



**SITUATIONAL ANALYSIS REPORT ON THE VIOLATION AND DISCRIMINATION OF  
TRANS, INTERSEX, AND GENDER DIVERSE PEOPLE'S HUMAN RIGHTS IN  
UGANDA 2018-2019**

**Background History**

This report will focus on the security situation of trans, intersex, and gender diverse people in Uganda from 2018 to 2019. LGBTIQ+ Ugandans have reported acts of violence based on gender identity and sexual orientation since 2015.

From 2015 to 2017, a bill pending in the Ugandan parliament sought to imprison anyone who engages in homosexuality for life and to impose the death penalty for a pernicious legislative proposal aimed at gays and lesbians anywhere in the world, and some feared the death penalty provision could signal a looming gay genocide in Uganda. The bill was popular with Ugandan voters and received near-unanimous support in parliament. Ugandan lawmakers believe it is appropriate to introduce the bill or a similar version of it in the ninth parliament.

International human rights law establishes obligations that states must uphold. States assume obligations and duties under international law by becoming parties to international treaties to respect, protect, and fulfil human rights. The Republic of Uganda must refrain from interfering with or restricting the enjoyment of human rights under the state's obligation to respect human rights. The obligation to protect requires Uganda to protect individuals and groups from human rights violations, while the obligation to fulfil requires the state to take positive steps to facilitate the enjoyment of fundamental human rights. The obligations directly violated by the state are those to respect and fulfil because the state recognizes the rights of LGBTIQ+ people.









interests of women or any other marginalized group or that serve to undermine their status in society. Section 15(6)(d) of the Equal Opportunities Commission Act, however, effectively writes discrimination against LBT and Kuchu women into the mandate of this body by stating that the Commission will not investigate "any matter involving behavior which is considered to be i) immoral and socially harmful, or ii) unacceptable by the majority of the cultural and social communities in Uganda." There is no standard for evaluating what is considered immoral, harmful, or unacceptable under the legislation, leaving a wide number of marginalized groups—LBT and Kuchu women—vulnerable to discrimination and unequal treatment. As such, this Commission will never address the severe discrimination faced by LGBT people if homosexuality is considered immoral or unacceptable by many Ugandans.

Madam Chair, it's very clear that the Government of Uganda has continued to neglect Article 1 of the Constitution of Uganda and Article 1 of CEDAW and has gone further to propose harsher laws that would discriminate LBT persons even more by introducing the Anti-Homosexuality Bill 2009. This is clearly shown in the government report by not stating what they have done for LBT and Kuchu women since the last CEDAW review. And because of this, many members of my community have continued to be discriminated against because of state-imposed laws. Many have been expelled from school, fired from work, disowned from families, and harassed in public spaces, and it has also led to many deaths. In the last 5 years, we have recorded about 4 deaths of members of the lesbian, bisexual, and trans communities. Sexual violence is another problem that we face as lesbians, bisexuals, and transwomen. Many of us have been raped during hate crimes, and some of us have been raped with the intention of "curing us" of our sexual orientation and/or gender identities. We cannot report these cases to the authorities because of the stigma and discrimination attached to our being, which is given voice by the press, institutionalized by the government's penal code, and given strength by politicians and religious leaders. We are physically abused and harassed. Just recently, one of my members was attacked by a group of people for dressing like a man. Again, a week ago, upon my arrival in Geneva, a newspaper published our names in the press and exposed our photos. One of my members exposed in this paper was attacked by men in her neighborhood, and stones were thrown at her and her house. But she has nowhere to run because the authorities always claim it's illegal to be homosexual, and so we deserve it. The newspaper said "HANG THEM" on the front page, which is extreme hate speech and incitement to violence.



A few weeks ago, the Chairperson of the Human Rights Council noted that individuals in 78 countries still face criminal sanctions based on their sexual orientation or gender identity. "Our first task, I believe, is to frame this squarely as a human rights issue and demand that it be tackled as such... Redressing this situation is a test of our existing human rights framework and international human rights institutions."

We hereby strongly urge the CEDAW committee to recommend the government of Uganda.

- *To respect and protect the rights of every woman regardless of race, color, sex, age, ethnicity, religion, sexual orientation, and gender identity by specifically including those factors among the non-discriminatory grounds and/or among marginalized groups.*
- *Oppose the Anti-Homosexuality Bill of 2009 (Bill 18) and similar legislation that explicitly or implicitly violates the human rights of all people and that would target Kuchu, lesbians, bisexuals, and trans people.*
- *Ensure that when the media alleges people to be Kuchu, lesbian, bisexual, or trans and/or urges violence against them, these individuals are provided with the option of police protection and the perpetrator is held accountable.*

### **Cases and stories of violations and discrimination in the community**

#### **Violation by the employer: denial of work and source of income**

There have been reports of people losing their right to work and therefore their source of income because of their gender identity, and in all cases, the state did nothing. Among these incidents are:

*After being perceived as gay, a police officer who is a transwoman was denied four months' pay by her employer. This deprived her of her right to work and earn a living.*

Until now, there are employers in Uganda who do not treat LGBTIQ+ employees well because of their sexual orientation or gender identity. Some people who discriminate against trans, intersex, and gender diverse people in the workplace may lose their employment rights. According to Uganda's Employment and Labor Relations Act, this is a clear violation of human rights.



### **Violations by families, family discrimination, and abuse**

Several times, family members have expelled trans, intersex, and gender diverse people from their homes and the equitable distribution of family income that they are entitled to, primarily due to their gender identity or sexual orientation. Their family members forced them to turn themselves in to the police, and their parents disowned them.

*One trans person was rejected by his family and evicted, and his belongings were set on fire. His relatives vowed to kill him rather than have a gay relative.*

### **Violations committed by the media, fuel homophobia.**

Through their exposure to sexual and gender minorities in newspapers, broadcast media, and online media, Ugandan media contributes to the high levels of homophobia and transphobia in society, perpetuating repulsive stereotypes that are always typically sensational and at times appear to be completely devoid of facts. The publication of names and photographs of people suspected of being gender diverse violates their rights in other ways. It's worth noting that many trans, intersex, and gender diverse people have been beaten, harassed, or evicted after their photos were published in the media.

### **Violations by health officials, denial of health services**

Many trans, intersex, and gender diverse people in Uganda are discouraged from seeking services because of concerns about breaches of confidentiality, stigma, and potentially violent retaliation on the part of healthcare providers. This is further fueled by homophobic, sexist, and transphobic practices and attitudes on the part of healthcare providers.

In 2018, one transman faced discrimination at the hands of health workers. He had gone to a nearby clinic for malaria treatment, and when he arrived, he was met by a nurse who began working on him. She led him to the doctor's office and began questioning him about whether he was a man or a woman. The doctor arrived a few minutes later and asked the same question. The doctor confronted him, telling him that they do not want people like him in their community and threatening to involve the police in the matter. He then discontinued the treatments.



## Violations by landlords forced evictions from rented premises.

In this case, a forced eviction of one trans person was recorded. The individual was expelled from their places of residence due to their real or perceived gender identity or sexual orientation. The landlord and neighbors demanded that members of the trans, intersex and gender diverse community leave their premises or leave the area entirely.

### Other comments from trans, intersex, and gender diverse people in Uganda

- My life was in danger when people and the police realized I was a transwoman, said MK, who arrived in Kenya last year. I was attacked and assaulted several times by the residents, and I was arrested by the police. I decided to escape and save my life; Uganda is a dangerous country for trans people like me.
- Uganda is one of the 36 African countries and more than 70 around the world where homosexuality is illegal. It is a notoriously intolerant place for the LGBTIQ+ community, which faces arrest, discrimination, eviction from their homes, and violence from the police and individuals.
- This persecution has spurred an exodus of trans, intersex, and gender diverse refugees from the country in recent years. Many refugees have fled to Kenya, where homosexuality is also illegal, but enforcement of the laws has been more sporadic than in Uganda. I need to feel safe like other people in other countries," said MK.
- Trans, intersex, and gender diverse persons face so many challenges in Uganda, from social exclusion that is denied employment and education discrimination while accessing services that include health services to worse. Being arrested, disowned by family and friends, and subjected to verbal and physically violent attacks," said FK, Many Ugandans have left the country to escape police brutality, harassment, and discrimination.
- Every human being deserves to stay in a place where they are loved, accepted and respected. FK said. but it's very unfortunate that for very many LGBTIQ+ Ugandans, this is not the case. I think we need to support them in finding a better home. Life is horrible in a slum when you have no job and when you are a foreigner," says Em, a transwoman from Uganda living in Nairobi who has applied for resettlement in a third country but won't say where out of fear of alerting them to her sexual preference.
- I'm now making handcrafted jewelry to earn a living, but I have no friends to ask for help; my parents in Uganda disowned me because of my sexual preference, and I have no one to



*listen to me, so I suffer because of what happened in my country. Uganda is not a safe place for trans, intersex, and gender diverse people.*

**Comments from trans, intersex, and gender diverse people in Uganda about what they face.**

- *I found that the place was so terrible, and the situation will remain the same—the same as I was facing in Uganda, that is, M, 25 years old, was arrested twice at LGBT events in Uganda, where homosexuality and transphobia are illegal.*
- *One time, my family was attacked in the middle of the night. They came to my home; they kicked the front door of our house; they entered, searched for me, and beat me up, said AR from Uganda, a refugee in Kakuma camp in Kenya.*
- *I got married because I did not want people to know the truth about me. If they knew, they would have killed me, and they could get permission from my family.*
- *It is not just a man who can give a woman a good life. We have strength and determination too. Said one transman in Uganda who lives with his girlfriend.*
- *I intend to get married abroad because my country does not allow me to be married as a woman, and same-sex marriage is criminalized. I also intend to adopt a child, and with this, I shall live happily with my family.*
- *I do not regret anything, and if I had to go back in time and do something different, I would not do anything different. I would do everything the same," said one intersex man who was once a track athlete but was later kicked off his team after a photo of him and his girlfriend kissing was posted on Facebook.*

**Conclusion**

When it comes to the safety of trans people and LGBTIQ+ people in general, the situation in Uganda has improved slightly. There is still a fear of accessing health services at local facilities, with trans, intersex, and gender diverse people seeking services from organizations that recommend providers.

Trans people face discrimination, harassment, and even being evicted from their homes. There is hope and resilience as the community in Uganda continues to work on issues concerning their rights, access to health care, and freedom of expression. The media continues to damage the reputation of trans, intersex, and gender diverse people as transwomen are paraded as people



with abnormal behavior in society. They continue to spread false information and sensationalize stories that endanger the safety of Uganda's trans, intersex, and gender diverse communities.

People are still fleeing to neighboring countries, such as Kenya, and staying in refugee camps because of fear. The reasons listed above are just a few of the reasons why more evidence in the form of stories and research is needed so that such data can be used to advocate for the rights of trans, intersex, and gender diverse people, as well as the LGBTIQ+ community at large.

Evidence gathered and well-documented will be the only tool available to advocate for LGBTIQ+ rights in Uganda before policymakers and the public.

### **REFERENCES**

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