



Eava Artists Limited

In the Shadow of Injustice:

Examining the Aftermath of Uganda's Anti-Homosexuality Act



Eava Artists Limited

A report by the East African Visual Artists

Glossary of Terms

Anti-Homosexuality Act: A Ugandan law enacted in 2023 that criminalizes consensual same-sex sexual acts and promotes discrimination against LGBTQ+ individuals.

LGBTQ+: An acronym representing Lesbian, Gay, Bisexual, Transgender, Queer, and other gender and sexual minority identities.

Discrimination: Unfair and prejudicial treatment of individuals or groups based on their sexual orientation, gender identity, or expression.

Stigmatisation: Labelling and devaluing individuals or groups based on their characteristics, leading to social exclusion and discrimination.

Mental Health: The emotional, psychological, and social well-being of an individual, encompassing their ability to cope with stress, maintain fulfilling relationships, work productively, and make informed decisions.

Safe Spaces: Environments or settings where LGBTQ+ individuals can be themselves without fear of discrimination, harassment, or violence.

International Human Rights Standards: A set of principles and guidelines established by international organisations to safeguard and promote fundamental human rights worldwide.

Inclusivity: To respect diverse identities, backgrounds, and perspectives within a community or society.

Advocacy: The act of actively supporting or promoting a particular cause or issue, often aimed at influencing policies or decisions.

Diplomacy: The strategic negotiation and representation of a country's interests and values in international relations, typically conducted by diplomats and government officials.

Religious Homophobia: Refers to the discrimination and prejudice directed towards individuals based on their sexual orientation or gender identity within religious communities and institutions.

List of Acronyms

LGBTQ+: Lesbian, Gay, Bisexual, Transgender, Queer, and other gender and sexual minority identities.

AHA: Anti-Homosexuality Act, 2023

AHB: Anti-homosexuality Bill

DPP: Directorate of Public Prosecutions

SOGIESC: Sexual Orientation and Gender Identity/Expression and Sex Characteristics

UPF: Uganda Police Force

UCC: Uganda Communication Commission.

EAVA Artists: East African Visual Artists.

HIV/AIDS: Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome.

NGO: Non-Governmental Organisation.

UN: United Nations.

UDHR: Universal Declaration of Human Rights.

GBV: Gender-Based Violence.

HRCUg2023: Human Rights Convention Uganda 2023.

ART: Antiretroviral Therapy.

MSM: Men who have Sex with Men.

IDPs: Internally Displaced Persons.

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About Us

East African Visual Artists *EAVA Artists* is an innovative human rights media organization that celebrates the diversity and inclusion of all humanity. We tell the stories that humanize societies and persons who have historically been misunderstood and marginalized in East Africa. We aim to make every voice heard and amplified to create a more just and equitable society.



Executive Summary

In the Shadow of Injustice: Examining the Aftermath of Uganda's Anti-Homosexuality Act; provides a comprehensive assessment of the devastating consequences of the Act on LGBTQ+ individuals in Uganda. The law, passed on May 26th, has heightened discrimination, violence, and persecution against this vulnerable community. This report details the historical context and legal framework, outlines the human rights concerns surrounding the Act, and delves into the profound impact, highlighting the experiences of various subgroups within the LGBTQ+ community. Through case studies, it amplifies the voices of those affected and offers a set of recommendations to address these challenges and pave the way towards a more inclusive and just Uganda.



Introduction

On May 26th, 2023, Uganda passed the controversial Anti-Homosexuality Act¹, marking a significant step backward for LGBTQ+ rights in the country. *In the Shadow of Injustice: Examining the Aftermath of Uganda's Anti-Homosexuality Act* sheds light on the multifaceted repercussions of this draconian law. By providing historical context, examining the legal framework, and presenting a comprehensive analysis of its impact, this report seeks to raise awareness about the urgent human rights crisis facing the LGBTQ+ community in Uganda.

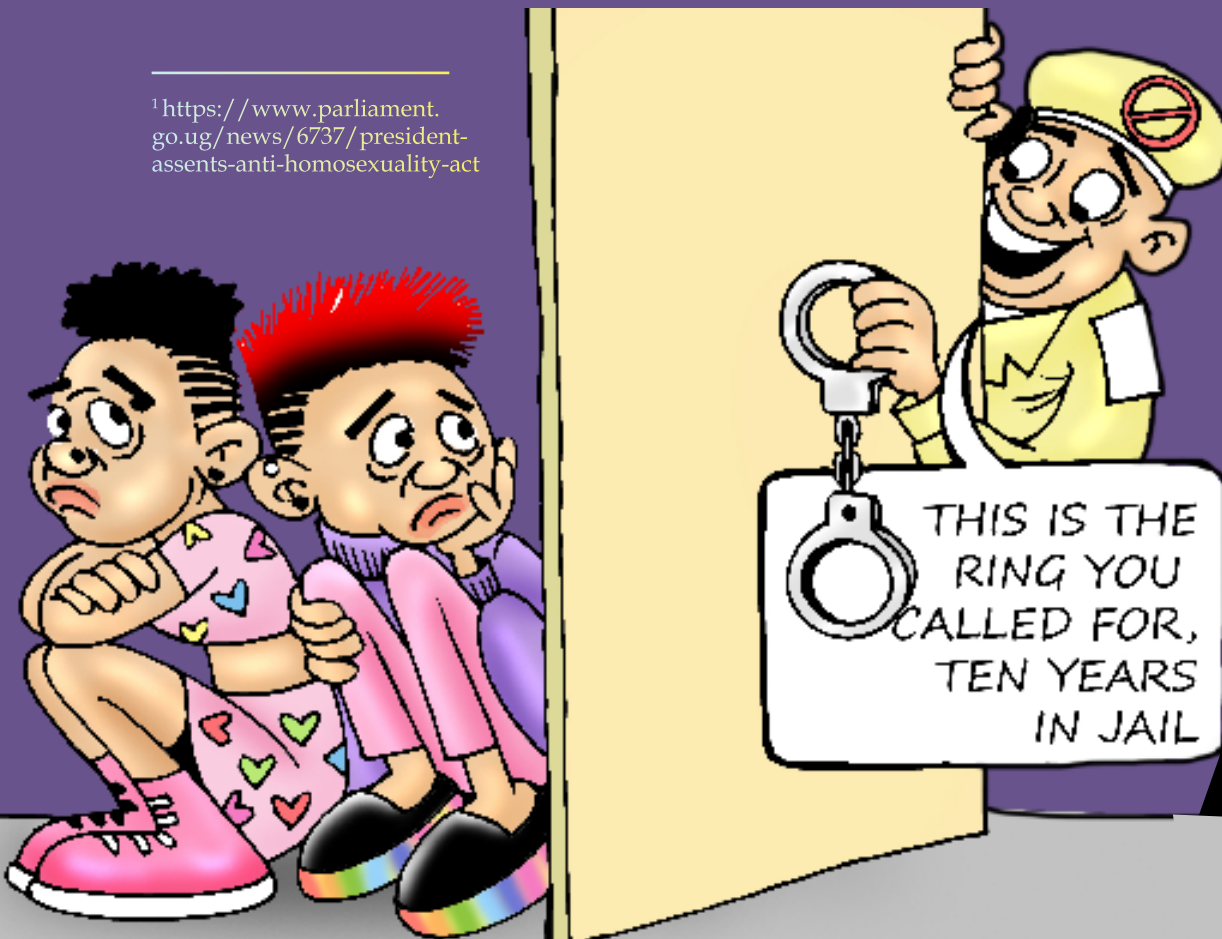
Purpose, Scope and Methodology

Purpose:

This report provides a comprehensive assessment of the impact of the 2023 Anti-Homosexuality law on the LGBTQ+ community in Uganda. The report documents various dimensions of the law's effects, including its legal, social, psychological, and economic implications. The report sheds light on the lived experiences of LGBTQ+ individuals and communities affected by this legislation. By presenting a thorough analysis of the law's consequences, the report aims to inform stakeholders, advocate for the rights of the LGBTQ+ community, and contribute to a broader dialogue on human rights and equality in Uganda.

Scope: This report focuses on the Anti-Homosexuality Act passed in Uganda in 2023 and its impact on the LGBTQ+ community within the country. It encompasses a wide range of dimensions, including legal discrimination, social stigmatisation, health and well-being, economic consequences, and forced migration. The report delves into the historical context of the law, highlights the legal framework surrounding LGBTQ+ rights in Uganda, and examines the specific repercussions faced by LGBTQ+ individuals.

¹<https://www.parliament.go.ug/news/6737/president-assents-anti-homosexuality-act>



Methodology:

Through a multifaceted methodology that involved a combination of primary and secondary data sources. The primary sources included interviews with LGBTQ+ individuals, activists, legal experts, and representatives of civil society organisations who are engaged with LGBTQ+ rights in Uganda. The interviews were conducted in person and remotely to ensure a diverse range of perspectives.

Secondary data sources comprised an extensive review of existing literature, reports, articles, and media coverage related to the Anti-Homosexuality Act and its impacts. Additionally, quantitative data and statistics were gathered from reputable sources to illustrate the consequences of the law, particularly in areas such as health, employment, and displacement.

The research was conducted ethically, with strict adherence to principles of confidentiality and informed consent. The data collected was analysed using both qualitative and quantitative methods to provide a comprehensive understanding of the issue.

Summary of Key Findings and Recommendations

Key Findings:

The Anti-Homosexuality Act in Uganda has had profound and detrimental impacts on the LGBTQ+ community². Legal discrimination has resulted in frequent arbitrary arrests and legal prosecutions, while pervasive social stigmatisation has led to isolation and severe mental health consequences. Restricted access to healthcare has increased vulnerability to HIV/AIDS and other health issues, while economic consequences, such as job loss, have driven economic instability and poverty. Forced migration has displaced LGBTQ+ individuals, exposing them to further challenges and discrimination.

Recommendations:

To address these pressing issues, it is imperative to repeal the Anti-Homosexuality Act, eliminating the legal basis for discrimination and persecution. Comprehensive anti-discrimination legislation should be introduced to protect LGBTQ+ individuals in all aspects of life. Raising awareness and promoting inclusivity through public campaigns is essential, along with ensuring equal access to healthcare services. Economic empowerment programs are crucial for reducing disparities, and support for LGBTQ+ refugees and displaced persons must be prioritized. Engaging in international advocacy efforts, promoting inclusive education, and fostering acceptance and understanding of diversity are all vital steps toward a more just and equitable society for all in Uganda.

³ <https://chapterfouruganda.org/resources/reports-analysis/simplified-guide-anti-homosexuality-act-2023>

The Law: Historical Context and Overview

Historical Context

The Anti-Homosexuality Act of 2023 is not the first of its kind in Uganda. Its precursor, the Anti-Homosexuality Act of 2014³, was annulled by the Constitutional Court on procedural grounds⁴. However, it left a lasting legacy of stigma, discrimination, and violence against LGBTQ+ individuals in Uganda⁵.

Overview of the 2023 Act:

The 2023 Anti-Homosexuality Act criminalises same-sex relations, advocacy for LGBTQ+ rights, and the provision of support services to LGBTQ+ individuals. It imposes severe penalties, including imprisonment, for those found guilty of these offences. The Act also curtails freedom of expression and assembly, making it increasingly challenging for LGBTQ+ organisations to operate openly.

The act has heavy and irregular penal provisions, a case in point; section 2 of the Act imposes a punishment of life imprisonment to all or any individual exercising their sexual rights as LGBT, 10 years to those that have attempted to exercise their right.

The Law has limited the media on the concept of publication in sections 7 and 11(b) of the act. We are all aware that information is power, therefore by limiting the liberty of publication, the spread of information will be at a lower scale since journalists will live in fear of being arrested and tried and, at worst, losing a career. This will create a huge vacuum of low or no awareness at all. The penal provisions here range from imprisonment to monetary fines of Ugx 5,000,000 individually. Pertaining the standards of living and earning rate in Uganda, five Million is huge amount to be slapped onto someone as financial fines. This will definitely create fear, hence a negative impact.

Section 9 of the act imposes a penalty of seven years to any person who avails a venue. Section 11(d) is to the same effect. This will affect programs like conferences, workshops and indoor meetings.

Section 10 of the act affects the religious leaders. It prohibits formalizing LGBT relationships and puts any religious leader choosing to formalize the relationship to serve a 10-year sentence in prison.

Section 11(3) a, b & c of the act affects organisations, and their license are suspended for ten years or cancelled. There is also a financial penalty of UGX 1,000,000,000 as a fine for the same.

³<https://www.hrw.org/news/2014/05/14/uganda-anti-homosexuality-acts-heavy-toll>

⁴<https://www.refworld.org/docid/54057f6fd.html>

⁵<https://pubmed.ncbi.nlm.nih.gov/23237074/>



Effects and Impact

Category 1: Legal Impacts

Discrimination within the legal system:

The implementation of the Anti-Homosexuality Act has fostered an environment in which LGBTQ+ individuals frequently encounter discrimination when navigating the legal system in Uganda. This discrimination manifests in various ways, including biased treatment from law enforcement officials, judges, and legal practitioners. **For example, Steven Kabuye, a renowned Human Rights Activist was stabbed. After being rushed to the hospital, the Police subjected him to statements and undermined his medical visit procedures⁶.** Such discrimination not only violates fundamental human rights but also creates an atmosphere of fear and mistrust, discouraging LGBTQ+ individuals from seeking legal remedies or reporting crimes committed against them.

Arbitrary arrests and legal prosecutions:

The Anti-Homosexuality Act has grave implications for LGBTQ+ individuals, as it exposes them to the risk of arbitrary arrests and legal prosecutions⁷. Under the Act, individuals suspected of engaging in same-sex relationships or advocating for LGBTQ+ rights can face severe legal consequences solely based on their sexual orientation or gender identity⁸. These arrests are often carried out without proper evidence or due process, and LGBTQ+ individuals are subjected to detainment, prosecution, and imprisonment. As a result, they not only endure the emotional and psychological distress of being criminalised for their innate personalities but also suffer tangible legal penalties, including fines and imprisonment. This atmosphere of fear and persecution has a chilling effect on the LGBTQ+ community and limits their freedom, rights, and overall well-being within Ugandan society.

Category 2: Social Stigmatization

Isolation and discrimination within society:

The Anti-Homosexuality Act has played a pivotal role in intensifying the isolation and discrimination faced by LGBTQ+ individuals in Ugandan society. These individuals often find themselves ostracised and marginalised, enduring profound social exclusion that extends to their familial, communal, and occupational spheres. They grapple with severe prejudice, experiencing outright rejection from their families, exclusion from their communities, and discrimination within their workplaces. This relentless social stigmatisation has a devastating impact on their day-to-day lives, rendering them vulnerable to mental and emotional distress, as well as limiting their access to essential social support networks.

In Wakiso, we encountered a deeply troubling scenario where an LGBTQ+ individual found themselves isolated from their family and community after their sexual orientation was revealed.

Their family, influenced by a local church and cultural leader disowned them. This person faced not only familial rejection but also found themselves shunned by their once-welcoming community.

Their experience vividly illustrates the stark reality of isolation and discrimination that LGBTQ+ individuals in Wakiso endure.

⁶<https://www.theguardian.com/world/2024/jan/03/ugandan-lgbtq-activist-in-critical-condition-after-brutal-knife-attack>

⁷<https://www.france24.com/en/live-news/20230821-four-arrested-in-uganda-over-acts-of-homosexuality>

⁸<https://www.monitor.co.ug/uganda/news/national/two-suspected-homosexuals-arrested-in-salon-4411698>

Media Silence:

Local media platforms in Uganda, encompassing newspapers, radio, television, and online news outlets, have been noticeably reticent in their objective reporting regarding the Anti-Homosexuality Act and associated incidents. This silence extends to incidents involving discrimination, harassment, or violence against the LGBTQ+ community, creating a notable void in the coverage of these critical human rights issues. The issue of media silence has persisted since the enactment of the Anti-Homosexuality Act and continues to be a prevalent concern, as it hampers the dissemination of essential information about human rights violations against the LGBTQ+ community. This lack of objective reporting not only perpetuates stereotypes but also constrains public discourse on issues related to the Act.

Faith-Based Discrimination:

A significant issue pertains to the denial of access to places of worship for LGBTIQ believers by certain faith leaders and religious institutions. This discrimination transcends specific faiths and occurs across various religious spaces, such as churches, mosques, temples, and synagogues. Certain religious leaders have actively engaged in spreading hatred, and publicly supporting the Anti-Homosexuality Law, this is fuelling more hate and physical violence. The impact of such discrimination within religious spaces generates an environment in which LGBTQ+ believers experience isolation and exclusion, resulting in emotional distress and a sense of alienation, limiting individuals' ability to openly express their faith or spirituality.



Social Media Challenges:

The challenges faced by LGBTQ+ individuals and allies on social media platforms, including Facebook, Twitter, Instagram, and messaging apps like WhatsApp, are multifaceted. These challenges encompass a range of issues, from hateful messages and online harassment to threats. Online harassment may manifest as personal attacks, cyberbullying, or attempts to blackmail individuals based on their sexual orientation or gender identity. Importantly, these challenges are not isolated events but are ongoing and can occur at any time. Hate speech and online harassment may escalate during periods of heightened tension or in response to specific events. The impact of these online challenges is profound, contributing to a hostile online environment for the LGBTQ+ community. This hostile environment can lead to emotional distress, mental health issues, and a reluctance among individuals to express themselves openly on social media platforms.

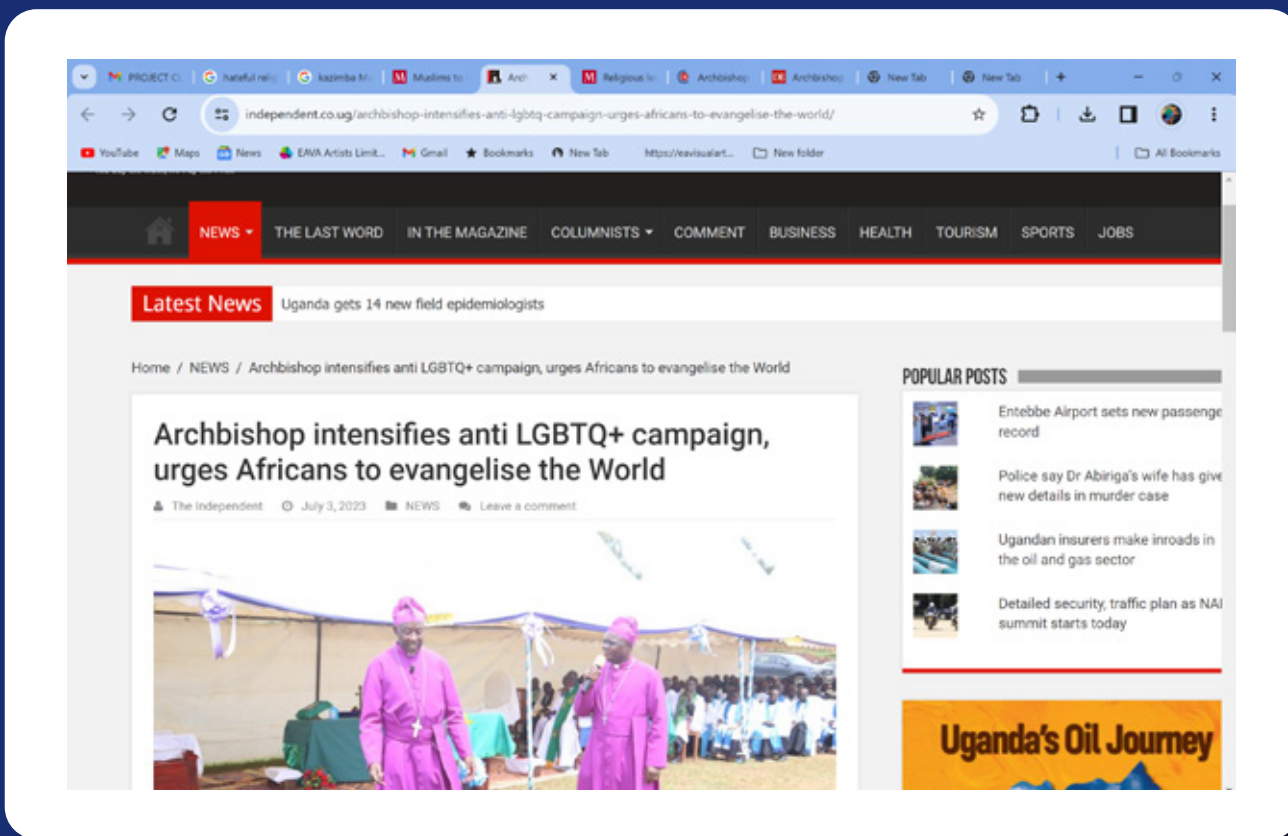
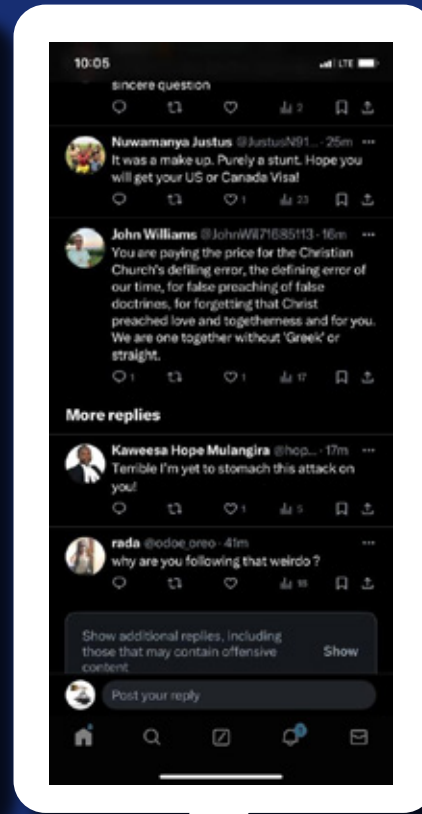
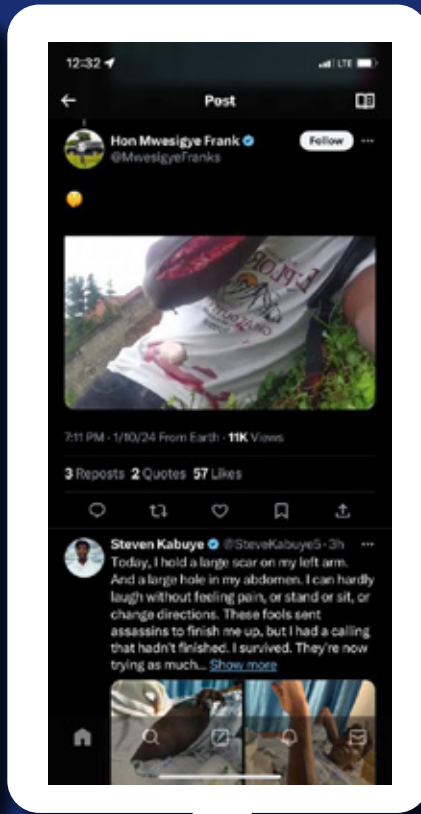
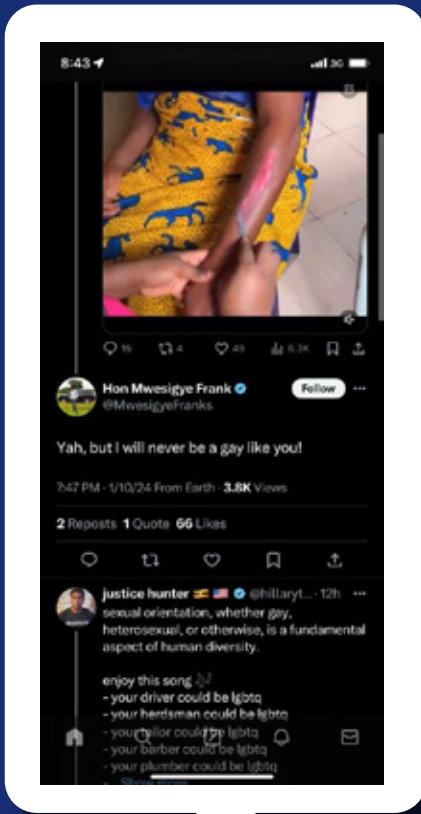
Impact on mental health and well-being:

The Act's reinforcement of societal stigmatisation has far-reaching consequences for the mental health and overall well-being of LGBTQ+ individuals in Uganda. This heightened social exclusion and discrimination exacerbate the mental health challenges they face. As a result, many LGBTQ+ individuals endure persistent and severe mental health issues, such as anxiety, depression, and emotional distress. The constant fear of rejection and discrimination, coupled with the psychological strain of concealing their true identities, imposes a heavy emotional burden on their lives. Moreover, the lack of understanding and acceptance from society amplifies the challenges of seeking appropriate mental health support and care, leaving many LGBTQ+ individuals grappling with these issues in silence and isolation.

Our interactions in Jinja introduced us to an LGBTQ+ individual who courageously shared their mental health struggles triggered by societal stigmatisation.

They detailed their ongoing battle with anxiety and depression, fear of getting out of the house, and giving up on social media, attributing these mental health challenges to the constant fear of rejection and discrimination they face. The emotional strain of concealing their identity, combined with the pervasive societal prejudice, weighed heavily on their mental well-being.

Their story underscored the profound psychological impact of the Act's reinforcement of social exclusion and discrimination in Jinja.



Category 3: Health and Well-being

Restricted access to healthcare:

LGBTQ+ individuals often face barriers to accessing healthcare services. Some healthcare providers may discriminate against them, leading to reduced access to essential medical care.

Increased vulnerability to HIV/AIDS and other health issues:

Limited access to healthcare and a lack of targeted support put LGBTQ+ individuals at greater risk of HIV/AIDS and other health issues. They may avoid seeking medical help due to fear of discrimination.

Category 4: Economic Consequences

Loss of employment and economic opportunities:

The Act has led to job loss and reduced economic opportunities for LGBTQ+ individuals. Employers have terminated their employment based on their sexual orientation, leading to financial instability. LGBTTIQ organisations are not able to pay their employers due to donors pulling back from funding them because of the Anti-Homosexuality Act.

Poverty and economic instability:

Job loss and economic discrimination contribute to poverty and economic instability among LGBTQ+ individuals and their families. They often struggle to make ends meet.

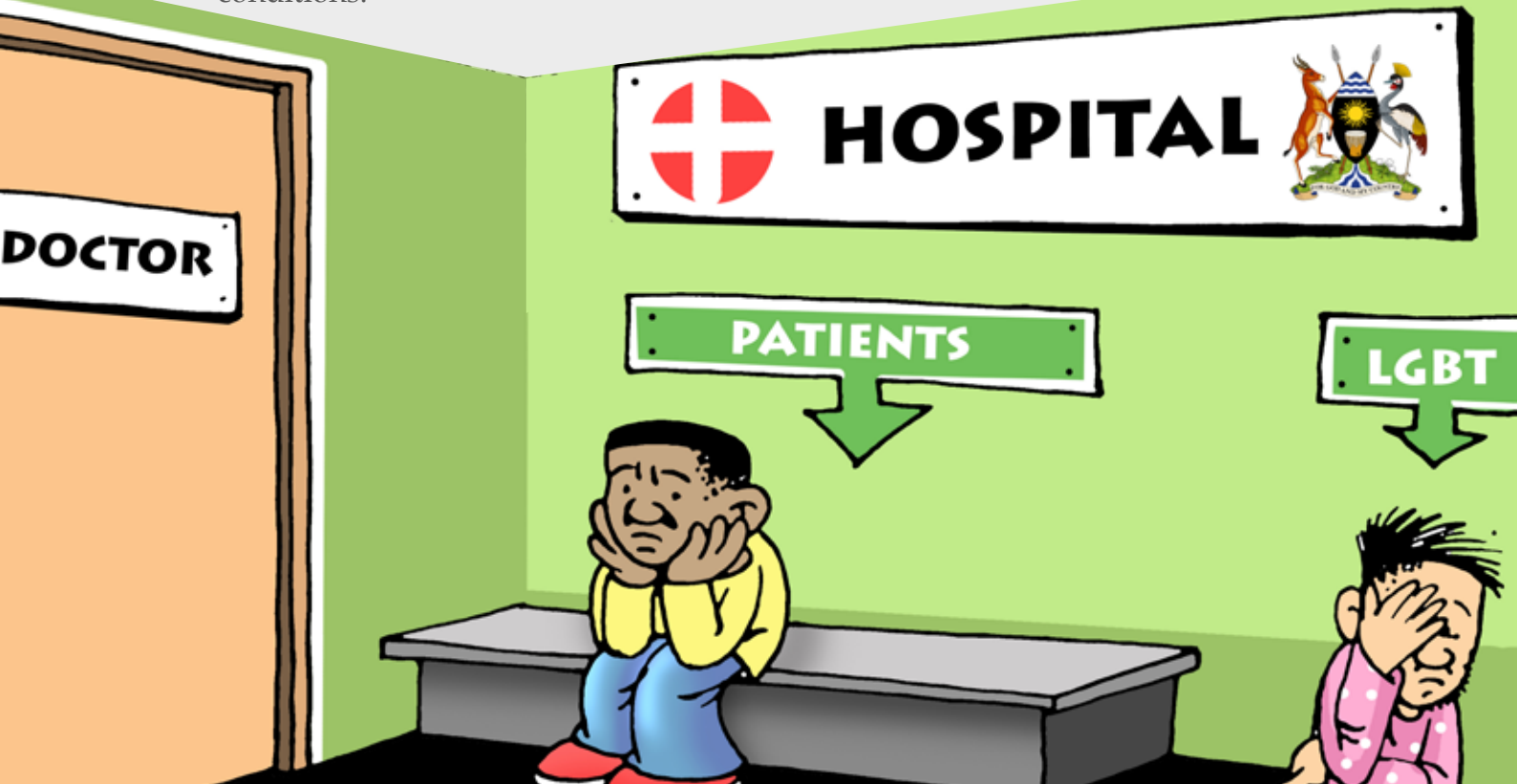
Category 5: Forced Migration

Impact on the LGBTQ+ community's displacement:

Some LGBTQ+ individuals are forced to flee their homes and communities due to the Act and the discrimination they face. This results in displacement within Uganda or even seeking refuge in other countries.

Challenges faced by refugees and internally displaced persons:

Those who are displaced face numerous challenges, including limited access to basic necessities, healthcare, and legal protection. They often live in precarious conditions.



Case studies

This section presents real-life case studies, offering a glimpse into the experiences of LGBTQ+ individuals living under the shadow of the Anti-Homosexuality Act. These stories highlight the profound human rights violations and personal struggles faced by members of this community.

For the protection of identities, we won't be sharing their names.

Case Study 1:

Bwaise - Legal Discrimination and Fear of Arrest

In Bwaise, we met an LGBTQ+ individual who shared their experience of living under the shadow of the Anti-Homosexuality Act. Despite concealing their sexual orientation, they faced discrimination within the legal system. The fear of arrest and legal prosecution haunted their daily life. They described the constant anxiety of potential exposure and the crippling weight of discrimination within the legal system, making them feel like a second-class citizen in their own country. "The fear of not being able to go to the police to report a case because when I go there I risk being arrested, my neighbour insults me every day by I can't even go to the Local council because she knows I am Gay".

Case Study 2:

Mbarara - Isolation and Family Rejection

In Mbarara, we encountered a heart-wrenching case of an LGBTQ+ individual who had been isolated and rejected by their family and community due to the Act's social stigmatisation. Their family's unwillingness to accept their sexual orientation forced them to leave home, leaving them homeless and vulnerable. The Act's impact on social dynamics led to their isolation and exclusion from the very support networks that should have provided love and care. "My father said I am cursed I am not welcome to his house, he beat me up to death and later threw me on the street to die"

Case Study 3:

Jinja - Mental Health Struggles

In Jinja, we met an LGBTQ+ individual who bravely disclosed their ongoing battle with anxiety and depression, a direct result of societal stigmatisation fueled by the Anti-Homosexuality Act. They recounted the constant fear and anxiety they experienced because of their sexual orientation. The Act's reinforcement of discrimination left them in a state of perpetual distress, illustrating how LGBTQ+ individuals in Jinja grapple with severe mental health challenges as they navigate the profound psychological impact of social exclusion and discrimination. "I was paraded in the church. The pastor and church members prayed for me to change, when that, failed, they now mock me every day. I had to move to this village now"

Case Study 4:

Arua - Economic Consequences and Displacement

In Arua, we learned about the economic consequences and displacement faced by LGBTQ+ individuals. One individual shared their story of losing employment opportunities due to the Act's discriminatory atmosphere, leading to economic instability. The fear of persecution forced some LGBTQ+ community members in Arua to flee their homes, becoming refugees and internally displaced persons. The Act has contributed to the economic vulnerability and forced migration experienced by LGBTQ+ individuals in Arua.

Recommendations



Support to local LGBTIQ+ organisations.

Financial support to LGBTIQ+ organisations to continue doing the work they are doing, Donors, and government support are crucial in these times to facilitate the community not to be silenced.



Legal Reforms and Repeal of the Anti-Homosexuality Act:

Advocate for comprehensive legal reforms that prioritise the repeal of the Anti-Homosexuality Act, aligning Uganda's legal framework with international human rights standards. These reforms should actively protect the rights and dignity of LGBTIQ+ individuals.



Promoting Inclusivity and Awareness:

Initiate and promote nationwide inclusivity campaigns and dialogues that challenge stereotypes and prejudices against LGBTIQ+ individuals. Education and awareness programs can help foster a more accepting and compassionate Ugandan society.



Support Services and Safe Spaces:

Establish and strengthen support services and safe spaces specifically designed for LGBTIQ+ individuals. These spaces should provide critical mental health support, healthcare access, and shelter, ensuring a safe and welcoming environment for those in need.



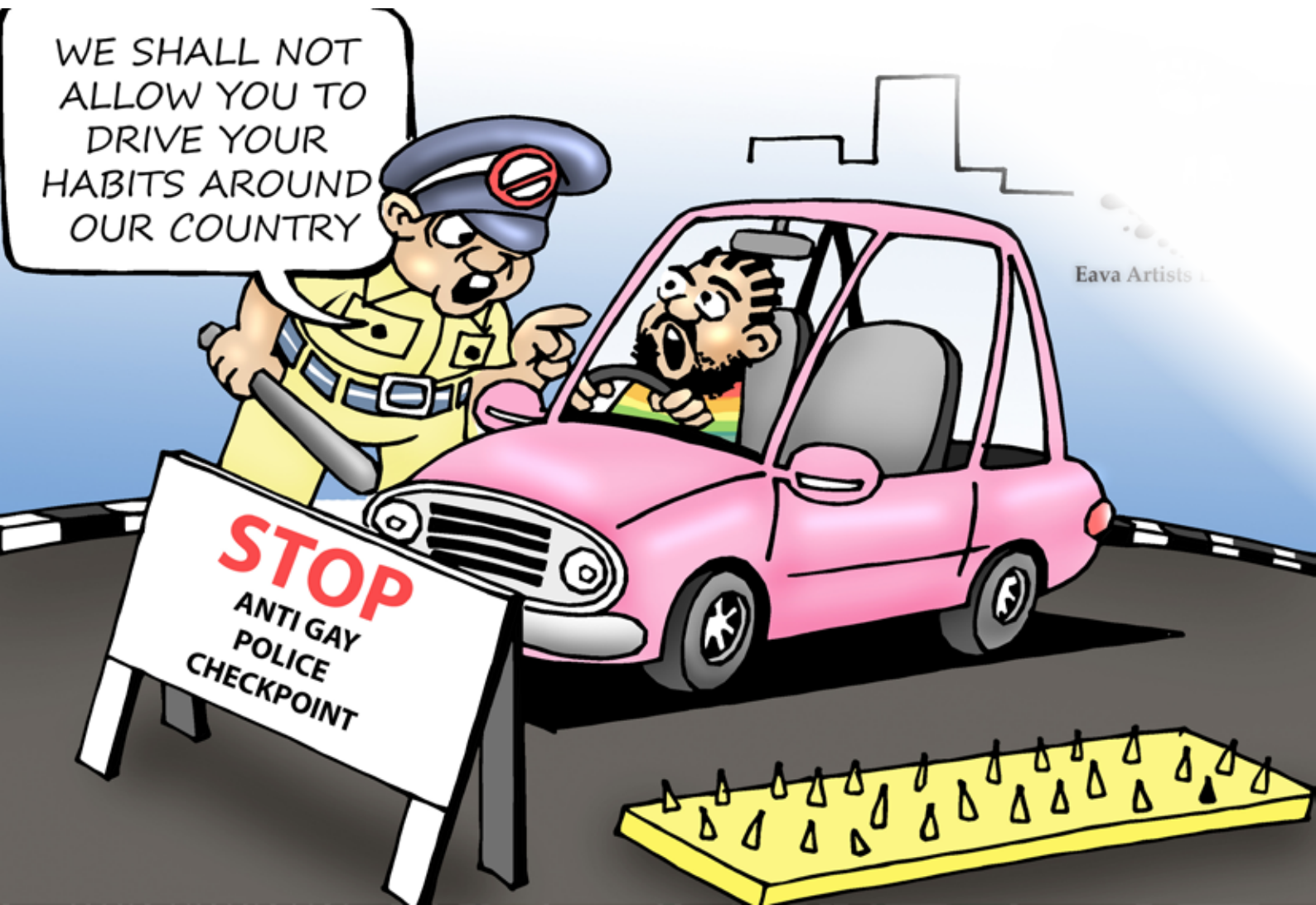
International Diplomacy and Advocacy:

Engage in robust international diplomacy and advocacy efforts to champion LGBTIQ+ rights in Uganda. Collaborate with international partners and human rights organisations to exert diplomatic pressure and hold Uganda accountable for any human rights violations, seeking justice and protection for LGBTIQ+ individuals.

ADMISSION FORM					
NAME					
AGE					
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*We can't allow
to be salient.
We will fight on
until we are free.*

— *Vincent* —



Impact of the Anti-Homosexuality Law to LGBTIQ Persons in Uganda.

180

cases of evictions, displacement, and banishment from villages and family homes.

176

cases of violating and abusing the right to freedom from inhuman, and degrading treatment or punishment.

159

cases of violation and abuse of the right to equality and freedom from discrimination, including 25 by the state.

102

cases of mental health conditions directly linked with violations, abuse, and the general climate of fear. Most of these presented with anxiety and panic attacks, suicidal ideation, and depression.

Source SRT report on the impact of legislation in Uganda.

Impact of the Anti-Homosexuality Law to LGBTIQ Persons in Uganda.

436

cases involving LGBTQ persons have been handled across the legal aid network, of which 299 (67.95%) targeted LGBTIQ people.

sources report on cases of violence and violations based on real or presumed sexual orientation and/or gender identity during November 2023 by HRAPF



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