



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Uganda - Researched and compiled by the Refugee Documentation Centre of Ireland on 23 December 2009

Information on government/police infiltration of homosexual rights movements

Amnesty International in October 2009 reports:

"The draft "Anti-Homosexuality Bill" introduced on October 14, 2009 in Uganda's parliament would violate human rights and should be withdrawn immediately, a group of 17 local and international human rights organizations said today." "This bill is a blow to the progress of democracy in Uganda," said David Kato of Sexual Minorities Uganda. "It goes against the inclusive spirit necessary for our economic as well as political development. Its spirit is profoundly undemocratic and un-African." In an attack on the freedom of expression, a new, wide-ranging provision would forbid the "promotion of homosexuality" – including publishing information or providing funds, premises for activities, or other resources. Conviction could result in up to seven years in prison." (Amnesty International (16 October 2009) *Ugandan 'anti-homosexuality' bill threatens liberties and human rights defenders*)

Human Rights Watch commenting also in October 2009 on this bill states: "This new draft bill includes a provision that could lead to the imprisonment for up to three years of anyone, including heterosexual people, who fails to report within 24 hours the identities of everyone they know who is lesbian, gay, bisexual, or transgender, or who supports human rights for people who are." (Human Rights Watch (15 October 2009) *Uganda: 'Anti-Homosexuality' Bill Threatens Liberties and Human Rights Defenders*)

Also commenting on this bill, the *World Organisation Against Torture* in October 2009 reports: "This bill also poses a threat to NGO activities, as it provides the de-registration of any "corporate body, business, non-governmental organisation or association" carrying activities set out in Article 13. This is of critical concern as it would enable the censorship of NGOs, which are currently battling with the repressive 2006 NGO Amendment Act that already imposed mandatory registration impediments and restrictions on their activities." (World Organisation Against Torture (29 October 2009) *"Anti-Homosexuality" bill endangers the defence of health and sexual rights*)

Adding further commentary on the bill the *International Gay and Lesbian Human Rights Commission* in October 2009 states:

"The bill criminalizes "promotion of homosexuality" in the form of funding and sponsoring LGBT organizations and broadcasting, publishing, or marketing

materials on homosexuality and punishes these acts with a steep fine, 5-7 years of imprisonment, or both. Any person in authority who fails to report known violations of the law within 24 hours will also be subject to a significant fine and up to 3 years in prison – even when this means turning in their colleagues, family, or friends. More shocking, the bill claims jurisdiction over Ugandans who violate its provisions while outside of the country.” (International Gay and Lesbian Human Rights Commission (16 October 2009) *Uganda Action Alert: Dismiss the Anti-Homosexuality Bill*)

The *Freedom House* annual report published in July 2009 covering events of 2008 states: “The government maintains a hostile attitude towards homosexual rights.” (Freedom House (16 July 2009) *Freedom in the World - Uganda (2009)*)

The *US Department of State* report covering events of 2008 published in February 2009 notes:

“Homosexuals faced discrimination and legal restrictions. It is illegal for homosexuals to engage in sexual acts, based on a legal provision that criminalizes "carnal acts against the order of nature" with a penalty of life imprisonment, although no homosexual has been charged under the law. Public resentment of homosexuality sparked significant public debate during the year. The government took a strong position against the practice. The local NGO SMUG protested alleged police harassment of several members for their vocal stand against sexual discrimination.” (US Department of State (25 February 2009) *2008 Human Rights Report: Uganda*, Section 5 Discrimination, Societal Abuses, and Trafficking in Persons, Other Societal Abuses and Discrimination)

The report provides the following examples:

“On June 4, police arrested SMUG activists Pepe Julian Onziema, Valentine Kalende, and Usaam Mukwaya for trespassing. The activists, who did not have the required conference credentials, bypassed security at the HIV/AIDS Implementers' Conference in Kampala to protest the government's lack of funding to combat HIV/AIDS in the homosexual community. On June 6, the three were charged with criminal trespass and released on bail. On August 15, the government dropped the case. On July 25, police in Kampala arrested SMUG activist Usaam Mukwaya without charge and released him the following day. On September 24, Mukwaya filed a complaint with the UHRC, alleging that he was tortured and humiliated during his detention in a safe house and that the arrest was arbitrary. The case, which received international attention, was pending before the UHRC tribunal at year's end. On September 10, security forces arrested SMUG members George Oundo and Brenda Kiiza from Nansana, a Kampala suburb. On September 18, the suspects were charged with indecent practices and released on police bond. On December 22, a High Court judge ruled that the government in 2006 had violated the privacy rights of SMUG chair Juliet Mukasa, who claimed that local government officials illegally searched her home in 2005. The High Court directed the government to pay 3 million shillings (\$1,500) to compensate Mukasa for violation of privacy and 10 million shillings (\$5,000) to her partner Yvonne Oyoo for humiliation, injury, and trauma. The court also ordered the state to pay for their court costs.” (ibid)

An article from *Frontline* in April 2009 states:

“Front Line is deeply concerned following reports of an intense media smear campaign against human rights defenders who work in lesbian, gay, bisexual, transgender and intersex (LGBTI) human rights organisations, including Sexual Minorities Uganda (SMUG).” (Frontline (27 April 2009) *Uganda: Smear campaign against LGBTI human rights defenders*)

In September 2008 the *International Gay and Lesbian Human Rights Commission* states:

“In what appears to be an all-out effort to silence the sexual rights movement in Uganda, police have again arrested high profile members of the lesbian, gay, bisexual and transgender (LGBT) community, this time two male-to-female transgender gay men – Georgina (aka) Oundo George and Brenda (aka Kiiza). According to Sexual Minorities of Uganda (SMUG), two men who identified themselves as police officers, but were not in the customary Ugandan Police uniform arrested both men at the home of Georgina on Wednesday September 10, 2008” (International Gay and Lesbian Human Rights Commission (19 September 2008) *Uganda: Action Alert-Demand An End To Official Harassment of LGBT Activists*)

Amnesty International in June 2008 notes:

“Amnesty International is concerned at continuing harassment and attacks on lesbian, gay, bisexual and transgender (LGBT) human rights defenders in Uganda, and today called on the Government of Uganda to ensure the safety of LGBT human rights defenders in Uganda and to end the harassment of LGBT people by Ugandan police officers” (Amnesty International (4 June 2008) *Uganda: Amnesty International condemns attacks against lesbian, gay, bisexual and transgender people*)

Research compiled by the *Refugee and Immigration Board of Canada* in February 2007 states:

“Human rights sources consulted also indicate that members and supporters of the gay and lesbian community have been "targeted" by the Ugandan authorities (AI 29 Aug. 2006; IGLHRC 12 Oct. 2005)” (Refugee and Immigration Board of Canada (23 February 2007) *Uganda: Treatment of homosexuals by society and government authorities; legal recourse and protection available to homosexuals who have been subject to ill-treatment (2005 - 2006)*)

No further or direct information on this issue could be found among sources available to the RDC.

References

Amnesty International (16 October 2009) *Ugandan 'anti-homosexuality' bill threatens liberties and human rights defenders*

<http://www.amnesty.org/en/news-and-updates/news/ugandan-anti-homosexuality-bill-threatens-liberties-and-human-rights-defen>

(Accessed 23 December 2009)

Amnesty International (4 June 2008) *Uganda: Amnesty International condemns attacks against lesbian, gay, bisexual and transgender people*

<http://www.amnesty.org/en/library/asset/AFR59/004/2008/en/6e4ca521-32e1-11dd-863f-e9cd398f74da/afr590042008eng.pdf>

(Accessed 23 December 2009)

Freedom House (16 July 2009) *Freedom in the World - Uganda (2009)*

<http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7725>

(Accessed 23 December 2009)

Frontline (27 April 2009) *Uganda: Smear campaign against LGBTI human rights defenders*

<http://www.frontlinedefenders.org/node/1903>

(Accessed 23 December 2009)

Human Rights Watch (15 October 2009) *Uganda: 'Anti-Homosexuality' Bill Threatens Liberties and Human Rights Defenders*

<http://www.hrw.org/en/news/2009/10/15/uganda-anti-homosexuality-bill-threatens-liberties-and-human-rights-defenders>

(Accessed 23 December 2009)

International Gay and Lesbian Human Rights Commission (16 October 2009) *Uganda Action Alert: Dismiss the Anti-Homosexuality Bill*

<http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/globalactionalerts/989.html>

(Accessed 23 December 2009)

International Gay and Lesbian Human Rights Commission (19 September 2008) *Uganda: Action Alert-Demand An End To Official Harassment of LGBT Activists*

<http://gayswithoutborders.wordpress.com/2008/09/20/uganda-action-alert-demand-an-end-to-official-harassment-of-lgbt-activists/>

(Accessed 23 December 2009)

Refugee and Immigration Board of Canada (23 February 2007) *Uganda: Treatment of homosexuals by society and government authorities; legal recourse and protection available to homosexuals who have been subject to ill-treatment (2005 – 2006)*

http://www2.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=450956

(Accessed 23 December 2009)

US Department of State (25 February 2009) *2008 Human Rights Report: Uganda*
<http://www.state.gov/g/drl/rls/hrrpt/2008/af/119030.htm>
(Accessed 23 December 2009)

World Organisation Against Torture (29 October 2009) *"Anti-Homosexuality" bill endangers the defence of health and sexual rights*
<http://www.omct.org/index.php?id=&lang=eng&actualPageNumber=1&articleSet=Press&articleId=8883>
(Accessed 23 December 2009)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

All Africa
Amnesty International
BBC News
BBC Monitoring
Behind The Mask
Europa World Regional surveys of the world
European Country of Origin Information Network
Electronic Immigration Network
Freedomhouse
Google
The Guardian
Human Rights Watch
Immigration and Refugee Board of Canada
International Crisis Group
International Gay and Lesbian Association
International Gay and Lesbian Human Rights Commission
International Relations and Security Network
Lexus Nexus
Minority Rights Group International
Norwegian Refugee Council Internal Displacement Monitoring Centre
Online Newspapers
Refugee Documentation Centre E-Library
Refugee Documentation Centre Query Database
Reliefweb
United Kingdom Home Office
Office of the UN High Commission on Human Rights Treaty Body Database
UNHCR Refworld
United States Department of State