014, <http://www.monitor.co.ug/News/National/MPs-begin-drive-to-return-law-on-homosexuality/-/688334/2409336/-/2his9q/-/index.html> [accessed 6 August 2014].

¹³⁸ Human Rights Council, Report of the Working Group on the Universal Periodic Review: Uganda, Nineteenth session, Agenda item 6, Universal Periodic Review, 22 December 2011, A/HRC/19/16, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-16_en.pdf [accessed 21 September 2014].

¹³⁹ Statement by Rossette Nyirinkindi Katungye, Deputy Permanent Representative of the Republic of Uganda. See Arc International, 'Report on sexual orientation and gender identity related issues at the 25th session of the UN Human Rights Council, March 3-28, 2014,' http://arc-international.net/wp-content/uploads/2014/02/HRC25-Report_ARC20141.pdf [accessed 15 July 2014].

¹⁴⁰ "World Bank postpones \$90m Uganda loan over anti-gay law", *BBC News*, 28 February 2014, <http://www.bbc.co.uk/news/world-africa-26378230> [accessed 21 September 2014].

¹⁴¹ "World Bank postpones \$90m Uganda loan over anti-gay law", *BBC News*.

¹⁴² Ministry of Foreign Affairs of Denmark, "Denmark's development assistance to Uganda to be restructured", 26 February 2014, <http://um.dk/en/news/newsdisplaypage/?newsID=38930DA8-57FD-4D14-B23E-7CCCA5AA9CCD> [accessed 21 September 2014]. The Danish Minister for International Development stated that "The fact that the Ugandan Government is passing a draconic law against homosexuals shall not change Denmark's commitment to assist poor Ugandans, to whom we all are committed to assist and who are in need of clean drinking water. The same goes for poor Ugandans in need of rural roads to get access to schools and health centres as is the case in Northern Uganda after decades of insurgency".

¹⁴³ This comprised €7 million of the total support of €23 million allocated by the Dutch government to Uganda, and was intended to help in "strengthening the rule of law". The remaining aid was allocated for the support of civil society.

¹⁴⁴ Alex Whiting, 'Western donors cut aid to Uganda in response to anti-gay law', Thomson Reuters Foundation, 26 February 2014, <http://www.trust.org/item/20140226160032-td4jl/?source=search> [accessed 21 September 2014]. Following the judgement ruling the AHA null and void, the Norwegian Foreign Minister announced that Norway would consider releasing the government aid that had been held back: see Norge vurderer å frigi bistand til Uganda, *Dagens nagerinsgliv*, 1 August 2014, in Norwegian, <http://www.dn.no/nyheter/utenriks/2014/08/01/2035/norge-vurderer-a-frigi-bistand-til-uganda> [accessed 1 September 2014].

¹⁴⁵ The Swedish government announced on 24 July 2014 that a total of SEK 1.35 billion (approx. USD \$195 million) will be funnelled through civil society organizations rather than through the Ugandan government. The aid will prioritise child and maternal health (including sexual and reproductive rights), sustainable development and employment. The Swedish government also said that it wanted to contribute to the strengthening of human rights, including for LGBTI people. A press release in Swedish from the Ministry of Foreign Affairs is available from: <http://www.regeringen.se/sb/d/18771/a/244030> [accessed 6 August 2014].

¹⁴⁷ Amnesty International interview, August 2014, Kampala, Uganda.

¹⁴⁷ Amnesty International interview with a women's rights activist, August 2014, Kampala, Uganda.

¹⁴⁸ Ibid.

¹⁴⁹ See Article 2(1) of the ICESCR and its interpretation by its monitoring committee, for example, General Comment No. 14: The Right to the Highest Attainable Standard of Health, UN Doc

E/C.12/2000/4 (2000) paras. 39-45.

¹⁵⁰ Interview with Amnesty International, April 2014, Kampala, Uganda.

¹⁵¹ Amnesty International interview with Clare Byaguraba, Civil Society Coalition on Human Rights and Constitutional Law, March 2014, Entebbe, Uganda.

¹⁵² See Associated Press photograph "Ugandan anti-gay activist Pastor Martin Ssempe posts up a public notice offering "rehabilitation" for homosexuals at Uganda's National Theatre in Kampala, Uganda Tuesday, Feb. 25, 2014," available from <http://www.apimages.com/metadata/Index/Uganda-Gays/04f143a93ec947e6b7af24a44d229f70/24/0> [accessed 15 July 2014].

¹⁵³ Interview with Amnesty International, April 2014, Kampala, Uganda.

¹⁵⁴ Amnesty International interview with Clare Byaguraba, Civil Society Coalition on Human Rights and Constitutional Law, March 2014, Entebbe, Uganda.

¹⁵⁵ Amnesty International interview with Theodore, April 2014, Kampala, Uganda.

¹⁵⁶ Interview with Amnesty International, April 2014, Kampala, Uganda.

¹⁵⁷ Amnesty International interview, March 2014, Entebbe, Uganda.

¹⁵⁸ Amnesty International interview with Clare Byaguraba, Civil Society Coalition on Human Rights and Constitutional Law, March 2014, Entebbe, Uganda.

¹⁵⁹ Interview with Amnesty International, March 2014, Entebbe, Uganda.

¹⁶⁰ Amnesty International interview with Clare, Civil Society Coalition on Human Rights and Constitutional Law, March 2014, Entebbe, Uganda.

¹⁶¹ Amnesty International interview with Clare, Civil Society Coalition on Human Rights and Constitutional Law, March 2014, Entebbe, Uganda.

¹⁶² Interview with Amnesty International, April 2014, Kampala, Uganda.

¹⁶³ See Amnesty International, *'Making Love a Crime'*.

¹⁶⁴ Sheila Naturinda, 'Anti-gay activists call for passing of Bill against homosexuality,' *Daily Monitor*, 7 April 2011, <http://www.monitor.co.ug/News/National/-/688334/1140310/-/c2sydtz/-/index.html> [accessed 1 July 2014].

¹⁶⁵ Fr. Lokodo, interviewed in 'Stephen Fry: Out There,' BBC, aired 22 May 2013.

¹⁶⁶ Interview with Amnesty International, April 2014.

¹⁶⁷ 'President Museveni's full speech at signing of Anti-Homosexuality bill,' *Daily Monitor*, 24 February 2014, <http://www.monitor.co.ug/News/National/Museveni-s-Anti-Homosexuality-speech/-/688334/2219956/-/vint7/-/index.html> [accessed 1 July 2014].

¹⁶⁸ Amnesty International interview with Naome, March 2014, Entebbe, Uganda.

¹⁶⁹ Interview with Amnesty International, April 2014, Kampala, Uganda.

¹⁷⁰ Interview with Amnesty International, April 2014, Kampala, Uganda.

¹⁷¹ Interview with Amnesty International, April 2014, Kampala, Uganda.

- ¹⁷² Interview with Amnesty International, April 2014, Kampala, Uganda.
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- ¹⁷⁶ Amnesty International interview with Geoffrey, Civil Society Coalition for Human Rights and Constitutional Law, April 2014, Kampala, Uganda.
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- ¹⁷⁸ Amnesty International interview with a women's rights organization, April 2014, Kampala, Uganda.
- ¹⁷⁹ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ¹⁸⁰ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ¹⁸¹ Amnesty International interview with Barbara Allimadi, April 2014, Kampala, Uganda; see also Amnesty International, *Stifling Dissent*, for restrictions of freedom of assembly before the POMA.
- ¹⁸² Interview with Amnesty International, April 2014, Kampala, Uganda.
- ¹⁸³ Amnesty International interview with Uganda Youth Network, April 2014, Kampala, Uganda.
- ¹⁸⁴ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ¹⁸⁵ Amnesty International letter to General Kale Kayihura, Inspector General of Police, 9 September 2014.
- ¹⁸⁶ Amnesty International interview with member of the National LGBTI Security Team, April 2014, Kampala, Uganda.
- ¹⁸⁷ Interview with Amnesty International, April 2014, Mbarara, Uganda.
- ¹⁸⁸ Interview with Amnesty International, April 2014, Mbarara, Uganda.
- ¹⁸⁹ United Nations High Commissioner for Human Rights, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, 17 November 2011, A/HRC/19/41, Para. 47,
- ¹⁹⁰ ACHPR, article 6; ICCPR, article 9(1).
- ¹⁹¹ Amnesty International interview with FEMA, April 2014, Kampala, Uganda.
- ¹⁹² Constitution of Uganda, article 23(4).
- ¹⁹³ Constitution of Uganda, article 24; ACHPR, article 5; ICCPR, article 7.
- ¹⁹⁴ Amnesty International and Human Rights Watch, "Uganda: Anti-Homosexuality Act's Heavy Toll: Discriminatory Law Prompts Arrests, Attacks, Evictions, Flight", 15 May 2014, <http://www.hrw.org/news/2014/05/14/uganda-anti-homosexuality-act-s-heavy-toll> [accessed 20 September 2014].
- ¹⁹⁵ United Nations High Commissioner for Human Rights, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, 17 November 2011, A/HRC/19/41, para. 37.

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¹⁹⁸ For example, Amnesty International interview with member of the National LGBTI Security Team, April 2014, Kampala, Uganda.

¹⁹⁹ Details on file with Amnesty International.

²⁰⁰ Amnesty International interview with officers at these police stations, April 2014.

²⁰¹ Interview with Amnesty International, April 2014, Entebbe, Uganda.

²⁰² Interview with Amnesty International, April 2014, Kampala, Uganda.

²⁰³ Interview with Amnesty International, April 2014, Kampala, Uganda.

²⁰⁴ Interview with Amnesty International, April 2014, Mbarara, Uganda.

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²⁰⁷ ACHPR, article 9(1), ICCPR.

²⁰⁸ Public Order Management Act 2014, Section 5.

²⁰⁹ Amnesty International interview, Kampala, April 2014; NTV Uganda, "Police, opposition showdown in Mbale", 23 March 2014, <https://www.youtube.com/watch?v=dGFMWIIJRB4> [accessed 20 September 2014].

²¹⁰ See, for example, letter from Olaru Ottunu, President of the Uganda People's Congress on behalf of the Campaign for Free and Fair Elections NOW! To General Aronda Nyakairima, Minister of Internal Affairs, 23 April 2014 characterizing police conduct as "cooperative" since their meeting on 2 April 2014.

²¹¹ Amnesty International letter to General Kale Kayihura, Inspector General of Police, 9 September 2014.

²¹² Amnesty International interview with Patience Akumu, April 2014, Kampala, Uganda.

²¹³ Amnesty International interview with Patience Akumu, April 2014, Kampala, Uganda.

²¹⁴ Amnesty International interview with Maud, April 2014, Kampala, Uganda.

²¹⁵ Interview with Amnesty International, April 2014, Kampala, Uganda.

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²¹⁹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, report to the Human Rights Council, A/HRC/20/27, para. 27.

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²²⁷ US Department of State, "State Dept. on Raid by Ugandan Authorities on Health Clinic", 4 April 2014, <http://iipdigital.usembassy.gov/st/english/texttrans/2014/04/20140404297476.html?CP.rss=true#axzz2y7Obu2Ye> [accessed 21 September 2014].

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²²⁹ Amnesty International interview with William, 5 April 2014, Kampala, Uganda.

²³⁰ Amnesty International interview with member of the Security Team, April 2014, Kampala, Uganda.

²³¹ Amnesty International interview with Dr. Ruhakana Rugunda, then Minister of Health, August 2014, Kampala, Uganda

²³² Amnesty International letter to General Kale Kayihura, Inspector General of Police, 9 September 2014.

²³³ ICESCR, article 12; ACHPR, article 16.

²³⁴ Amnesty International interview with William, April 2014, Kampala, Uganda.

²³⁵ Amnesty International interview with a paralegal working with a civil society organization, April 2014, Kampala, Uganda.

²³⁶ The National LGBTI Security Team responds to such human rights violations against the LGBTI community, through a network of LGBTI organizations in Uganda.

²³⁷ Interview with Amnesty International, April 2014, Kampala, Uganda.

²³⁸ Interview with Amnesty International, April 2014, Uganda.

²³⁹ Amnesty International and Human Rights Watch, "Uganda: Anti-Homosexuality Act's Heavy Toll: Discriminatory Law Prompts Arrests, Attacks, Evictions, Flight"

²⁴⁰ Amnesty International meeting with women activists, at Uganda Association of Women Lawyers (FIDA U), April 2014, Kampala, Uganda.

²⁴¹ Interview with Amnesty International, April 2014, Kampala, Uganda.

²⁴² Interview with Amnesty International, April 2014.

- ²⁴³ Interview with Amnesty International, April 2014.
- ²⁴⁴ Interview with Amnesty International, April 2014.
- ²⁴⁵ Phone interview with Amnesty International, April 2014
- ²⁴⁶ Phone interview with Amnesty International, April 2014
- ²⁴⁷ Amnesty International interview with Women Arise for Change, April 2014, Kampala, Uganda.
- ²⁴⁸ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁴⁹ Statement given by police spokesperson, 24 February 2014 quoted by Paul Tajuba, "Anti-pornography law: Police warns against undressing women", *Daily Monitor*, 25 February 2014, <http://www.monitor.co.ug/News/National/Anti-pornography-law--Police-warns-against-undressing/-/688334/2220210/-/omy4tbz/-/index.html> [accessed 21 September 2014].
- ²⁵⁰ Amnesty International interview with a women's rights organization, April 2014, Kampala, Uganda.
- ²⁵¹ Amnesty International interview with a women's rights organization, April 2014, Kampala, Uganda.
- ²⁵² Amnesty International letter to General Kale Kayihura, Inspector General of Police, 9 September 2014.
- ²⁵³ CEDAW, article 5a.
- ²⁵⁴ Amnesty International and Human Rights Watch, "Uganda: Anti-Homosexuality Act's Heavy Toll: Discriminatory Law Prompts Arrests, Attacks, Evictions, Flight"
- ²⁵⁵ Amnesty International interview with Maria, April 2014, Kampala, Uganda.
- ²⁵⁶ Motorcycle taxi.
- ²⁵⁷ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁵⁸ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁵⁹ Interview with Amnesty International, March 2014, Entebbe, Uganda.
- ²⁶⁰ Amnesty International interview, April 2014, Kampala, Uganda.
- ²⁶¹ Amnesty International interview, April 2014, Kampala, Uganda.
- ²⁶² Amnesty International interviews with two of the people who were attacked, April 2014, Kampala, Uganda.
- ²⁶³ Amnesty International telephone communication with HRAPF, August 2014.
- ²⁶⁴ Amnesty International letter to General Kale Kayihura, Inspector General of Police, 9 September 2014.
- ²⁶⁵ Constitutional petition 8 of 2014, para 12(l).
- ²⁶⁶ Judgment of the Court, Constitutional Petition No. 08 of 2014, Constitutional Court of Uganda at Kampala, 1 August 2014.
- ²⁶⁷ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁶⁸ Amnesty International interview with Forum for Women in Democracy, April 2014, Kampala, Uganda.

- ²⁶⁹ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁷⁰ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁷¹ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁷² Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁷³ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁷⁴ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁷⁵ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁷⁶ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁷⁷ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁷⁸ Interviews with Amnesty International, April 2014, Kampala, Uganda.
- ²⁷⁹ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁸⁰ Interview with Amnesty International, April 2014, Mbarara, Uganda.
- ²⁸¹ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁸² Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁸³ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁸⁴ Amnesty International interview with Martin, April 2014, Kampala, Uganda.
- ²⁸⁵ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁸⁶ Amnesty International interview with Moses, April 2014, Kampala, Uganda.
- ²⁸⁷ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁸⁸ Interview with Amnesty International, April 2014, Mbarara, Uganda.
- ²⁸⁹ Amnesty International interview, April 2014, Kampala, Uganda.
- ²⁹⁰ Amnesty International interview with Naome, March 2014, Entebbe, Uganda.
- ²⁹¹ Amnesty International interview with Stella, April 2014, Kampala, Uganda.
- ²⁹² Interview with Amnesty International, April 2014, Mbarara, Uganda.
- ²⁹³ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁹⁴ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁹⁵ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ²⁹⁶ Interview with Amnesty International, August 2014, Kampala, Uganda.
- ²⁹⁷ Interview with Amnesty International, August 2014, Kampala, Uganda.
- ²⁹⁸ African Commission, “Resolution 275: Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity”.

²⁹⁹ CEDAW, article 5a.

³⁰⁰ Anand Grover, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 27 April 2010, A/HRC/14/20, para. 20,

³⁰¹ At least 100 people have fled Uganda since the start of 2014 -see Amnesty International and Human Rights Watch, "Uganda: Anti-Homosexuality Act's Heavy Toll: Discriminatory Law Prompts Arrests, Attacks, Evictions, Flight". Support organizations have documented their members fleeing into Kenya and Rwanda, while others have fled further afield and a few have claimed asylum in countries like the US.

³⁰² Sections 7 and 11 of the AHA (on 'aiding and abetting homosexuality' and 'brothels' respectively) remained in this law. Had the law remained in force, or should it be reintroduced, these sections could have a chilling effect on landlords who may not be homophobic but may fear prosecution under the act if they rent their properties to LGBTI people.

³⁰³ Interview with Amnesty International, April 2014, Kampala, Uganda.

³⁰⁴ Interview with Amnesty International, April 2014, Kampala, Uganda

³⁰⁵ Amnesty International interview with Theodore, April 2014, Kampala, Uganda.

³⁰⁶ Amnesty International interview with activist from SMUG, April 2014, Kampala, Uganda.

³⁰⁷ Amnesty International interview with member of Security Team, April 2014, Kampala, Uganda.

³⁰⁸ Interview with Amnesty International, April 2014, Kampala, Uganda.

³⁰⁹ Amnesty International interview with George, April 2014, Kampala, Uganda.

³¹⁰ Interview with Amnesty International, April 2014, Kampala, Uganda.

³¹¹ Interview with Amnesty International, March 2014, Entebbe, Uganda.

³¹² Interview with Amnesty International, April 2014, Mbarara, Uganda.

³¹³ General Comment No. 18: The Right to Work (Art. 6 of the Covenant), E/C.12/GC/18, para 12(b)(i).

³¹⁴ *Kasha Jacqueline v. Rolling Stone Ltd. (2010)*, Miscellaneous Cause No. 163, H. Court of Uganda in Kampala. See Civil Society Coalition on Human Rights and Constitutional Law, 3 January 2011, <http://wp.patheos.com.s3.amazonaws.com/blogs/warrenthrockmorton/files/2011/01/11-01-03-Court-Ruling.pdf> [accessed 21 September 2014].

³¹⁵ Amnesty International, "Ugandan rights groups hail landmark LGBT ruling", 4 January 2011, <http://www.amnesty.org/en/news-and-updates/uganda-rights-groups-hail-landmark-lgbt-ruling-2011-01-04> [accessed 21 September 2014].

³¹⁶ See Civil Society Coalition on Human Rights and Constitutional Law, "Court rules that all Ugandans have a right to privacy and dignity – Tremendous boost to constitutional rights and protection of sexual and other minorities", 3 January 2011, <http://wp.patheos.com.s3.amazonaws.com/blogs/warrenthrockmorton/files/2011/01/11-01-03-Court-Ruling.pdf> [accessed 21 September 2014].

³¹⁷ *Red Pepper*, 25 February 2014.

³¹⁸ *Red Pepper*, 28 February 2014.

- ³¹⁹ Interview with Amnesty International, April 2014, Mbarara, Uganda.
- ³²⁰ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ³²¹ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ³²² Interview with Amnesty International, April 2014, Kampala, Uganda.
- ³²³ Constitutional Petition No. 8 of 2014
- ³²⁴ Amnesty International interview, April 2014, Kampala, Uganda.
- ³²⁵ African Commission, 'Press Release on the implications of the anti-homosexuality Act on the work of Human Rights Defenders in the Republic of Uganda.'
- ³²⁶ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ³²⁷ "Uganda says healthcare is for all despite anti-gay law", *BBC News*, 26 February 2014, <http://www.bbc.co.uk/news/world-africa-26349166> [accessed 21 September 2014].
- ³²⁸ Amnesty International interview with Arthur, April 2014, Kampala, Uganda.
- ³²⁹ Email communication to Amnesty International, August 2014.
- ³³⁰ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ³³¹ Amnesty International interview with Billy, April 2014, Kampala, Uganda.
- ³³² *Social and Economic Rights Action Center & the Center for Economic and Social Rights v. Nigeria* (Communication No. 155/96)
- ³³³ *Purohit and Moore v. The Gambia*, Communication No. 241/2001, Sixteenth Activity report 2002-2003, Annex VII
- ³³⁴ Amnesty International interview with Women Arise for Change, April 2014, Kampala, Uganda.
- ³³⁵ Amnesty International interview with staff member, April 2014, Kampala, Uganda.
- ³³⁶ Interview with Amnesty International, August 2014, Kampala, Uganda.
- ³³⁷ Amnesty International interview with a paralegal, April 2014, Kampala, Uganda.
- ³³⁸ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ³³⁹ ICESCR, article 12; ACHPR, article 16.
- ³⁴⁰ SMUG, *From Torment to Tyranny: Enhanced Persecution in Uganda Following the Passage of the Anti-Homosexuality Act 2014, 20 December 2013 – 1 May 2014*, <http://www.sexualminoritiesuganda.com/Torment%20to%20Tyranny%2009-05-2014%20FINAL.pdf> [accessed 21 September 2014].
- ³⁴¹ Amnesty International interview with Dr. Ruhakana Rugunda, then Minister of Health, August 2014, Kampala, Uganda.
- ³⁴² *Purohit and Moore v. The Gambia*.
- ³⁴³ Interview with Amnesty International, August 2014, Kampala, Uganda.
- ³⁴⁴ Ibid.

- ³⁴⁵ Interview with Amnesty International, August 2014, Kampala, Uganda.
- ³⁴⁶ Interview with Amnesty International, August 2014, Kampala, Uganda.
- ³⁴⁷ ICCPR, article 2.
- ³⁴⁸ ICCPR, article 26.
- ³⁴⁹ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ³⁵⁰ Amnesty International, "Uganda: Government raid on LGBT-rights workshop", 14 February 2012, <http://www.amnesty.org/en/news/uganda-government-raid-lgbt-rights-workshop-2012-02-14> [accessed 21 September 2014].
- ³⁵¹ NTV Uganda, 'Gay Rights Activists Lose Case Against Lokodo,' 23 June 2014, <https://www.youtube.com/watch?v=srqhLdO13bY> [accessed 21 September 2014].
- ³⁵² The applicants were Jacqueline Kasha Nabagesera, Frank Mugisha, Julian Pepe Onziema, and Geoffrey Ogwaro.
- ³⁵³ Misc. Cause No.033 of 2012, High Court of Uganda, Civil Division.
- ³⁵⁴ Human Rights Committee, General Comment 22, Article 18 (Forty-eighth session, 1993), para. 8.
- ³⁵⁵ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, 14 April 2014, A/HRC/26/29, para 64.
- ³⁵⁶ NTV Uganda, 'Gay Rights Activists Lose Case Against Lokodo.'
- ³⁵⁷ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ³⁵⁸ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ³⁵⁹ Amnesty International interview, April 2014, Kampala, Uganda.
- ³⁶⁰ Amnesty International interview with Geoffrey Ssebagala, April 2014, Kampala, Uganda.
- ³⁶¹ African Commission, "Resolution 275: Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity"
- ³⁶² FARUG has relocated 4 people, all of whom had been formally evicted. COPTC has relocated 20 people, including both those who were formally evicted and individuals who no longer felt safe in their homes. The National LGBTI Security Team has drawn up a priority list for relocation but at the time of the interview, was seeking funds to assist these individuals.
- ³⁶³ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ³⁶⁴ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ³⁶⁵ Interview with Amnesty International, April 2014, Kampala, Uganda.
- ³⁶⁶ "Uganda says healthcare is for all despite anti-gay law", *BBC News*.
- ³⁶⁷ Amnesty International interview with staff member, April 2014, Kampala, Uganda.
- ³⁶⁸ Interview with Amnesty International, April 2014, Kampala, Uganda.

³⁶⁹ Interview with Amnesty International, April 2014, Kampala, Uganda.

³⁷⁰ Interview with Amnesty International, April 2014, Kampala, Uganda.

³⁷¹ Organization names removed for security reasons; details on file with Amnesty International.

³⁷² Interview with Amnesty International, April 2014, Kampala, Uganda.

³⁷³ Amnesty International Interview with staff member, April 2014, Kampala, Uganda.

³⁷⁴ Interview with Amnesty International, April 2014, Kampala, Uganda.

³⁷⁵ Amnesty International interview with staff member, April 2014, Kampala, Uganda.

³⁷⁶ Interview with Amnesty International, April 2014, Kampala, Uganda.

³⁷⁷ Interview with Amnesty International, April 2014, Kampala, Uganda.



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RULE BY LAW

DISCRIMINATORY LEGISLATION AND LEGITIMIZED ABUSES IN UGANDA

The Ugandan government has enacted repressive and discriminatory legislation intensifying restrictions on free expression, association and assembly through “rule by law”. This report documents the impact of the Public Order Management Act (POMA), the Anti-Pornography Act (APA), and the now nullified Anti-Homosexuality Act (AHA).

The POMA creates a legislative umbrella restricting the right to freedom of assembly beyond what is permissible under international law. The APA and the AHA have enabled and encouraged abuse of women and lesbian, gay, bisexual, transgender and intersex (LGBTI) people by non-state actors. Each of the Acts alone is harmful, but their cumulative impact has a particularly damaging effect on the human rights of Ugandans.

The impact of the laws has changed over time. The POMA was invoked more in early 2014 to suppress public assemblies, but still has a chilling effect on the ability of civil society to organize. The immediate impact of the APA peaked straight after it was signed, but longer-term it reinforces discrimination against women. Similarly, the AHA also had an immediate impact, as some LGBTI people were evicted from their homes, lost their jobs and faced challenges accessing healthcare, before the law was nullified.

The report calls on the Ugandan government to repeal discriminatory legislation, to ensure the government is not complicit in human rights abuses stemming from such legislation, and to protect all Ugandans, including women, LGBTI people and political activists from discrimination, harassment and violence by state and non-state actors.

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