



“EVERYBODY HERE IS HAVING TWO LIVES OR PHONES”

THE DEVASTATING IMPACT OF CRIMINALIZATION ON DIGITAL
SPACES FOR LGBTQ PEOPLE IN UGANDA

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ACRONYMS

WORD	DESCRIPTION
AHA	Anti-Homosexuality Act
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CMA	Computer Misuse Act, 2011
ICCPR	International Covenant on Civil and Political Rights
ICT	Information and Communication Technology
RICA	Regulation of Interception of Communications Act, 2010
SOGIE/SOGIESC	SOGIESC stands for sexual orientation, gender identity and/or expression and sex characteristics. Refer to specific definitions of each term in this glossary.
TfGBV	Technology-facilitated gender-based violence
UCA	Uganda Communications Act, 2013
UCC	Uganda Communications Commission
UDHR	Universal Declaration of Human Rights

GLOSSARY

WORD	DESCRIPTION
CISGENDER	People who identify with the typical expectations of the gender and sex they were assigned at birth.
DOXING	Doxing is revealing personal or identifying documents or details about someone online without their consent, typically with malicious intent.
GENDERED DISINFORMATION	Gendered disinformation, like other forms of disinformation, seeks to spread false or misleading information with the intent to cause harm to individuals and to society at large, but unlike other forms of disinformation, gendered disinformation relies not just on false information but also on existing gender narratives to achieve its social and political goals.
GENDER EXPRESSION	Gender expression refers to the various ways in which a person presents themselves to the world through their clothing, hair style, mannerisms etc.
GENDER IDENTITY	Each person's deeply felt internal and individual sense of gender, which may or may not correspond with the gender and sex assigned at birth. An individual's gender identity may be that of a man, woman, or outside the binary categories of man and woman; it may also be more than one gender, fluid across genders or no gender at all.
HRD	Human rights defender (HRD) is a person who, individually or in association with others, acts to defend and/or promote human rights at the local, national, regional or international levels.
KUCHU	'Kuchu' is derived from Swahili, spoken in parts of East Africa, where it means 'same'. It was later adopted by Ugandan LGBTQ people as a term for "sexual and gender minorities". ¹
LGBTQ	LGBTQ refers to a broad category of people, including those who identify as lesbian, gay, bisexual, transgender, although we recognize that there are many terms around the world that are used by people to define their sexual orientation or gender identity. In this report, Amnesty International has used the acronym LGBTQ, as some of our interviewees identified as 'Queer'. Furthermore, none of the interviewees

¹ Richard Lusimbo and Austin Bryan, *Kuchu resilience and resistance in Uganda: a history*, in Nancy Nicol and others (editors), *Envisioning Global LGBT Human Rights: (Neo)colonialism, Neoliberalism, Resistance and Hope*, 2018.

WORD	DESCRIPTION
	identified as intersex. ² While Intersex people experience various human rights abuses in Uganda, ³ their exposure to TfGBV has not been documented in this report.
NON-BINARY	Non-binary people have a gender identity that exists outside the categories of “man” or “woman”. It is an umbrella term for various gender identities that lie outside of the gender binary. While some non-binary people may identify as trans, others may not.
OUTING	Outing refers to the disclosure of a person’s sexual orientation and/or gender identity or their HIV status, without their consent and in violation of their right to privacy.
PREP AND PEP	Pre-exposure prophylaxis or “PrEP” is the use of antiretroviral medication by HIV-negative people before engaging in sexual activities to reduce the risk of HIV acquisition. Post-exposure prophylaxis or “PEP” involves the administration of antiretroviral medications to individuals at risk of HIV infection after potential exposure.
QUEER	Queer is an umbrella term used by people who challenge socially constructed norms and expectations around gender and sexuality. This research uses “queer” in cases where LGBTQ people and HRDs directly identified themselves with this term.
SEXUAL ORIENTATION	A person’s capacity for profound emotional, affectionate and sexual attraction to, and intimate and sexual relations with, other people. People experience sexual and romantic attractions differently. For example, you can be attracted to people of a different gender, the same gender as you or more than one gender. Some people are asexual, meaning they experience little to no sexual attraction.
SRHR	Sexual and reproductive health and rights encompass the autonomy to make choices about our bodies, our lives and personal relationships. These rights include the freedom to decide when and with whom to have sex, choose one’s partner, marry or not; have children or not, and decide on the number, spacing, and timing of children. It also includes our ability to enjoy full sexual and reproductive health; and to enjoy our sexuality free from the threat of prosecution, discrimination, coercion or violence. Inherent within this right, is the right to make informed choices related to sexuality and reproduction.
TECHNOLOGY-FACILITATED GENDER-BASED	Technology-facilitated gender-based violence (TfGBV) encompasses any act of violence, or threat thereof, perpetrated by one or more individuals that is committed, assisted, aggravated and/or amplified in part or fully by the use of

² Persons with intersex variations are born with sex characteristics that do not fit typical definitions for male or female, including sexual anatomy, reproductive organs, hormonal patterns and/or chromosome patterns. While some of the human rights violations are perpetrated against them based, inter alia, on dominant societal sex and gender norms and the regulation of bodily autonomy, a sexual orientation and gender identity framework alone, however, does not adequately address all human rights concerns of intersex persons. Consequently, drawing on the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, we have similarly tried not to extrapolate data and policy frameworks on LGBTQ persons to persons with intersex variations without clear evidence and reasoning for supporting that inclusion. See: Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, *Report on the right to the enjoyment of the highest attainable standard of physical and mental health of persons, communities and populations affected by discrimination and violence based on sexual orientation and gender identity in relation to the Sustainable Development Goals*, 14 June 2022, UN Doc. A/HRC/50/27, para 3.

³ See for example: Caroline Ausserer, “Portrait of Julius Kaggwa, intersex activist from Uganda”, 24 February 2022, Hirschfeld Eddy Foundation gender.

WORD	DESCRIPTION
VIOLENCE (TFGBV)	<p>information and communication technologies or digital media, that disproportionately impacts women and girls but can also impact other people based on their real and/or perceived sexual orientation, gender, gender identity and/or expression or sex characteristics, causing physical, psychological, economic or sexual harm.</p>
TRANSGENDER	<p>Individuals who have a gender identity that is different from typical expectations of the gender and sex they were assigned at birth. Some trans people might decide to get legal gender recognition or undergo gender affirming interventions to help them feel more confident or comfortable living as their true gender. Not all transgender people identify as a man or a woman. Some identify as more than one gender or no gender at all and might use terms like non-binary, agender, genderqueer or gender fluid to describe their gender identity.</p>

EXECUTIVE SUMMARY

Content warning: This report contains descriptions of violence and abuse against LGBTQ people.

“To tell you the truth, before the law (Anti-Homosexuality Act, 2023), we used to be out there discussing everything. But when it came to pass, some of us, it's like we went back to the closet.”

Nabirye*, LGBTQ activist from Eastern Uganda⁴

Before the passage of the Anti-Homosexuality Act (AHA) in 2023, LGBTQ⁵ activists like Nabirye* used digital spaces as a powerful tool for advocacy and activism. In a context where state sponsored and encouraged repression, discrimination and violence against people based on their real and/or perceived sexual orientation, gender identity and/or expression (SOGIE) has significantly curtailed spaces for LGBTQ communities to organize for change, digital platforms offer new possibilities to mobilize against social and political injustices and demand change. They offer a degree of anonymity to users while organizing for social and political change, which is crucial for LGBTQ people to protect their identity and to stay safe from physical attacks and other human rights violations and abuses based on their SOGIE, including arbitrary arrests, unlawful detentions, evictions, and loss of employment. As an LGBTQ activist shared:

“[T]he online or the digital platform is always a space where they (LGBTQ people) can freely express themselves, it's the only space where they can freely interact and also get all the relevant information...[S]ocial media is a very powerful tool for mobilizing social justice.”⁶

While LGBTQ activists and organizations have continued to strive to maximize the potential of digital spaces in a context of severe repression, the stigma, violence, and discrimination they face in offline spaces has been mirrored, amplified and exacerbated in digitally mediated spaces. A range of laws that criminalize various aspects of the lives of LGBTQ people, particularly the Anti-Homosexuality Act, 2023 (AHA 2023), have further entrenched stigma, discrimination and violence against LGBTQ people in digital spaces and emboldened both state and private actors to commit abuses against LGBTQ people, both online and offline, with impunity.

In this report, Amnesty International has documented how the threats and presence of various forms of technology-facilitated gender-based violence (TfGBV) against LGBTQ people, in a context of criminalization, and the passage of AHA 2023 in particular, has forced LGBTQ individuals and organizations to alter their digital presence and behaviour. Many have been forced to deactivate their accounts, delete and/or censor

⁴ In person interview with Nabirye*, 27 November 2023. All names have been anonymized for the safety of the interviewees.

⁵ In this report, Amnesty International has used the acronym LGBTQ, as some of our interviewees identified as 'Queer'. Furthermore, none of the interviewees identified as Intersex. While Intersex people experience various human rights abuses in Uganda, their exposure to TfGBV has not been documented in this report.

⁶ ED of XXH organization, Kampala. Online interview with representative of XXH organization, 25 January 2024.

posts, unfollow accounts that post LGBTQ content for fear of being outed, and also had to limit the content shared on organizational websites, which has impacted the reach of LGBTQ rights messaging and advocacy. This dismal picture was well summarized by a human rights organization in Uganda:

“[T]he situation in Uganda when it comes to digital rights and internet freedoms is really, really bad. And it has gotten to a point where so many LGBTQ persons and organizations, some of them shut down their social media, some of them no longer use their social media. So, the online engagement has really dropped tremendously, and lesbian and gay and other individuals really opt to not use social media at all because they fear for their safety and also, we cannot ignore the impact it has on their mental health and wellbeing.”⁷

Amnesty International conducted research in six cities and neighbouring areas of Uganda, which included 53 in person one-on-one interviews, one focus group discussion with six people in Kampala and five online interviews with LGBTQ individuals, human rights defenders (HRDs), LGBTQ organizations and other civil society organizations working in the fields of gender and sexuality, technology and human rights. A participatory approach was deployed for the entirety of the research process. In addition to a scoping study with 21 LGBTQ activists across various regions of Uganda in September 2023, the findings and recommendations were shared for feedback with the activists and organizations interviewed for this research. The research process also adopted a feminist ethics of care in conducting research, including following informed consent processes, accounting for psychological impacts of the process on interviewees, following very high standards of handling confidential data and ensuring the safety and wellbeing of all research participants.

WIDESPREAD TECHNOLOGY-FACILITATED GENDER-BASED VIOLENCE AGAINST LGBTQ PEOPLE AND ORGANIZATIONS

This research documents a range of TfGBV perpetuated against LGBTQ individuals and organizations in Uganda including blackmail, online harassment and abuse, and threats of violence, which have spurred since the passage of the AHA 2023. The report focuses primarily on the failures of the Ugandan authorities to respect, protect and fulfil the human rights of LGBTQ people by refraining from committing, as well as preventing and addressing, TfGBV against them. However, it also simultaneously traces the confluence and collusion of interests and lapses between various state and non-state actors, at the domestic and international level, as well as the role of discriminatory ideologies, to holistically explain the current environment of homophobia and transphobia in Uganda, of which the AHA 2023 is a key manifestation. For instance, it notes allegations that have been made against various USA based anti-rights groups such as Family Watch International and The Fellowship Foundation/The Family for their role in bolstering anti-LGBTQ sentiments and discrimination in Uganda as well as supporting the passage of the AHA 2023.⁸ While these allegations are primarily based on secondary sources, some of the civil society organizations interviewed by Amnesty International reiterated the role of these organizations in fuelling discrimination against LGBTQ people in Uganda.

Similarly, the report seeks to situate some of the most predominant forms of TfGBV faced by LGBTQ people, within broader socio-economic and political contexts. For instance, disinformation campaigns, including by political leaders accusing LGBTQ people of having access to funds from international donors, fuel the rampant blackmailing of LGBTQ that this research has identified. Years of structural adjustment programmes implemented by international financial institutions has led to a situation of reduced spending on public services and generalized economic insecurity amongst the Ugandan people.⁹ Instead of meeting its obligations of guaranteeing the rights of everyone, including social and economic rights, Ugandan religious and political elites have scapegoated LGBTQ people for these socio-economic lapses instead.¹⁰ Ugandan scholars such as Sylvia Tamale have argued that a constant stream of anti-LGBTQ rhetoric has allowed the state to deflect and divert attention from critical socio-economic issues such as rising unemployment, financial insecurity, corruption, inflation, repression and hopelessness among local populations.¹¹ Furthermore, LGBTQ people are often portrayed as people who are apportioning and diverting money from international funders, allowing the state to shift the blame for economic inequalities and insecurity onto the

⁷ Online interview with representative of XXE organization, 1 February 2024.

⁸ See Section 1.2.

⁹ Jörg Wiegatz and others, *Uganda: The Dynamics of Neoliberal Transformation*, 2018.

¹⁰ Rahul Rao, “Queer in the Time of Homocapitalism”, *Out of Time*, 2020.

¹¹ Sylvia Tamale, “Exploring the contours of African sexualities: Religion, law and power”, 2014, *African Human Rights Law Journal*, Volume 14, pp. 150-177; Sylvia Tamale, “Confronting the Politics of Nonconforming Sexualities in Africa”, 2013, *African Studies Review*, Volume 56, Issue 2, pp. 31-45.

¹¹ Sylvia Tamale, *Exploring the contours of African sexualities: Religion, law and power* (previously cited); Sylvia Tamale, *Confronting the Politics of Nonconforming Sexualities in Africa* (previously cited).

LGBTQ community. In this research, Amnesty International has documented how these accusations of receiving “foreign funding” circulating through social media platforms has been used to spread stigma, bias and hate against LGBTQ people¹² and also led to proliferation of blackmailing based on the assumption that LGBTQ people are wealthy.

In addition, blackmailers often rely on widespread stigma, bias, and discrimination against LGBTQ people, which result in negative consequences for LGBTQ people in instances where their sexual orientation, gender identity and/or gender expression are publicly disclosed. Incidents of blackmailing have also increased after the passage of AHA 2023, as LGBTQ people now risk being arrested and charged under draconian provisions if they resist the demands of blackmailers, while simultaneously being unable to seek any assistance from law enforcement authorities or any other institutions. In fact, this research found that in some cases police authorities and other law enforcement officials have also engaged in blackmailing themselves.

To sustain organized and widespread blackmailing, various other forms of TfGBV, including setting up fake profiles to trap LGBTQ people, violations of privacy through seizing and accessing people’s devices and data, as well as threats of outing and doxing, have also spurred.

In addition to these violations of privacy, Amnesty International found widespread use of derogatory and offensive language against LGBTQ people online, which dehumanized and encouraged violence against them, reinforced harmful stereotypes and bias, and in some cases led to physical acts of violence. While the presence of threats of violence, harassing messages, and trolling against LGBTQ people in Uganda have been present before, the severity and volume of discriminatory and abusive content against LGBTQ people was noted to have increased since the passage of the AHA 2023 and the homophobic and transphobic public discourse it generated. As a representative of a prominent human rights organization told Amnesty International:

“Unlike in 2013-2014, [now] there is a very organized group of people, whose sole intention is to vilify LGBTQ people or their allies online, so that if you post something, it's an army of people who respond, who troll you, who make it very difficult for you to engage online.”¹³

In addition, disinformation, i.e., false or inaccurate information that is shared to deliberately deceive or mislead people, which falsely portray LGBTQ people in negative and harmful ways, including as “sexual predators”, has contributed to fostering a climate whereby harmful stereotypes, bias, prejudice and discrimination against LGBTQ people are repeatedly circulated on social media platforms. This has resulted in violence against them in both online and offline spaces and affected their rights to liberty, dignity and bodily autonomy.

International human rights law obliges states to uphold the right to live free from gender-based violence. UN human rights mechanisms and bodies have increasingly recognized that discrimination based on SOGIESC plays a crucial role in shaping and exacerbating gender-based violence, including TfGBV.¹⁴ The right to live free from gender-based violence is also indivisible from and interdependent on other human rights, including but not limited to the rights to privacy, freedom of expression, freedom of peaceful assembly and freedom of association.¹⁵

International law and standards also require that the full enjoyment of the right to privacy must be protected for every person, irrespective of their SOGIESC. In fact, the Special Rapporteur on the right to privacy has previously noted that the right to privacy is of particular importance for those who face “inequality, discrimination or marginalization on the basis of their gender, sexual orientation, gender identity, sex characteristics or expression.”¹⁶

Lastly, the right to freedom of expression is protected under international and regional human rights instruments and includes the right to seek, receive, access and impart information and ideas across frontiers, regardless of form or media.¹⁷ To comply with their obligations under international human rights law (IHRL), it is not enough for states not to interfere with the exercise of freedom of expression, it is also

¹² See Sections 4.2.3 and 4.2.4.

¹³ Online interview with representative of XXI organization, 7 February 2024.

¹⁴ See Section 2.1.

¹⁵ Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992), 26 July 2017, CEDAW/C/GC/35, para 15.

¹⁶ UN Special Rapporteur on the right to privacy, Report, 16 October 2019, UN Doc. A/HRC/40/63, para 55.

¹⁷ Universal Declaration of Human Rights, Article 19; International Covenant on Civil and Political Rights, Article 19.

required that states promote adequate conditions for the full enjoyment of the right, including by lifting any barriers that may hinder expression.¹⁸ This is applicable to digital mediated spaces as well.¹⁹

The forms of TfGBV against LGBTQ individuals and organizations documented in this report, are in clear violation of international human rights law and standards.

IMPACT ON CIVIL SOCIETY ORGANIZATIONS

Moreover, one of the most worrying findings of Amnesty International's research pertains to the additional burden that the AHA 2023, combined with the Non-Governmental Organization Act 2016, imposes on the operations of civil society organizations in the digital space, including their use of digital tools and platforms for carrying out their activities. Specifically, the enforcement of these laws has pushed organizations providing sexual health services and counselling, to refrain from openly advertising their services online to LGBTQ people, and exposed civil society organizations and HRDs to online harassment and other forms of TfGBV, police raids, arbitrary arrest and detention, disproportionate restrictions on their activities, including suspension of registrations, and seizure of their information technology equipment. The right to freedom of association is protected under international and regional human rights instruments, including Article 22 of International Covenant on Civil and Political Rights (ICPR) and Article 10 of the African Charter on Human and Peoples' Rights. The AHA 2023 and TfGBV noted above violate the right of LGBTQ people to exercise their right to freedom of association without discrimination in Uganda.

LACK OF ACCESS TO JUSTICE

Despite the severity of the violations and abuse that LGBTQ people face, punitive laws that disproportionately target LGBTQ people, additionally expose LGBTQ people to the risk of arbitrary arrest, detention and prosecution themselves, instead of their perpetrators. All the LGBTQ persons and HRDs interviewed for this research stated that they would not report instances of TfGBV to the police or seek any form of assistance from the state. Rampant fears about being disbelieved, outed, blackmailed or arrested themselves under Uganda's criminal laws were noted as the major deterrents in seeking any support from the state. In the very few cases where LGBTQ people reported cases of TfGBV, despite the risk of being charged under criminal laws themselves, the police failed to take any action and instead subjected complainants to further humiliation. Under IHRL, Ugandan authorities have a duty to create an accountability framework that provides equal and effective access to justice for all; establishes mechanisms for effective, prompt, thorough and impartial investigations, including access to relevant information; and offers adequate, prompt and effective reparations including non-repetition guarantees.²⁰ However, as this report shows, this is far from being the case for LGBTQ people in Uganda.

DETRIMENTAL IMPACTS ON A RANGE OF HUMAN RIGHTS

As a result of TfGBV and ensuing impunity for it, there has been a chilling effect on the exercise of the right to freedom of expression by LGBTQ individuals, HRDs and organizations. LGBTQ individuals and organizations are forced to refrain from expressing themselves on social media, have left social media platforms or, at least, exercised extra caution not to publicize statements that may make them be perceived as either LGBTQ or supporters of the rights of LGBTQ people, due to fears of being outed, arrested and ostracized from family and community. As a gay HRD shared:

“[M]ostly before [the AHA 2023 passed] I was this visible person, very visible. So, if I see on social media, like if there's a community thing and there's a debate or discussion going on, I would gladly like to involve myself. I can't do that now. So, because like I've unfollowed most of those accounts where we used to have those debates and stuff, so now I don't know what is going on [...] So I'm now limited. I can't share some stuff because you don't know who's going to find it.”²¹

However, the harms of TfGBV are not confined to digital spaces alone, the online-offline continuum of gender-based violence means that threats online can often translate into offline consequences, including physical violence. For those who are publicly active in advocating for LGBTQ rights in online spaces, there is heightened risk of physical attacks as online threats can translate to offline attacks, and this has indeed been

¹⁸ Human Rights Committee, General Comment No. 34 on Article 19: Freedoms of opinion and expression, 12 September 2011, UN Doc. CCPR/C/GC/34.

¹⁹ Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 2011, UN Doc. A/66/290.

²⁰ See, Corte IDH. Cuadernillos de Jurisprudencia de la Corte Interamericana de Derechos Humanos No. 13: Protección Judicial, 2021, corteidh.or.cr/sitios/libros/todos/docs/cuadernillo13_2021.pdf; Antônio A. Cançado Trindade, *El derecho de acceso a la justicia internacional y las condiciones para su realización en el sistema interamericano de protección de los derechos humanos*, Presentación del Presidente de la Corte Interamericana de Derechos Humanos, Juez Antônio A. Cançado Trindade, ante el Consejo Permanente de la Organización de los Estados Americanos (OEA), Washington, D.C., OEA/Ser.GCP/doc.3654/02, 2002, corteidh.or.cr/tablas/r08066-2.pdf

²¹ Interview with Sampson*, 24 November 2023.

the case for many. In addition to direct physical attacks, LGBTQ people also risk being arrested based on their social media posts, being evicted from their houses and ousted from their homes and villages.

The impacts of TfGBV are also not limited to the individual experiencing violence, but also include significant systemic and structural repercussions.²² Not only do various forms of TfGBV mirror and amplify harmful norms and stereotypes about gender and sexuality, but by forcing LGBTQ people to retreat from these spaces or minimize their presence, TfGBV hinders their ability to speak out, challenge and transform these oppressive norms. This can further solidify and reinforce harmful norms and stereotypes around gender and sexuality and entrench discrimination against LGBTQ people.

TfGBV has also had a detrimental impact on the right of LGBTQ people to the highest attainable standard of health. It was found to have caused emotional distress, social ostracization, and economic hardship for LGBTQ survivors. Online and offline attacks, chilling effect and self-censorship have also severely impaired how LGBTQ HRDs and organizations are able to communicate information related to sexual health, and consequently the number of LGBTQ people they can reach. Health outreach, mobilization and delivery, especially regarding sexual and reproductive health (SRH), have therefore become very difficult. As an LGBTQ activist noted:

“Initially we’d reach, for example 500 people [at a go]. Now we can only meet like 150 because everyone is in panic.”²³

However, even in this repressive context of extreme prejudice, discrimination and violence, LGBTQ people in Uganda have remained resilient in protecting their human rights to dignity, bodily autonomy, privacy and freedom of expression. Together with allies, they have used tactics including fearless documentation of violations and abuses, strategic litigation, lobbying with policy makers, coalition building, awareness raising campaigns among the general population, and guiding international response and advocacy, to challenge and transform homophobia and transphobia in Uganda, including its codification through legislations like the AHA 2023. As Ugandan LGBTQ activists have previously noted “Ugandan *kuchus* are not just sitting back waiting for the rest of the world to step in and save them. Instead, they have organized, mobilized and led the international community to fight, support and one day liberate the *kuchus* of Uganda.”²⁴

In view of the findings outlined in this report, Amnesty International has addressed a series of recommendations to a variety of authorities, including the President of Uganda, the Ministry of Interior and the Public Prosecutor’s Office. The report also makes some recommendations to businesses especially on online content moderation.

Some of the key recommendations are as follows:

TO THE PRESIDENT OF UGANDA

- Publicly acknowledge and protect the human rights of all individuals without discrimination and refrain from making statements that perpetuate and incite stigma, discrimination and violence against LGBTQ persons;
- Proactively remove structural and systemic barriers to gender equality, including by supporting legislative measures, social policies and educational programmes to eliminate gender stereotypes, negative social norms and discriminatory attitudes against LGBTQ people and create awareness about the phenomenon of TfGBV, its consequences and intersectional harms.

TO THE PARLIAMENT OF UGANDA

- Immediately repeal the AHA 2023 and other laws that criminalize various acts and behaviours that discriminatorily impact LGBTQ persons, including Sections 145, 146, 148, 160, 167, 168 and 389 of the Penal Code Act;

²² UNFPA, *Technology-facilitated Gender-based Violence: Making All Spaces Safe*, 2021, unfpa.org/publications/technology-facilitated-gender-based-violence-making-all-spaces-safe and Generation G, *Decoding Technology-Facilitated Gender-Based Violence: A reality check from seven countries*, 27 June 2024, rutgers.international/resources/decoding-technology-facilitated-gender-based-violence-a-reality-check-from-seven-countries/.

²³ In person interview with Charles*, 29 November 2023.

²⁴ Richard Lusimbo and Austin Bryan, *Kuchu resilience and resistance in Uganda* (previously cited).

- Enact comprehensive legislative and policy measures to recognise, prevent, document, investigate and address all forms of gender-based violence, including TfGBV, and provide redress and support for survivors;
- Ensure meaningful consultation with civil society organizations, HRDs and activists working on women's rights, gender and sexuality, SOGIESC issues and feminist approaches to technology, especially those from marginalized communities, in the process of any policy development, and its implementation and monitoring.

TO THE MINISTER OF INTERNAL AFFAIRS AND UGANDA POLICE FORCE

- End all criminal proceedings against people charged on the basis of discriminatory and vague laws, including the AHA 2023 and Section 145 of the Penal Code, and immediately and unconditionally release all people who have been arrested and detained on the basis of those laws;
- Establish an independent mechanism to conduct effective, prompt, impartial, and independent investigations into allegations of TfGBV and other human rights violations by law enforcement officials against LGBTQ people, HRDs and organizations;
- Provide capacity building and training to all staff within law enforcement agencies, judicial authorities and cybercrime units to ensure they adopt a LGBTQ-responsive, trauma-informed, survivor-centric and intersectional approach to dealing with survivors of TfGBV, and other forms of gender-based violence against LGBTQ people. Law enforcement and regulatory agencies must be provided with necessary human and financial resources to provide all necessary support to survivors and should be held accountable for any mistreatment of survivors;
- Provide effective remedies to survivors of TfGBV, that are trauma-informed, survivor-centric and adopt an intersectional feminist approach, including by providing LGBTQ-friendly mental health support, shelters, protection orders and helplines specially designed to address TfGBV; guaranteeing equal and effective access to justice; and providing appropriate reparations based on consultations with survivors.

TO THE DIRECTOR OF PUBLIC PROSECUTION

- Immediately and unconditionally drop the charges against anyone prosecuted under the AHA or section 145 of the Penal Code.

TO THE NGO BUREAU

- Ensure that any requirements imposed on NGOs have a proper legal basis and are compatible with safeguarding an environment in which civil society can operate freely;
- Stop discriminatory and excessive monitoring of activities of organizations based on their real or perceived work to uphold the rights of LGBTQ persons as enshrined in international law.

TO UN MECHANISMS

- Continue to monitor and document the impact of laws such as the AHA 2023 on a range of human rights protected under international law;
- Utilize all opportunities to call on the Ugandan government to immediately repeal the AHA 2023 and ensure that LGBTQ people in Uganda live without fear of discrimination and violence, both in online and offline spaces.

TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

- Urge the Ugandan government to prevent, end and punish all acts of violence and abuse against LGBTQ people, whether committed by state or non-state actors, in line with international law and standards and Resolution 275 of the African Commission on Human and Peoples' Rights that calls for the protection of individuals from violence and other human rights violations based on their real or imputed sexual orientation or gender identity;

- Encourage the Ugandan government to expedite ratification/accession and domestication of the African Union Convention on Cyber Security and Personal Data Protection.

TO UGANDA'S INTERNATIONAL PARTNERS

- Raise the criminalization of same-sex sexual conduct and the human rights concerns associated with the AHA 2023, especially the death penalty, torture and other-ill treatment, the situation of human rights defenders, and gender-based violence both online and offline, in the context of dialogues with the government of Uganda and raise these concerns in international forums;
- Conduct thorough human rights impact assessments of all new and existing development partnerships, especially identifying potential detrimental impacts on the rights of LGBTQ persons, and ensure any funding does not lead to further solidifying bias, prejudice and discrimination against LGBTQ people in Uganda;
- Support local LGBTQ organizations in Uganda through unrestricted funding and resources to continue their ongoing work and advocacy efforts;
- Ensure outreach to and participation of LGBTQ people from Uganda, especially those from marginalized socio-economic backgrounds, in workshops and trainings on digital security and resilience and ensure training materials account for their needs and concerns;
- Ensure access to transparent and accessible asylum processes for LGBTQ Ugandans persecuted on grounds of sexual orientation, gender identity and/or expression.

TO SOCIAL MEDIA PLATFORMS

- Ensure reporting mechanisms are adequate, accessible to all users, including in widely spoken languages in Uganda other than English, sufficiently clear, responsive and timely:
 - Notify users promptly upon receipt of notice, and give clear indications of timeframes in which decisions will be taken;
 - Provide detailed explanations to restrict – or not restrict – content on the basis of user notice;
 - Provide mechanisms for independent appeal of decisions to restrict – or not restrict – content on the basis of user notice.
- Expand content moderation capacity to adequately cover the main languages spoken in Uganda other than English.

METHODOLOGY

This report is based on desk and in-country research conducted by Amnesty International between June 2023 and February 2024. While LGBTQ people in Uganda experience a range of human rights abuses, this report focuses on the impact that technology-facilitated gender-based violence (TfGBV) has on them. This focus has been selected given existing gaps regarding the human rights impact that TfGBV has on LGBTQ people in a context where their identities are criminalized.

In addition to interviews, the research involved review of social media posts, academic literature primarily by Ugandan scholars, reports by civil society organizations from Uganda and globally, media reports, and reports by United Nations agencies and mechanisms. Amnesty International reviewed secondary sources regarding the legal and policy background, especially on digital spaces and LGBTQ people's rights in Uganda, human rights reports published by Ugandan and international NGOs, and academic literature focusing on TfGBV and its impact on LGBTQ people in other countries. Amnesty International also analyzed relevant national legislation and regional and international human rights law and standards.

Amnesty International conducted research between 18 and 26 September 2023 (scoping phase) and from 17 November 2023 to 2 February 2024 (main research phase). The research team conducted 53 in person one-on-one interviews, one focus group discussion with six people in Kampala and five online interviews with LGBTQ individuals, HRDs, LGBTQ organizations and other civil society organizations working on gender and sexuality, technology and human rights. A total of 57 interviews were conducted with LGBTQ individuals, activists and representatives of LGBTQ organizations and 7 interviews with other civil society organizations.

REGION	NUMBER OF INTERVIEWS
Entebbe	6 LGBTQ individuals, HRDs and representatives of LGBTQ organizations
Fort Portal (and surrounding areas)	14 LGBTQ individuals, HRDs and representatives of LGBTQ organizations
Gulu	10 LGBTQ individuals, HRDs and representatives of LGBTQ organizations
Jinja	6 LGBTQ individuals, HRDs and representatives of LGBTQ organizations
Kampala	10 LGBTQ individuals, HRDs and representatives of LGBTQ organizations 7 civil society organizations
Mbale (and surrounding areas)	11 LGBTQ individuals, HRDs and representatives of LGBTQ organizations
64 interviews in total	

Interviewees identified with sexual orientations and gender identities across the LGBTQ spectrum. Among those who provided information about their sexual orientation and gender identity, 21 individuals self-identified as cis gay men, six as cis lesbian women, 12 as transgender, five as queer, two as non-binary, one as a cis bisexual man, one as a cis bisexual woman and one person as LGBTQ.²⁵ Many of them reported

²⁵ All interviewees were asked how they self-identify and the diverse categories mentioned here is reflective of this.

that their families, friends and social communities did not know about their sexual orientation, gender identity and/or expression. All interviewees were above the age of 18 years.

Not all individuals interviewed for this report identified as human rights defenders or activists. A small number of interviewees were survivors of online and offline gender-based violence and not actively involved in defending human rights. The others usually identified as 'activists'. In many instances, they were directly linked to delivery of health and legal services and information. Amnesty International considers all these individuals as HRDs because they peacefully act to defend and promote human rights nationally or locally.

Almost all interviewees were from marginalized socio-economic backgrounds, with limited access to formal education, digital literacy and financial resources. They included people working as artists, sex workers, peer educators, paralegals, as well as running and supporting LGBTQ organizations in different capacities. Some interviewees had also lost their livelihood because of being outed as an LGBTQ person and the discrimination that followed. Some interviewees reported being ousted from family homes and surviving in difficult living situations.

The nature of TfGBV and other violations and impacts documented are intrinsically shaped by the socio-economic background of most of the interviewees. Living in smaller towns, with limited access to support groups and services, including legal aid and shelter homes, limited access to formal education, livelihoods and housing, affected how LGBTQ persons and activists chose to continue engaging in the digital sphere, in the face of rising and violent homophobia and transphobia that has accompanied the passage of the AHA 2023. Often the dangers of being outed, threats of physical violence, ostracization by family and community members, loss of employment and housing, led to a stronger chilling effect and self-censorship. As a representative of a civil society organization in Kampala noted: “[W]hen you look at the people that have been protesting...I would say it's a very expensive conversation to have, I mean, you could literally get yourself in danger... [P]eople that were beginning to open up and speak about these issues have now deleted their accounts... This is the case in Kampala, and it's a worse situation out of town where there are no support systems, no safe houses.”²⁶

Various security and well-being processes were followed keeping in mind feminist ethics of care²⁷ in research. Informed consent processes were observed, and interviewees were informed about the research plan and objectives, how information would be used, and explicit informed consent obtained for each interview. Interviewees were given the option to pause or stop the interview, rescind consent, be off the record, and were provided with references of local organizations that provide legal and psychosocial support when asked. Data was stored on encrypted software only available to the research team. Interviewees were approached through trusted local convenors and Amnesty International met with them in locations of their choosing. Further, given the current socio-political climate in Uganda and the dangers of being identified as a LGBTQ person, all personal data regarding the interviewees have been anonymized or not disclosed to protect their privacy and safety, and pseudonyms have been used in all instances.

The research was shaped in a participatory way with inputs from a scoping study with 21 individuals by Amnesty International in September 2023. Various aspects of the interview process, including the location and format of interviews and security protocols were developed in conjunction with civil society organizations in each of the regions. The research findings and recommendations were shared with interviewees for their input in August-September 2024, which was reflected in the report.

The research focuses on violations and abuses against the LGBTQ community by both state and non-state (private) actors between 2019 and 2023. 2019 evidenced the start of a new spate of attacks against the LGBTQ community in Uganda, including the proposed introduction of legislative measures²⁸ and a drastic

²⁶ Interview with representative of XXD organization, Kampala, 2 December 2023.

²⁷ For more on using feminist ethics of care in the context of documentation of TfGBV see: Association for Progressive Communications (APC), *The Left Out Project report: The case for an online gender-based violence framework inclusive of transgender, non-binary and gender-diverse experiences*, 22 July 2023, apc.org/en/pubs/left-out-project-report-case-online-gender-based-violence-framework-inclusive-transgender-non

²⁸ In 2019, it was announced that the government was planning to introduce the death penalty for consensual same-sex sexual acts. (See, Amnesty International, “Uganda: Parliament must reject bill imposing death penalty for gay sex”, 11 October 2019, [amnesty.org/en/latest/press-releases/2019/10/uganda-parliament-must-reject-bill-imposing-death-penalty-for-gay-sex/](https://www.amnesty.org/en/latest/press-releases/2019/10/uganda-parliament-must-reject-bill-imposing-death-penalty-for-gay-sex/)). In 2021, the Ugandan Parliament approved the Sexual Offences Bill, which criminalized sexual act between persons of the same gender, as well as anal sex between people of any gender, with up to 10 years in prison. The Bill was later vetoed by President Yoweri Museveni. (See, Human Rights Watch, “Uganda: Reject Sexual Offenses Bill”, 6 May 2021, [hrw.org/news/2021/05/06/uganda-reject-sexual-offenses-bill/](https://www.hrw.org/news/2021/05/06/uganda-reject-sexual-offenses-bill/)). Lastly, the Anti-Homosexuality Act, a draconian legislation which introduced criminal punishment and penalties, including death penalty, for a range of acts associated with the LGBTQ community, came into force in May 2023.

increase in attacks against LGBTQ people.²⁹ During this period, restrictions on organizations working to advance the rights of LGBTQ people also increased.

This report builds on Amnesty International's existing work on LGBTQ rights in Uganda,³⁰ as well as in other countries elsewhere where LGBTQ rights are under attack, and the documentation of harms faced by women and LGBTQ people in the digital realm.³¹ This is part of Amnesty International's work under the 'Make It Safe Online' project for women, girls and LGBTQ people to safely exercise their right to protest in digital spaces,³² as a part of the 'Protect the Protest' campaign.³³

Amnesty International is grateful to all the Ugandan LGBTQ persons, activists, HRDs and organizations who spoke to us at great personal risk, and who have been a bulwark of strength, resilience, wisdom and resistance in the face of systemic structural discrimination and violence and brutal attack on all aspects of their life, simply by virtue of who they are and the work that they are doing. Amnesty International hopes that this research contributes to the ongoing efforts to defend the rights of LGBTQ persons in Uganda, and to ensuring that LGBTQ people everywhere can live a life free of stigma, prejudice, discrimination and violence.

²⁹ Human rights organizations documenting violations against LGBTQ people, noted a total of 282 violations were committed against LGBTQ persons during 2019, a radical increase from the 64 violations reported in 2018. See, Human Rights Awareness and Promotion Forum, *The Uganda Report of Human Rights Violations on the basis of Sexual Orientation and Gender Identity, 2019, 2020*.

³⁰ See, for example, Amnesty International, "Uganda: President's approval of anti-LGBTI Bill is a grave assault on human rights", 29 May 2023, [amnesty.org/en/latest/news/2023/05/presidents-museveni-approval-of-anti-lgbti-bill-is-a-assault-on-human-rights/](https://www.amnesty.org/en/latest/news/2023/05/presidents-museveni-approval-of-anti-lgbti-bill-is-a-assault-on-human-rights/); Amnesty International, "Uganda: Further information: Repeal AHA 2023 and ensure accountability", 2 October 2023, [amnesty.org/en/documents/afr59/7260/2023/en/](https://www.amnesty.org/en/documents/afr59/7260/2023/en/); Amnesty International, *Rule By Law: Discriminatory Legislation and Legitimized Abuses in Uganda* (Index Number: AFR 59/06/2014), 16 October 2014, [amnesty.org/en/documents/AFR59/006/2014/en/](https://www.amnesty.org/en/documents/AFR59/006/2014/en/).

³¹ Amnesty International, "*Being ourselves is too dangerous*": Digital violence and the silencing of women and LGBTI activists in Thailand (Index Number: ASA 39/7955/2024), 16 May 2024, [amnesty.org/en/documents/asa39/7955/2024/en/](https://www.amnesty.org/en/documents/asa39/7955/2024/en/); Amnesty International, "Toxic Twitter – A Toxic Place for Women", 29 March 2018, [amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-1-1/](https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-1-1/).

³² Amnesty International has launched a global campaign, 'Make It Safe Online', where it is calling on governments around the world to take action and protect the right to protest for women, girls and LGBTQ people in digital spaces. The campaign will document the challenges faced by women and LGBTQ activists and HRDs in Thailand, Canada and Uganda in digitally mediated spaces, through an intersectional lens. For more, see Amnesty International, "Online Violence", [amnesty.org/en/what-we-do/technology/online-violence/#whatisamnestydoingtostoponlineviolence](https://www.amnesty.org/en/what-we-do/technology/online-violence/#whatisamnestydoingtostoponlineviolence) (accessed on 10 October 2024). The report documenting TfGBV against women and LGBTQ HRDs in Thailand can be accessed here: Amnesty International, "*Being Ourselves is Too Dangerous*" (previously cited).

³³ Amnesty International, "Protect the Protest", [amnesty.org/en/latest/news/2022/07/protect-the-protest/](https://www.amnesty.org/en/latest/news/2022/07/protect-the-protest/) (accessed on 10 October 2024).

1. BACKGROUND

A range of laws that criminalize various aspects of the lives of LGBTQ people in Uganda have perpetuated the institutionalization of stigma, discrimination and violence and emboldened state and non-state actors to attack LGBTQ people, both online and offline, with impunity.

A culmination of societal prejudice and stigma against LGBTQ people is codified through laws. In addition to laws that directly criminalize various aspects of LGBTQ identity, ongoing government efforts to restrict, regulate and surveil social media and digital spaces, monitor activists online, and access digital data without oversight, have detrimentally impacted digital activity and activism, as explained in Section 1.2. below. This shrinking civic space online is taking place within an overall clampdown on civil society in Uganda, with discriminatory attacks against LGBTQ organizations and those protecting the rights of LGBTQ people.

1.1 STATE OF RIGHTS FOR LGBTQ PEOPLE IN UGANDA

1.1.1 ANTI-LGBTQ SENTIMENT INSTITUTIONALIZED THROUGH CRIMINAL LAWS

A range of laws in Uganda create criminal penalties for acts and conduct associated with the LGBTQ community.

Several colonial era laws directly affect the rights of LGBTQ people in Uganda. Section 145 of Uganda's Penal Code Act criminalizes 'carnal knowledge against the order of nature', which on the face of it criminalizes specific sexual practices but does not by itself criminalize any identity or sexual orientation. This section of the Penal Code Act is modelled on Section 377 first introduced in the Indian Penal Code in 1860, which criminalized 'unnatural offences', and was subsequently adapted in other British colonies, including Uganda.

LGBTQ people can also be charged under other sections of the Penal Code Act. Section 146 criminalizes 'attempted carnal knowledge' and Section 148 criminalizes 'indecent practices' which constitute 'gross indecency', without specifying what 'gross indecency' entails and thereby allowing for very broad interpretations. The Amendment to the Section introduced in 2000, to include 'any persons' within its purview allows acts between women to be criminalized as well.³⁴ Besides the provisions directly criminalizing consensual same sex relations, other provisions of the Penal Code Act are used to prosecute LGBTQ persons, encompassing a wide range of actions and behaviours.³⁵ These include provisions on public nuisance (Section 160), being idle and disorderly (Section 167) and being rogue and vagabond (Section 168). The Penal Code 1950 was inherited from the British during the colonial period and the various provisions enumerated above were retained by Uganda upon independence.

Even though there are no direct laws criminalizing transgender and gender diverse people, criminalization of consensual same-sex sexual conduct, sex work, impersonation, public indecency, and public order

³⁴ Kuchu Times, Uganda, kuchutimes.com/countries/uganda/ (accessed on 10 October 2024).

³⁵ Human Rights Awareness and Promotion Forum (HRAPF), *A Guide to the Normative Legal Framework on the Human Rights of LGBTI Persons in Uganda*, 2015.

provisions have been used to subject transgender and gender diverse people to police harassment, arrest, and detention.³⁶

While these provisions were already being used to criminalize LGBTQ people in various ways, the AHA 2023 expanded the range of offences and introduced harsher criminal penalties than the provisions in the Uganda Penal Code.³⁷ The AHA 2023 has opened the floodgates for human rights violations against LGBTQ people in Uganda and denied victims of these violations access to effective remedies, as people feared being arrested themselves, if they tried to report instances of violence and discrimination.³⁸ Since the AHA was passed in 2023, the Office of the High Commissioner on Human Rights (OHCHR) has noted almost 600 cases of human rights violations and abuses based on a person's real and/or perceived sexual orientation or gender identity.³⁹

Beyond criminalizing consensual sexual acts between persons of the same sex, AHA 2023 dangerously introduced the offence of 'aggravated homosexuality'⁴⁰ punishable with death penalty. Another key provision of the Act is prohibition of the "promotion of homosexuality" which includes advertising, publishing, printing, broadcasting or distributing material promoting or encouraging homosexuality, through any means, including computers, information technology and the internet. In this research, Amnesty International has found this Section's vague terminology is particularly concerning for LGBTQ persons, HRDs and organizations, and limits them from freely expressing themselves over social media platforms, as many actions could be construed as "promotion".

The AHA 2023, however, is not the first time that Uganda has sought to broaden the scope of criminal offences against LGBTQ persons. The Parliament of Uganda had previously enacted an Anti-Homosexuality Act in 2014, which had similar provisions to AHA 2023, including offences related to 'aggravated homosexuality' and 'promotion of homosexuality'. However, the 2014 Act was annulled by the Constitutional Court on procedural grounds as there was insufficient quorum in the Parliament at the time of its passing.⁴¹

The year after the passage of the AHA in 2023 has been marked by LGBTQ people and those perceived to be LGBTQ, being arrested, tortured, beaten, outed, facing eviction and banishment, blackmail, as well as facing loss of employment, and health service disruption.⁴² Many have been forced to flee the country.⁴³ NGOs documented at least 69 cases of LGBTQ persons being arrested under provisions of the AHA 2023, with people charged in 47 cases.⁴⁴ Violent attacks, discrimination and human rights abuses have been perpetrated by both state and non-state actors.⁴⁵ LGBTQ organizations have documented that many LGBTQ activists and individuals have received threats of harm on social media, and have had video recordings of them being verbally abused, undressed and assaulted circulated on social media platforms⁴⁶ Health providers have been forced to cut back essential services for LGBTQ people, health care providers and patients have faced arrests. Since, HIV is often mistakenly associated with same-sex sexual conduct in

³⁶ ILGA World, *Trans Legal Mapping Report: Recognition Before the Law*, 2019 (3rd Edition), ilga.org/downloads/ILGA_World_Trans_Legal_Mapping_Report_2019_EN.pdf.

³⁷ The full text of the AHA 2023 is accessible here: Uganda, Anti-Homosexuality Act, 2023, refworld.org/legal/legislation/natlegbod/2023/en/147976.

³⁸ Convening for Equality, *Eteeka Lyayita, Vol.2. Unwanted, Outlawed and Illegal: The Cry of LGBTQ+ Ugandans*, 2024, drive.google.com/file/d/1apa3HskDJUDNzpcvctiSSgoCvSboMVMh/view, pp. 31-32.

³⁹ Office of the High Commissioner for Human Rights (OHCHR), "Uganda: Türk dismayed at ruling upholding discriminatory anti-gay law", 03 April 2024, ohchr.org/en/press-releases/2024/04/uganda-turk-dismayed-ruling-upholding-discriminatory-anti-gay-law

⁴⁰ Uganda, Anti-Homosexuality Act, 2023, Section 3.

⁴¹ BBC, "Uganda court annuls anti-homosexuality law", 1 August 2014, [bbc.co.uk/news/world-africa-28605400](https://www.bbc.co.uk/news/world-africa-28605400). Before the AHA 2014 was eventually annulled, it was found to have had significant detrimental impact on LGBTQ people and led to an increase in human rights violations against them. It also impeded the work of civil society organizations and contributed to stigmatization of the work of LGBTQ HRDs. For more on this see, The Consortium on Monitoring Violations Based on Sex Determination, Gender Identity and Sexual Orientation, *Uganda Report of Violations Based on Gender Identity and Sexual Orientation*, July 2015, outrightinternational.org/sites/default/files/2022-10/15_02_22_lgbt_violations_report_2015_final.pdf; Sexual Minorities Uganda (SMUG), *From Torment to Tyranny: Enhanced Persecution in Uganda Following the Passage of the Anti-Homosexuality Act 2014 (20 December 2013 – 1 May 2014)*, 2014; Human Rights Watch, "Uganda: Anti-Homosexuality Act's Heavy Toll: Discriminatory Law Prompts Arrests, Attacks, Evictions, Flight", 14 May 2014, [hrw.org/news/2014/05/14/uganda-anti-homosexuality-acts-heavy-toll](https://www.hrw.org/news/2014/05/14/uganda-anti-homosexuality-acts-heavy-toll); Amnesty International, *Rule By Law* (previously cited).

⁴² Convening for Equality, *Eteeka Lyayita, Vol.2* (previously cited).

⁴³ BBC, "Uganda anti-gay laws: Beaten and forced to flee for being LGBT", 4 May 2023, [bbc.co.uk/news/newsbeat-65455631](https://www.bbc.co.uk/news/newsbeat-65455631). Rainbow Railroad, which provides financial, legal and logistical support to LGBTQ people needing asylum assistance, noted that they received 1500 applications from LGBTQ Ugandans in 2023, after the passage of the AHA. France24, "As countries toughen anti-gay laws, 'rainbow refugees' seek asylum in Europe", 16 May 2024, [france24.com/en/europe/20240516-as-countries-toughen-anti-gay-laws-rainbow-refugees-seek-asylum-in-europe](https://www.france24.com/en/europe/20240516-as-countries-toughen-anti-gay-laws-rainbow-refugees-seek-asylum-in-europe).

⁴⁴ Convening for Equality, *Eteeka Lyayita, Vol.2* (previously cited).

⁴⁵ Convening for Equality, *Eteeka Lyayita, Vol.2* (previously cited).

⁴⁶ Strategic Response Team Uganda, "Eteeka Lyayita... Even the government does not like you homosexuals", 2023, [kuchutimes.com/wp-content/uploads/2023/09/20230927_LIVES-AT-RISK.Final-min.pdf](https://www.kuchutimes.com/wp-content/uploads/2023/09/20230927_LIVES-AT-RISK.Final-min.pdf) (p. 30).

Uganda and merely engaging in HIV prevention, testing, and treatment efforts could implicate someone as being gay, the number of people seeking HIV testing, prevention and care has drastically reduced.⁴⁷

In December 2023, a petition was filed before the Constitutional Court to challenge the constitutionality of AHA 2023, arguing that it violates rights guaranteed in Uganda's constitution, including freedom from discrimination and rights to privacy as well as freedom of thought, conscience, and belief.⁴⁸ However, in April 2024, the Constitutional Court upheld the validity of the Act, while selectively striking down sections that: punished one instance of 'aggravated homosexuality' (section 3 (2) (c)); criminalized renting premises to LGBTQ people (Sections 9 and 11(2)(d)); and created an obligation to report alleged acts of homosexuality (Section 14).⁴⁹ The petitioners before the Constitutional Court have filed an appeal in the Supreme Court against this ruling.⁵⁰

Overall, the institutionalization of homophobia and transphobia in Uganda through the AHA 2023 has emboldened different actors to attack LGBTQ people both online and offline, created a culture of impunity and sanctioned targeting, harassment and threats towards people who are or are perceived to be LGBTQ.

1.1.2 SITUATING HOMOPHOBIA AND TRANSPHOBIA WITHIN BROADER SOCIO-POLITICAL CONTEXTS

While this report documents how criminalization, especially through the AHA 2023, has amplified and emboldened TfGBV against LGBTQ people in online spaces, the law cannot be understood in a vacuum. As detailed below, the convergence of multiple transnational actors enabled the AHA 2023 to be adopted which, in turn, has been weaponized by multiple forces for many purposes.⁵¹ Understanding the complex and nuanced forces that entrench homophobia and transphobia in Uganda and the rationales exploited by different actors, is critical to transformation of these oppressive gender and sexuality norms that perpetuate discrimination, violence and hatred against LGBTQ people, in online and offline spaces.

THE LAW DOES NOT EXIST IN A VACUUM.
THE CONFLUENCE AND COLLUSION OF INTERESTS AND LAPSES BETWEEN VARIOUS STATE AND NON-STATE ACTORS, AT THE DOMESTIC AND INTERNATIONAL LEVEL, COUPLED WITH DISCRIMINATORY IDEOLOGIES, ENABLED THE ANTI-HOMOSEXUALITY ACT 2023 TO BE ADOPTED.

TRANSNATIONAL FLOW OF MONEY AND DISCRIMINATORY IDEOLOGIES

While public officials who led the calls for enactment of the AHA 2023 have been quick to call homosexuality a Western imposition, and against Ugandan tradition and culture,⁵² the work of various scholars has

⁴⁷ Sara Jerving, "Uganda's "anti-homosexuality" bill already affecting care", The Lancet, Volume 401, Issue 10385, 1327 – 1328, [thelancet.com/journals/lancet/article/PIIS0140-6736\(23\)00814-0/abstract](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(23)00814-0/abstract); New York Times, "With Harsh Anti-L.G.B.T.Q. Law, Uganda Risks a Health Crisis", 19 January 2024, [nytimes.com/2024/01/19/health/uganda-lgbtq-hiv.html](https://www.nytimes.com/2024/01/19/health/uganda-lgbtq-hiv.html); Vox, "Uganda's anti-gay law will hurt all Ugandans", 16 June 2023, [vox.com/23750826/uganda-anti-gay-homosexuality-hiv-foreign-aid-trust-health-care](https://www.vox.com/23750826/uganda-anti-gay-homosexuality-hiv-foreign-aid-trust-health-care)

⁴⁸ Human Rights Watch, "Ugandans Challenge Anti-Homosexuality Act", 11 December 2023, [hrw.org/news/2023/12/11/ugandans-challenge-anti-homosexuality-act](https://www.hrw.org/news/2023/12/11/ugandans-challenge-anti-homosexuality-act)

⁴⁹ Amnesty International, "Uganda: Court fails to repeal callous anti-LGBTI law, puts people at risk", 3 April 2024, [amnesty.org/en/latest/news/2024/04/uganda-court-fails-to-repeal-callous-anti-lgbti-law-puts-people-at-risk/#:~:text=The%20Anti-Homosexuality%20Act%2C%202023%20is%20one%20of%20the,Court%20to%20challenge%20the%20constitutionality%20of%20the%20Law.](https://www.amnesty.org/en/latest/news/2024/04/uganda-court-fails-to-repeal-callous-anti-lgbti-law-puts-people-at-risk/#:~:text=The%20Anti-Homosexuality%20Act%2C%202023%20is%20one%20of%20the,Court%20to%20challenge%20the%20constitutionality%20of%20the%20Law.) The ruling is accessible here: [avac.org/blog/avac-response-ugandas-constitutional-court-ruling/](https://www.avac.org/blog/avac-response-ugandas-constitutional-court-ruling/)

⁵⁰ The Star, "Uganda rights activists file appeal against ruling on anti-LGBTQ law", 11 July 2024, [thestar.com.my/news/world/2024/07/11/uganda-rights-activists-file-appeal-against-ruling-on-anti-lgbtq-law](https://www.thestar.com.my/news/world/2024/07/11/uganda-rights-activists-file-appeal-against-ruling-on-anti-lgbtq-law)

⁵¹ Stella Nyanzi & Andrew Karamagi, "The social-political dynamics of the anti-homosexuality legislation in Uganda", 2015, Agenda: Empowering women for gender equity, Volume 29, Issue 1, pp. 24-38.

⁵² The Guardian, "Ugandan MPs pass bill imposing death penalty for homosexuality", 21 March 2023, [theguardian.com/world/2023/mar/21/ugandan-mps-pass-bill-imposing-death-penalty-homosexuality?CMP=share_btn_url](https://www.theguardian.com/world/2023/mar/21/ugandan-mps-pass-bill-imposing-death-penalty-homosexuality?CMP=share_btn_url)

repeatedly debunked this historical inaccuracy.⁵³ Rich anthropological evidence points to a level of acceptance for same-sex relations and its wide-ranging practice in pre-colonial African communities, including among Baganda royalty.⁵⁴ Pre-colonial times in Uganda were characterized by general tolerance and even acceptance of homosexuality⁵⁵ and homosexual practices were neither fully condoned nor fully suppressed.⁵⁶ Same-sex sexual practices in pre-colonial Uganda were never criminalized,⁵⁷ and the censure of same-sex relations and its criminalization is a direct legacy of colonial policy.⁵⁸

These historical accounts make it abundantly clear that it is not homosexuality that has been exported to Africa from Europe, but rather legal and criminal sanctions against same-sex conduct that were exported to many African countries from codified laws and religion introduced during colonial times.⁵⁹ These influences not only actively shaped past repression of homosexuality in Uganda but remain a dominant force. For instance, Section 145 of the Ugandan Penal Code Act, which criminalizes sexual acts ‘against the order of nature’ and continues to be used against LGBTQ people, as noted above, is a direct relic of colonial era laws.

Newer iterations of laws that target LGBTQ people are similarly shaped by flows of money and ideology between several transnational actors. Funding patterns behind these groups indicate a web of intermeshed financial flows between various anti-rights groups, governments and development agencies, which implicate a range of transnational actors behind the institutionalized homophobia and transphobia that LGBTQ people in Uganda face.

For instance, a detailed OpenDemocracy investigation looking at spending by “groups known for fighting against LGBT rights and access to safe abortion, contraceptives and comprehensive sexuality education”, found that more than \$20 million was spent by the USA based non-profit Fellowship Foundation, also known as The Family, between 2008 and 2018 in Uganda.⁶⁰ An associate of the Fellowship Foundation, David Bahati, also authored the first Anti-Homosexuality Bill of 2009. While the Fellowship Foundation distanced itself from the Bill introduced by David Bahati,⁶¹ numerous reports and Bahati’s own interview to Harper’s magazine have credited The Family’s annual ‘national prayer breakfast’ in the US as an inspiration for the Bill.⁶² Uganda’s National Prayer Breakfast, which was launched with help from the Fellowship Foundation 25 years ago⁶³ and is modelled on the National Prayer Breakfast organized by The Fellowship Foundation in Washington, is reported by different sources to have played a key role in propelling AHA 2023.⁶⁴ Three of the organizations interviewed by Amnesty International for this research also noted that the Ugandan National Prayer Breakfasts stirred up anti-LGBTQ sentiments and discrimination in Uganda. In the National Prayer Breakfast of October 2022, various speakers, including President Yoweri Museveni, reportedly made

⁵³ Stephen O. Murray and Will Roscoe (eds.) “Boy Wives and Female Husbands: Studies in African Homosexualities” 1998; Marc Epprecht, *Heterosexual Africa? The History of an Idea from the Age of Exploration to the Age of AIDS*, 2008; Kristen Cheney, “Locating neocolonialism, “tradition”, and human rights in Uganda’s “Gay Death Penalty””, 2012, *African Studies Review*, Volume 55, Issue 2.

⁵⁴ Stephen O. Murray and Will Roscoe (eds.), “Boy Wives and Female Husbands” (previously cited); Marc Epprecht, *Heterosexual Africa?* (previously cited); Kristen Cheney, “Locating neocolonialism” (previously cited).

⁵⁵ Kevin Ward, “Religious institutions and actors and religious attitudes to homosexual rights: South Africa and Uganda”, in Corrine Lennox and Matthew Waites (editors) *Human Rights, Sexual Orientation and Gender Identity in The Commonwealth*, 2013, pp. 409-427.

⁵⁶ Sylvia Tamale, “Out of the Closet”, 2003, *Feminist Africa*, Issue No. 2, *Changing Cultures* (2003).

⁵⁷ Kevin Ward, “Religious Institutions and actors and religious attitudes to homosexual rights”, (previously cited); Sylvia Tamale, “Confronting the Politics of Nonconforming Sexualities in Africa”, 2013, *African Studies Review*, Volume 56, Issue 2, pp. 31-45; Richard Lusimbo and Austin Bryan, “Kuchu resilience and resistance in Uganda: a history”, (previously cited).

⁵⁸ European colonial powers saw native forms of sexual expressions and gender ordering as ‘perverse’, ‘deviant’ and ‘criminal’ practices that needed to be controlled and made to emulate European sexual mores through systems of law, policing, education and medicine. Amnesty International, “Colonialism and sexual orientation and gender identity: Submission to the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity”, 15 June 2023, [amnesty.org/en/documents/ior40/6862/2023/en/](https://www.amnesty.org/en/documents/ior40/6862/2023/en/); Amnesty International, *Making Love A Crime Criminalization of Same-sex Conduct in Sub-Saharan Africa*, (Index: AFR 01/012/2013), 11 September 2013, [amnesty.org/en/documents/AFR01/001/2013/en/](https://www.amnesty.org/en/documents/AFR01/001/2013/en/); Human Rights Watch, *This Alien Legacy: The Origins of “Sodomy” Laws in British Colonialism*, 17 December 2008, [hrw.org/report/2008/12/17/alien-legacy/origins-sodomy-laws-british-colonialism](https://www.hrw.org/report/2008/12/17/alien-legacy/origins-sodomy-laws-british-colonialism).

⁵⁹ Sylvia Tamale, *Confronting the Politics of Nonconforming Sexualities in Africa* (previously cited).

⁶⁰ The details of how the money was spent is not publicly available. OpenDemocracy, “Exclusive: US Christian Right pours more than \$50m into Africa”, 29 October 2020, [opendemocracy.net/en/5050/africa-us-christian-right-50m/](https://www.opendemocracy.net/en/5050/africa-us-christian-right-50m/) (accessed on 10 October 2024).

⁶¹ David Bahati in his interview to Harper’s magazine also noted that no one from The Family had cautioned him about proceeding with the Bill, “Not one.” Harper’s Magazine, “Straight Man’s Burden”, September 2010, [harpers.org/archive/2010/09/straight-mans-burden/](https://www.harpers.org/archive/2010/09/straight-mans-burden/) (accessed on 10 October 2024).

⁶² The Independent, “Analysis: The Family’s man”, 26 August 2019, [independent.co.uk/analysis-the-family-man/](https://www.independent.co.uk/analysis-the-family-man/) (accessed on 10 October 2024); OpenDemocracy, “Calls for US anti-rights groups to face action over Uganda anti-gay law”, May 5, 2023, [opendemocracy.net/en/5050/uganda-anti-gay-law-sharon-slater-tim-kreutter/](https://www.opendemocracy.net/en/5050/uganda-anti-gay-law-sharon-slater-tim-kreutter/) (accessed on 10 October 2024); Harper’s Magazine, “Straight Man’s Burden” (previously cited).

⁶³ Southern Poverty Law Centre, “Despite Denials, Harsh Anti-LGBTQ+ law in Uganda Appears to Be Based on U.S. Rhetoric and Pseudoscience”, 13 February 2024, [splcenter.org/hatewatch/2024/02/13/despite-denials-harsh-anti-lgbtq-law-uganda-appears-be-based-us-rhetoric-and-pseudoscience](https://www.splcenter.org/hatewatch/2024/02/13/despite-denials-harsh-anti-lgbtq-law-uganda-appears-be-based-us-rhetoric-and-pseudoscience) (accessed on 10 October 2024).

⁶⁴ Jonathan Larsen, “‘The Family’ Tied -- Again -- to Anti-LGBTQ+ Death Penalty Bill”, 6 April 2023, [tyt.com/reports/inside-the-family/2023/04/06/96841ed3b37396edf](https://www.tyt.com/reports/inside-the-family/2023/04/06/96841ed3b37396edf) (accessed on 10 October 2024); OpenDemocracy, “Christian fundamentalism lies behind harsh new anti-LGBTIQ bill in Uganda”, 23 March 2023, [opendemocracy.net/en/5050/uganda-anti-homosexuality-bill-church-us-england-odoi-owelowo/](https://www.opendemocracy.net/en/5050/uganda-anti-homosexuality-bill-church-us-england-odoi-owelowo/) (accessed on 10 October 2024).

anti-LGBTQ statements.⁶⁵ A report by TYT.com claims that the Fellowship Foundation helped support Uganda’s National Prayer Breakfast in 2023 (which was reportedly verified by them through congressional findings), including by flying in Representative Tim Walberg from the United States. Speakers at this meeting called LGBTQ advocates “a force from the bottom of Hell,” and reportedly said they would “destroy” “the forces of LGBTQ,” and also spoke in support of the AHA.⁶⁶ Amnesty International wrote to the Fellowship Foundation/The Family on 17 September 2024 detailing the above allegations against them and inviting them to comment, but did not receive any response when this report went to press (October 2024).

In interviews conducted by Amnesty International, interviewees also noted the role of another USA registered non-profit organization, Family Watch International (FWI), in fueling discrimination against LGBTQ people in Uganda as well as driving the AHA 2023.⁶⁷ FWI, has long been classified by the Southern Law Poverty Centre as a hate group and been described by them as working “within the United Nations and with countries around the world to further anti-LGBT and anti-choice stances.”⁶⁸

CNN has reported that FWI was allegedly involved in assisting members of parliament in Uganda in pushing the AHA 2023 and helping shape its wording.⁶⁹ Their report notes that FWI staff made repeated changes to the draft and suggested clauses that should be added to the text. Furthermore, in May 2023 an OpenDemocracy investigation found that FWI’s President, Sharon Slater, was an active participant in a WhatsApp group convening over 150 Ugandan anti-abortion and anti-LGBTQ groups and individuals.⁷⁰

Several reports have also noted that FWI was a co-organizer of a two-day inter-parliamentary conference on ‘family values and sovereignty’ held in Entebbe in April 2023 and that Sharon Slater was a keynote speaker at the Conference.⁷¹ In this Conference, much of the proceedings reportedly focused on anti-LGBTQ issues.⁷² In his comments following this Conference, President Yoweri Museveni, was noted by the Guardian as having said that homosexuality was “a big threat and danger to the procreation of human race [sic]” and that “Africa should provide the lead to save the world from this degeneration and



⁶⁵ Dorothy Nalumansi, “Western Pressure Will Not Make Us Abandon Our Culture – Museveni”, 9 October 2022, news247.co.ug/2022/10/09/western-pressure-will-not-make-us-abandon-our-culture-museveninational-prayer-breakfast/ (accessed on 10 October 2024).

⁶⁶ Jonathan Larsen, “U.S. Prayer Breakfast Co-Chair Defends Uganda’s “Kill the Gays” Law”, tyt.com/reports/inside-the-family/2023/12/20/prayer-breakfast-chair-defends-kill-gays-law, 20 December 2023 (accessed on 10 October 2024).

⁶⁷ A number of sources have alleged that Family Watch International has bolstered anti-LGBTQ sentiments and discrimination in Uganda and also accused it of driving the Anti-Homosexuality Act 2023. See, Ipas and Empower, *Pulling Back the Cover: The Roots, Relationships and Rise of Family Watch International*, 2023; CNN, “Activists link US nonprofit to anti-LGBTQ laws in Africa. The group says it’s only promoting ‘family values’”, 18 December 2023, edition.cnn.com/2023/12/18/africa/anti-lgbtq-laws-uganda-kenya-ghana/index.html (accessed on 10 October 2024); Kristoff Titeca, “The American religious right and the anti-LGBTQ movement in Uganda: Family Watch International, Sharon Slater and the ‘Entebbe conference’”, January 2024, democracyninfrica.org/the-american-religious-right-and-the-anti-lgbtq-movement-in-uganda-family-watch-international-sharon-slater-and-the-entebbe-conference/; OpenDemocracy, *Calls for US anti-rights groups to face action over Uganda anti-gay law* (previously cited).

⁶⁸ Southern Law Poverty Centre, “Family Watch International”, splcenter.org/fighting-hate/extremist-files/group/family-watch-international (accessed on 10 October 2024).

⁶⁹ CNN, *Activists link US nonprofit to anti-LGBTQ laws in Africa* (previously cited).

⁷⁰ OpenDemocracy, *Calls for US anti-rights groups to face action over Uganda anti-gay law* (previously cited).

⁷¹ Ipas and Empower, *Pulling Back the Cover* (previously cited); CNN, *Activists link US nonprofit to anti-LGBTQ laws in Africa* (previously cited); Kristoff Titeca, *The American religious right and the anti-LGBTQ movement in Uganda* (previously cited); The Guardian, “Ugandan president calls on Africa to ‘save the world from homosexuality’”, 3 April 2023, theguardian.com/global-development/2023/apr/03/ugandan-president-calls-on-africa-to-save-the-world-from-homosexuality (accessed on 10 October 2024); GLAAD, “Rachel Maddow traces anti-LGBTQ legislation in Uganda to activists in Arizona”, 2 May 2023, glaad.org/rachel-maddow-traces-anti-lgbtq-legislation-uganda-activists-arizona/ (accessed on 10 October 2024).

⁷² Kristoff Titeca, *The American religious right and the anti-LGBTQ movement in Uganda* (previously cited); The Guardian, *Ugandan president calls on Africa to ‘save the world from homosexuality’* (previously cited).

decadence.”⁷³ In interviews conducted by Amnesty International, an organization working on LGBTQ rights told us that immediately following this Entebbe Conference they saw a notable increase in misinformation and disinformation and anti-LGBTQ rhetoric targeting LGBTQ persons in online spaces, from groups and individuals that have been opposing equal rights for LGBTQ people in Uganda.⁷⁴

An article by Uganda Broadcasting Corporation (UBC), reported that Sharon Slater had met with President Museveni before the Entebbe Conference to advocate for conversion practices for LGBTQ people.⁷⁵ Conversion practices have been noted by human rights bodies to be inherently humiliating, demeaning and discriminatory and may also amount to torture and other ill-treatment in some circumstances.⁷⁶ Reporting by Southern Law Poverty Centre notes that following this meeting, President Museveni refused to sign the act into law until the Ugandan parliament added a clause on “rehabilitation” of LGBTQ people, which has since been included in the Act.⁷⁷

FWI has denied any allegations of being involved with the AHA 2023 in any way; refuted claims of co-organizing the conference in Entebbe; and stated that Sharon Slater did not participate in discussions on the WhatsApp group.⁷⁸ Amnesty International wrote to FWI sharing the above allegations against them on 17 September 2024 and inviting them to comment but did not receive any response from them as on the date of publication.

The influence of anti-rights groups over Ugandan laws has been calamitous for the LGBTQ community in Uganda. As a prominent LGBTQ activist remarked to Amnesty International,

“So Uganda has really been ground zero, like all the backlash we are suffering at the moment, is entirely because of the anti-gay, anti-gender movement, [M]ost of the violence we have seen, the mental health and trauma that we’re seeing, all of this, all these violations are documented, this is really a result of the anti-gay, anti-gender movement... [P]eople have been radicalized, Ugandans have been radicalized right now... And even if the law is nullified this month, we will still see a lot of damage that the anti-gay and anti-gender movement campaigns have done to the society in Uganda, that really will keep affecting the LGBTQ community for a very long time.”⁷⁹

In addition to the influence of anti-rights groups,⁸⁰ the actions of international financial institutions, coupled with the state’s failure to guarantee people’s rights – including erosion of social and economic rights - has made people vulnerable to non-state actors who fill these gaps and at times simultaneously propagate anti-rights ideologies. The structural adjustment programmes thrust on countries like Uganda in the 1980s and 1990s by international financial institutions like the IMF and the World Bank, and its stress on liberalization, privatization, deregulation, and austerity, led to a decline in public services and generalized economic insecurity.⁸¹ This created new opportunities for religious groups in Uganda to provide public services, such as education and healthcare, giving them greater access to influence, shape and control popular discourse and narratives on a range of issues, including sexuality.⁸²

Documentation by the Institute for Journalism and Social Change has found that religious groups that have actively backed strict criminal penalties against LGBTQ people, such as the Inter-Religious Council of Uganda, the Churches of Uganda, and the Pentecostal Church of Uganda, received at least \$40 million in funding from a long list of donor governments (all of which are also members of the global Equal Rights Coalition, an intergovernmental body of 44 Member States dedicated to the protection of the rights of LGBTQ persons), as well as UN agencies, as a part of aid and development funding given by these donors.⁸³ This

⁷³ The Guardian, *Ugandan president calls on Africa to ‘save the world from homosexuality’* (previously cited); Uganda Broadcasting Corporation (UBC), “President Museveni calls on Africa to reject promotion of homosexuality”, 3 April 2023, ubc.go.ug/2023/04/03/president-museveni-calls-on-africa-to-reject-promotion-of-homosexuality/ (accessed on 10 October 2024).

⁷⁴ Online interview with representative of XXG organization, 2 February 2024. Ipas has similarly found that the influence of interest groups such as FWI, also extends to increasing and amplifying anti-LGBTQ rhetoric in digital spaces. Gillian Kane and others, *Out of Bounds: Foreign and Digital Influence Targeting LGBTI Rights in Ghana*, Ipas, 2023.

⁷⁵ Uganda Broadcasting Corporation (UBC), *President Museveni calls on Africa to reject promotion of homosexuality* (previously cited).

⁷⁶ United Nations Independent Expert on protection against violence and discrimination based on Sexual Orientation and Gender Identity, Report on Conversion Therapy, ohchr.org/sites/default/files/Documents/Issues/SexualOrientation/ConversionTherapyReport.pdf

⁷⁷ Uganda, Anti-Homosexuality Act 2023, Section 16.

⁷⁸ Family Watch International, “Frequently Asked Questions on the Situation in Uganda and Family Watch International”, familywatch.org/frequently-asked-questions-on-the-situation-in-uganda-and-family-watch-international/ (accessed on 10 October 2024).

⁷⁹ Online interview with representative of XXF organization, 1 February 2024.

⁸⁰ See, Kapya Kaoma, *Globalizing the Culture Wars: U.S. Conservatives, African Churches, & Homophobia*, 2009, politicalresearch.org/sites/default/files/2018-10/africa-full-report.pdf.

⁸¹ Jörg Wiegatz and others, *Uganda: The Dynamics of Neoliberal Transformation* (previously cited).

⁸² Rahul Rao, *Queer in the Time of Homocapitalism* (previously cited).

⁸³ Claire Provost, *Progressive cash for the anti-LGBTQI backlash? How aid donors and ‘feminist’ governments have funded backers of Uganda’s deadly Anti-Homosexuality Bill*, The Institute for Journalism and Social Change, 2023.

presents a troubling picture of funding relationships between international donors who have pledged support to LGBTQ rights and anti-LGBTQ groups in Uganda.

THE ROLE OF RELIGIOUS AND POLITICAL ELITES IN UGANDA

Various scholars have noted that it would be simplistic to conceive of Ugandan authorities and religious groups as actors without agency to oppose the trends outlined above.⁸⁴ Instead, they argue there is mutual benefit for both domestic and international, state and non-state actors, in spreading homophobic propaganda.⁸⁵ Rather than these global narratives being merely repeated in Uganda, they are reinterpreted through the lens of local contexts and concerns.⁸⁶

Indeed, while colonialism has played a pivotal role in shaping gender and sexuality norms in erstwhile colonies and introducing legalized homophobia, Ugandan scholar, Sylvia Tamale, has argued that the persistence and ownership of homophobic laws and their different trajectories in different colonies, indicates a degree of collusion by domestic state and non-state actors to achieve self-serving agendas.⁸⁷ Moreover, Ugandan churches have in the past severed ties with and refused funding from American churches that were seen as being more permissive of same-sex conduct within their ranks,⁸⁸ demonstrating that they form their position on sexuality independently. This challenges the idea that legislations such as the AHA 2023 are simply “collateral damage” of “culture wars” exported from the USA to Africa by anti-rights groups in the USA.⁸⁹

Instead, Sylvia Tamale has argued that in postcolonial nation-states such as Uganda, political homophobia is used to deflect and divert attention from critical socio-economic issues such as rising unemployment, financial insecurity, corruption, inflation, repression and hopelessness among local populations.⁹⁰ This was echoed in an interview conducted by Amnesty International:

“These are the actual things that are going on - the rates of corruption, that money that is coming in from the religious fundamentalist groups, the money that is going into the politicians’ pockets to ensure that they pass these legislations - when there are other important legislations that they should have looked at, like improving our education, curtailing corruption, improving service delivery, the number of young girls that are actually having children, the number of young children who are reporting being sexually abused in these schools that are run by these church groups. But that is not being looked at because they’re telling you homosexuals are a threat to you.”⁹¹

Indeed, one of the key champions of the AHA 2023, Anita Among, who is speaker of the Ugandan parliament, recently claimed that “homosexuals” are behind corruption allegations against her, whereby she is accused of, among other things, directing staff members to withdraw huge amounts of public money through private accounts.⁹²

Within this context of economic insecurity, money has assumed central importance in anti-LGBTQ narratives. To deflect responsibility for the prevailing socio-economic situation, Ugandan scholars have noted that LGBTQ people are scapegoated by politicians who accuse them of receiving funding from Western donors to lure others into homosexuality.⁹³ They are projected as apportioning and diverting money from

⁸⁴Rahul Rao, “The Location of Homophobia”, *Out of Time*, 2020; See also Nyanzi and Karamagi, *The social-political dynamics of the anti-homosexuality legislation in Uganda* (previously cited).

⁸⁵ Sylvia Tamale, *Exploring the contours of African sexualities: Religion, law and power* (previously cited).

⁸⁶ Tara McKay and Nicole Angotti, “Ready Rhetorics: Political Homophobia and Activist Discourses in Malawi, Nigeria, and Uganda”, 2016, *Qualitative Sociology*, Volume 39, pp. 397–420.

⁸⁷ Noted Ugandan scholar Sylvia Tamale writes, “I disagree with those scholars who argue that the current antigay campaign in Africa was manufactured abroad. There is a Luganda proverb that says “Kyewayagaliza embazzi kibuyaga asude,” meaning that the tree you wanted to chop down has been uprooted by a thunderstorm. The closest English equivalent would be “Chance favors a prepared mind.” In other words, I believe that the interests of all the groups on both sides of the Atlantic are served by the developments in Uganda; homophobia has simply become a political tool used by conservatives to promote their self-serving agendas.” Sylvia Tamale, *Confronting the Politics of Nonconforming Sexualities in Africa* (previously cited).

⁸⁸ Kristoff Titeca, “Uganda: Unpacking the Geopolitics of Uganda’s Anti-Gay Bill”, 10 March 2023, allafrica.com/stories/202303130004.html. See also: Kevin Ward, *Religious institutions and actors and religious attitudes to homosexual rights* (previously cited); Amar Wahab, “Homosexuality/Homophobia Is Un-African?; Un-Mapping Transnational Discourses in the Context of Uganda’s Anti-Homosexuality Bill/Act, 2016, *Journal of Homosexuality*, Volume 63, Issue 5, pp. 685-718.

⁸⁹ Kapyia Kaoma, *Globalizing the Culture Wars* (previously cited).

⁹⁰ Sylvia Tamale, *Exploring the contours of African sexualities* (previously cited); Sylvia Tamale, *A Human Rights Impact Assessment of the Ugandan Anti-homosexuality Bill 2009* (previously cited); Sylvia Tamale, *Confronting the Politics of Nonconforming Sexualities in Africa* (previously cited); Amar Wahab, *Homosexuality/Homophobia Is Un-African?* (previously cited).

⁹¹ Online interview with representative of XXG organization, 2 February 2024.

⁹² OpenDemocracy, “Champions of Uganda’s anti-gay law blame ‘homosexuals’ for corruption scandal”, 18 March 2024, opendemocracy.net/en/uganda-parliament-anita-among-corruption-scandal-politics/.

⁹³ Sylvia Tamale, *Exploring the contours of African sexualities* (previously cited); Sylvia Tamale, *Confronting the Politics of Nonconforming Sexualities in Africa* (previously cited); Amar Wahab, “Homosexuality/Homophobia Is Un-African?” (previously cited); Rahul Rao, *The Location of Homophobia* (previously cited); Stella Nyanzi and Andrew Karamagi, *The social-political dynamics of the anti-homosexuality legislation in Uganda* (previously cited).

international funders, in a context where the overall socio-economic condition of the majority of Ugandans continues to remain vulnerable. This allows the state to shift the blame for economic inequalities and insecurity from themselves to the LGBTQ community which perpetuates divisiveness and hatred against the community. As one of the interviewees of this research noted, LGBTQ people in Uganda are assumed to be part of the LGBTQ community to receive Western money, rather than an innate expression of oneself and one's desires: "Though they know I'm an activist and I'm serving the community, but they say, some say Lucien* (name anonymized for security) is just doing that because of money."⁹⁴

In this research, Amnesty International has documented how accusations of 'foreign funding' circulating through social media platforms has been used to spread stigma and bias against LGBTQ people.⁹⁵ Similarly, the research notes widespread blackmailing against the LGBTQ community, hinged on this very narrative of the LGBTQ community receiving money from foreign donors and having money at their disposal.⁹⁶

This contextual analysis of contemporary homophobia and transphobia in Uganda raises concerns regarding the roles of several different actors, including state actors in Uganda and others abroad, in creating an enabling environment where anti-LGBTQ rhetoric can be sustained and (re)produced, both online and offline.

1.2 DIGITAL ENVIRONMENT IN UGANDA

The Ugandan government has deployed various restrictive laws and policies that have curtailed rights to freedom of expression online. Uganda is also yet to ratify the African Union Convention on Cyber Security and Personal Data Protection, which among other themes, aims to harmonize data protection policies across Africa, with an emphasis on digital rights such as data protection, privacy, and internet freedom.

1.2.1 VAGUE LAWS TO CONTROL DIGITAL SPACES

There are several laws contributing to circumscribing online space in Uganda. Some of the key ones include the Computer Misuse Act, 2011 (CMA), the Regulation of Interception of Communications Act, 2010 (RICA), Uganda Communications Act, 2013 (UCA) and the Electronic Transactions Act, 2011.

The CMA is one of the primary technology-based laws used by Ugandan authorities to control online expression.⁹⁷ The CMA creates broad offences such as "cyber harassment" and "offensive communications". While Section 25 of the CMA dealing with "offensive communications" was struck down by the Ugandan Constitutional Court for being vague and overbroad,⁹⁸ the Ugandan state appealed the judgment and received an interim order, which has in effect allowed it to remain in force. As Chapter Four Uganda, the key petitioner in the case explained to Amnesty International, "The effect of that is that the law remains in force until the Supreme Court decides and so people can still be charged under the Computer Misuse Act if you are involved in acts that they think fall within the law, which is also a very broad law. We have recorded cases under the Computer Misuse Act, as we speak."⁹⁹

The CMA, instead of providing LGBTQ people with avenues of redress for TfGBV, has been used to further criminalize them. Indeed, there are some indications that these laws on communications in digital spaces have been used to target LGBTQ communities in Uganda,¹⁰⁰ including since the passage of the AHA 2023. A 2017 publication by the Human Rights Awareness and Promotion Forum (HRAPF) notes that a transgender woman was charged under Section 24 of the CMA, which pertains to cyber harassment, and the investigating officer admitted to having checked her Facebook account and claimed to have found some "strange pictures of her wearing dresses" that instigated him to further probe about her gender identity.¹⁰¹ Since the AHA was passed in May 2023, HRAPF has documented two instances where LGBTQ persons were charged under provisions of the CMA. A gay man was arrested under cyber harassment charges

⁹⁴ In person interview with Lucien*, 22 November 2023.

⁹⁵ See Sections 4.2.3 and 4.2.4.

⁹⁶ See Section 4.2.2.

⁹⁷ Tony Roberts (editor), *Digital Rights in Closing Civic Space: Lessons from Ten African Countries*, Institute of Development Studies, 2021.

⁹⁸ Monitor, "Court nullifies section 25 of Computer Misuse Act", 11 January 2023, monitor.co.ug/uganda/news/national/court-declares-section-25-of-computer-misuse-null-and-void-4081782 (accessed on 10 October 2024).

⁹⁹ Online interview with Chapter 4, 7 February 2024.

¹⁰⁰ Joanne Nanyange, "In kindred company: The Computer Misuse Act and the other vague and broad laws that threaten the rights of sexual minorities" in HRAPF, *The Computer Misuse Act, 2011: Yet Another Legal Fetter to the Basic Rights and Freedoms of Marginalised Persons*, *The Human Rights Advocate*, 4th Issue, 2017.

¹⁰¹ Joanne Nanyange, *In kindred company* (previously cited).

pursuant to Section 24 of the CMA for exchanging messages with another man he met over a dating app.¹⁰² The police accused him of “sending lewd and offensive messages” over social media and was held for three days. A TikTok comedian and hairdresser who was attacked with homophobic insults in the comment section of her videos, and responded back to such comments was initially charged with “promoting homosexuality”.¹⁰³ The charge was later amended to “offensive communication” on the basis of her comments on TikTok defending herself from abusive attacks.

The CMA also allows law enforcement officials to seek an order for preserving data stored on a computer or any other ICT, on the mere grounds of having “reasonable suspicion” that “such data is vulnerable to loss or modification.”¹⁰⁴ It also gives police the powers of search and seizure if they suspect an offence has been committed under the Act, including seizing computers or taking any samples or copies of any application or data.¹⁰⁵ These powers of search and seizure, combined with a low threshold to access an individual’s data on loose grounds, constitutes a serious threat to right to privacy and freedom of expression.¹⁰⁶

The RICA introduces far reaching government discretionary powers in surveillance and interception of communications between individuals, groups and organizations. As previously noted by Amnesty International, the Act suffers from several issues, including broadly and loosely defined grounds for authorizing interception of communication and the potential for abuse of broad ministerial powers.¹⁰⁷

The UCA has a provision for setting up the Uganda Communications Commission (UCC). The UCC, since its inception, has passed a torrent of notices and regulations which have had a deleterious impact on freedom of expression online. In 2017, the UCC issued a public notice advising the “general public against irresponsible and/or illegal use of all communication platforms” given the proliferation of various illegalities including “pornographic content”, which are likely to cause “social and economic distress”.¹⁰⁸ The notice also called for users, administrators, and account managers to refrain from “authoring, posting, receiving, and sharing or forwarding any forms of communication containing and/or referring to illegal and/or offensive content to avoid the risk of being investigated and/or prosecuted for aiding and abetting the commission of any resultant offenses.”¹⁰⁹ This was yet another attempt to control and limit social and political discourse on social media platforms.

Many of these laws, besides violating right to privacy in many instances, have caused a chilling effect on freedom of expression for individuals and organizations who are conscious of the state being able to access their data.¹¹⁰ As a part of this research, Amnesty International documented widespread fear amongst the LGBTQ community that digital laws, especially the CMA, are being used to monitor and access their data and devices. Any content on their devices or social media posts, which is deemed to be related to SOGIE, they fear, could make them fall afoul of the provisions of the CMA, especially when used in conjunction with the AHA 2023. This has affected how they store data on their devices and their ability to freely express themselves in online spaces. As a prominent LGBTQ activist remarked, “We haven’t had anyone who has been charged [under the CMA], but we have people who have been blackmailed and extorted, we have people who have been arrested, but we don’t have someone who has been taken to court and been charged. But of course, the entire law is worrying at the moment, especially for the LGBTQ community, because any information you post, and mainly because of the AHA right now and the Penal Code Act, it could be misconstrued as, you know, computer misuse.”¹¹¹

¹⁰² HRAPF/PA/97/2023 documented in Human Rights Awareness and Promotion Forum, *Two Months After: Report on Violence and Violations on the basis of real or presumed sexual orientation and/ or gender identity two months after the Anti-Homosexuality Act came into force*, 9 August 2023.

¹⁰³ HRAPF/PA/324/23 documented in Human Rights Awareness and Promotion Forum, *Report on Violence and Violations on the basis of real or presumed sexual orientation and/ or gender identity in the seven months after the Anti-Homosexuality Act came into force (December 2023)*, 10 January 2024.

¹⁰⁴ Uganda, Computer Misuse Act 2011, Section 9.

¹⁰⁵ Uganda, Computer Misuse Act 2011, Section 28.

¹⁰⁶ Unwanted Witness, *Digital Rights and Internet: Freedoms in Uganda. A Policy Analysis*, 2015, unwantedwitness.org/download/uploads/Digital-Rights-and-Internet-Freedoms-in-Uganda-1.pdf.

¹⁰⁷ Amnesty International, *Uganda: Amnesty International Memorandum On The Regulation Of Interception Of Communications Act, 2010*, (Index: AFR 59/016/2010), 14 December 2010 [amnesty.org/en/wp-content/uploads/2021/07/afr590162010en.pdf](https://www.amnesty.org/en/wp-content/uploads/2021/07/afr590162010en.pdf).

¹⁰⁸ Uganda Communications Commission, “PUBLIC NOTICE: Warning Against Irresponsible Use of Social and Electronic Communication Platforms”, 14 September 2017, [facebook.com/photo?fbid=15115533901817973&set=pcb.15115533951817968](https://www.facebook.com/photo?fbid=15115533901817973&set=pcb.15115533951817968) (accessed on 10 October 2024).

¹⁰⁹ UCC, *Public Notice* (previously cited).

¹¹⁰ Tony Roberts, *Digital Rights in Closing Civic Space: Lessons from Ten African Countries* (previously cited); Unwanted Witness, *Digital Rights and Internet* (previously cited).

¹¹¹ Online interview with representative of XXF organization, 1 February 2024.

1.2.2 SOCIAL MEDIA BLOCKING AND SURVEILLANCE

In 2021, the Ugandan government blocked access to Facebook in Uganda after it took down a network of accounts and pages that engaged in what it called “coordinated inauthentic behavior” aimed at manipulating public debate around the election.¹¹² Facebook said these networks were linked to the Government Citizens Interaction Center, an initiative that is part of Uganda’s Ministry of Information and Communications Technology and National Guidance. However, Facebook is still widely used through VPN in Uganda and many government agencies, including the Uganda Police Force, frequently post on the platform.¹¹³ Some estimates note that Facebook had 2.60 million users in Uganda in early 2024.¹¹⁴ Amongst the LGBTQ community interviewed for this research, Facebook was the most used social media platform.

In addition, Freedom House notes that Ugandan activists have expressed suspicion that the government has increased monitoring and surveillance of social media platforms and other online spaces in recent years.¹¹⁵ In the past, state authorities have admitted to monitoring social media posts. For instance, in March 2019, during academic Stella Nyanzi’s trial over her social media posts, a security officer testified about actively monitoring her Facebook page.¹¹⁶ In 2017, Reporters without Borders noted that the Uganda Media Centre, the government-appointed media regulatory body, announced that it had assembled a new social media monitoring unit tasked with scanning the profiles of users to find posts critical of the government and the nation.¹¹⁷

1.2.3 INADEQUATE DATA PROTECTION AND PRIVACY ACT

The Data Protection and Privacy Act, 2019 aims to protect individuals and their personal data by regulating processing of personal information by state and non-state actors, within and outside Uganda. However, even with the passage of this Act, several concerns remain. For instance, Section 7(2) of the Act, allows for personal data to be collected without consent when such collection or processing is authorised or required by law for the prevention, detection, investigation, prosecution or punishment of an offence or breach of law. Given the AHA 2023’s stringent provisions, it is likely that data belonging to LGBTQ communities will be exempted from the consent requirement mandated under the Act.¹¹⁸

The environment of criminalization and illegality associated with various aspects of queer lives through the passage of the AHA 2023, makes it unlikely that the LGBTQ community would be able to benefit from protections under the Data Protection and Privacy Act. A feminist group working at the intersection of gender and technology, explained to Amnesty International that “until there is a change in the Anti Homosexuality Act, I think also that will inform these laws being able to help the LGBTI community in regard to digital protection, their privacy, their security. Because if we still have the Anti Homosexuality Act that looks at the LGBTI community as a crime, I think then there’s no way that, for example, the Data Protection and Privacy Act, the Data Protection Office in Uganda, would start to consider the issues of LGBTI community as an important aspect in the law.”¹¹⁹

Furthermore, the implementation of the Act remains poor. Protections provided under this law have not resulted in state or non-state actors taking measures to change their policies and practices as per the obligations under the Act, as immense amounts of personal data, including sensitive personal data continues to be collected by both government and companies in a manner which disregards the standards set by the law.¹²⁰

¹¹² New York Times “Uganda Blocks Facebook Ahead of Contentious Election”, 13 January 2021, archive.is/fyfOr#selection-419.0-419.52.

¹¹³ New Vision, “Govt, Facebook in talks to end three-year blockade”, 22 January 2024, [newvision.co.ug/category/news/govt-facebook-in-talks-to-end-three-year-bloc-NV_179442/](https://www.newvision.co.ug/category/news/govt-facebook-in-talks-to-end-three-year-bloc-NV_179442/). See also Section 4.2.1. below.

¹¹⁴ Data Reportal, “Digital 2024: Uganda”, 23 February 2024, datareportal.com/reports/digital-2024-uganda (accessed on 10 October 2024).

¹¹⁵ Freedom House, “Uganda: Freedom on the Net 2022 Country Report”, freedomhouse.org/country/uganda/freedom-net/2022 (accessed on 10 October 2024).

¹¹⁶ The Independent, “Drama as police detective reads out Stella Nyanzi poem in court”, 21 March 2019, [independent.co.ug/drama-as-police-detectives-reads-out-stella-nyanzi-poem-in-court/](https://www.independent.co.ug/drama-as-police-detectives-reads-out-stella-nyanzi-poem-in-court/) (accessed on 10 October 2024).

¹¹⁷ Reporters Without Borders, “Uganda creates unit to spy on social networks”, 30 June 2017, [rsf.org/en/uganda-creates-unit-spy-social-networks](https://www.rsf.org/en/uganda-creates-unit-spy-social-networks)

¹¹⁸ Human Rights Awareness and Promotion Forum (HRAPF), *The Data Protection and Privacy Bill, 2015: Its Implications for Marginalised Groups*, 2017.

¹¹⁹ Online interview with representative of XXH organization, 25 January 2024.

¹²⁰ Privacy International, “One Year On, what has Uganda’s Data Protection Law Changed?”, 3 March 2020, [privacyinternational.org/news-analysis/3385/one-year-what-has-ugandas-data-protection-law-changed](https://www.privacyinternational.org/news-analysis/3385/one-year-what-has-ugandas-data-protection-law-changed)

1.2.4 DISPARITY IN INTERNET ACCESS

Only 25% of Ugandans live in urban areas and access to electricity is limited in rural areas, resulting in a significant urban-rural divide in internet access.¹²¹ A survey by the Uganda Communications Commission found that only 6% of women are online.¹²² Furthermore, in July 2021, the government implemented a 12% tax on internet data as a part of a tax package adopted under the Excise Duty (Amendment) Act 2021, which replaced the earlier OTT services tax, a daily Ugandan shilling (UGX) 200 (\$0.06) tax on social media usage (commonly dubbed the social media tax). The tax received heavy backlash for making internet access more expensive and for restricting connectivity, especially for poorer Ugandans, with women's access to the internet being significantly impacted.¹²³

Overall, factors such as high cost of internet packages (made more expensive through the added data tax), low levels of digital literacy and poor internet coverage pose challenges to enjoyment of digital rights,¹²⁴ and disproportionately affect women, girls and LGBTQ people.

1.3 CLAMPING DOWN ON CIVIC SPACE

CIVICUS Monitor, an online platform that evaluates the level of protection of core civil society freedoms of association, assembly and expression in countries around the world, assesses Uganda as repressed.¹²⁵

In Uganda, a range of actions have led to shrinking civic spaces, both online and offline. These include “arbitrary arrest or detention, serious restrictions on free expression, the press, and the internet, threats of violence, and unjustified arrests or prosecution of journalists, censorship, site blocking, and criminal libel laws; substantial interference with the freedom of peaceful assembly and freedom of association; crimes involving violence or threats of violence targeting lesbian, bisexual, transgender; the existence of laws criminalizing consensual same-sex sexual conduct between adults among others.”¹²⁶

Amnesty International has previously noted that the Ugandan government has become increasingly hostile towards civil society and NGOs and activists with dissenting views have been intimidated and their work obstructed by the authorities.¹²⁷

A combination of repressive policies and practices severely restrict the activities and reach of civil society. The ability of NGOs and activists to provide services, carry out public activities, and advocacy have been negatively affected by repressive laws such as the Public Order Management Act, the Anti-Pornography Act and the AHA.¹²⁸ The climate created by these acts further creates an environment allowing non-state actors to subject civil society, as well as individuals, activists, and organizations, to abuse, with impunity.

In addition to these repressive laws, activists and civil society organization have been targeted with harassment, intimidation and arrests of activists; limitations on public gatherings and protests citing apprehension regarding public order and safety; regulations that restrict media freedom; and internet shutdowns.¹²⁹ The Ugandan government has also imposed severe restrictions on the functioning of NGOs, particularly through the Non-Governmental Organizations Act and the National Bureau for NGOs (NGO Bureau) set up under it, and has arbitrarily suspended the registration of several NGOs.¹³⁰ Civil society

¹²¹ Freedom House, *Uganda: Freedom on the Net 2022 Country Report* (previously cited).

¹²² World Wide Web, *Women's Rights Online, Report Card: Uganda*, webfoundation.org/docs/2016/09/WF_GR_Uganda.pdf (accessed on 10 October 2024).

¹²³ World Wide Web Foundation, *Who Wins? Who Loses? Understanding women's experiences of social media taxation in East and Southern Africa*, May 2019, docs.google.com/document/d/1KTSocHJ4FtxDAiu7b_yMkV6PbuUrpV4WJJK0i6cKLEQ/edit?tab=t.0#heading=h.p7kq0b8afbef (accessed on 10 October 2024).

¹²⁴ Unwanted Witness, *State of Digital Rights and Governance in Uganda: How Undemocratic Practices Sway Digital Rights Enjoyment & Governance in Uganda*, unwantedwitness.org/download/uploads/Report_How-Undemocratic-Practices-Sway-Digital-Rights-Enjoyment-Governance-In-Uganda.pdf

¹²⁵ CIVICUS, “Uganda – Monitor Tracking Civic Space”, monitor.civicus.org/country/uganda/ (accessed on 10 October 2024).

¹²⁶ Women Of Uganda Network (WOUGNET), *Examining the Effect of Shrinking Civic Space on Feminist Organizing Online, Particularly for Structurally Silenced Women in Uganda*, 2021.

¹²⁷ Amnesty International, *Rule By Law* (previously cited).

¹²⁸ Amnesty International, *Rule By Law* (previously cited).

¹²⁹ WOUGNET, “Feminists Resilience In Uganda's Shrinking Civic Space”, 16 November 2023, wougn.net/feminists-resilience-in-ugandas-shrinking-civic-space/ and CIVICUS, “Addressing Civic Space Restrictions in Uganda: What Role for the Universal Periodic Review?”, 2017, civicus.org/images/Addressing_Civic_Space_Restrictions_in_Uganda_PolicyBrief_Feb2017ff.pdf

¹³⁰ Amnesty International, “Uganda: End repression of civil society: Joint statement on Uganda's NGO Bureau suspension of 54 NGOs in the country”, (Index Number: AFR 59/4652/2021), 27 August 2021, amnesty.org/en/wp-content/uploads/2021/08/AFR5946522021ENGLISH.pdf

organizations have also suffered break ins, where their data has been stolen.¹³¹ Amnesty International has previously found that some organizations were forced to stop or significantly change their work on “sensitive” areas because of this targeting, including by self-censoring for fear of closure.¹³²

These tactics also affect the digital space in Uganda, where civic space for feminist organizing online in Uganda is shrinking. For instance, Ugandan civil society organizations have noted that LGBTQ and sex workers’ human rights defenders are most likely to be silenced in online civic spaces, with the state being the main perpetrator.¹³³

In addition to the general obstacles faced by all civil society actors in Uganda, those working on LGBTQ rights additionally face challenges working within a context of state-sponsored homophobia and transphobia.¹³⁴ These challenges and violations have been documented in detail in Section 4.3 below.

¹³¹ CIVICUS notes that “*These attacks follow a common pattern that suggests they are not regular burglaries: expensive items are usually left behind as the intruders generally take devices that store information.*” CIVICUS, *Addressing Civic Space Restrictions in Uganda* (previously cited) p. 5.

¹³² Amnesty International, *Rule by Law* (previously cited).

¹³³ WOUUNET, *Examining the Effect of Shrinking Civic Space on Feminist Organizing Online* (previously cited).

¹³⁴ Previous Amnesty International reports have noted that civil society organizations face significant challenges as a result of the climate created by legislation such as the AHA. Amnesty International noted that there is stifling of civil society organizations and self-censorship of organizations working on LGBTQ issues and on the AHA, with some completely ceasing their operations after the AHA was enacted in 2014. Organizations also reported being under surveillance and reported break-ins and theft of information, with little action from law enforcement. Amnesty International, *Rule by Law* (previously cited).

2. HUMAN RIGHTS LAW AND STANDARDS

This chapter provides a brief overview of the Ugandan government's international and regional human rights law obligations and responsibilities in connection to TfGBV against LGBTQ people and human rights defenders, as well as to the rights to freedom of expression and association.

2.1 RIGHT TO LIVE FREE FROM GENDER-BASED VIOLENCE

International human rights law obliges states to uphold the right to live free from gender-based violence. Gender-based violence (GBV) encompasses a wide range of violence, including physical, sexual and psychological violence, threats, abuse and coercions that are rooted in and reproduce gender inequality, power asymmetry and harmful gender stereotypes and social norms. GBV has a disproportionate impact on women and girls but also impacts other people owing to their real and/or perceived gender, sexual orientation, gender identity and/or expression. GBV is a form of discrimination and may in some cases amount to torture or other ill-treatment. It requires a comprehensive state response that puts survivors' rights at the centre and addresses root causes.¹³⁵ The definition of gender-based violence also covers violence "occurring online and in other digital environments".¹³⁶

UN human rights mechanisms and bodies have increasingly recognized that discrimination based on SOGIESC plays a crucial role in shaping and exacerbating GBV, including TfGBV. The UN Committee on the Elimination of Discrimination against Women noted in its General Recommendation No. 35 that CEDAW recognizes intersecting forms of discrimination against lesbian, bisexual and transgender women and intersex persons.¹³⁷ In a report about SOGIESC-based discrimination to the UN Human Rights Council in November 2011, the then-UN High Commissioner for Human Rights further acknowledged that homophobic and transphobic attacks constitute GBV.¹³⁸ Moreover, the Yogyakarta Principles relating to the application of international law to SOGIESC protect the human rights of LGBTQ people in relation to information and communication technology. Principle 36 states that LGBTQ people are entitled to the same level of protection online and offline and that LGBTQ people have the right to use and access communication technology without violence and discrimination based on SOGIE.¹³⁹

IHRL requires that states ensure that both state and non-state (private) actors respect LGBTQ people's right to live free from GBV, including TfGBV.¹⁴⁰ They must also take all necessary steps to protect those subjected

¹³⁵ UN Committee on the Elimination of Discrimination against Women (CEDAW), General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992), 26 July 2017, CEDAW/C/GC/35; Article 2 of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

¹³⁶ CEDAW General Recommendation 35 (previously cited), para. 20. See also UN Special Rapporteur on violence against women, Report: *Online violence against women and girls from a human rights perspective*, 18 June 2018, UN Doc. A/HRC/38/47, para 22.

¹³⁷ CEDAW, General recommendation No. 35 (previously cited), para 12.

¹³⁸ UN High Commissioner for Human Rights, Report on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, 17 November 2011, UN Doc. A/HRC/19/41, para 20.

¹³⁹ The Yogyakarta Principles +10, Principle 36.

¹⁴⁰ UN Special Rapporteur on violence against women, Report: *Online violence against women and girls from a human rights perspective* (previously cited), para 22.

to GBV including TfGBV,¹⁴¹ investigate these offenses, bring perpetrators to justice, and provide survivors with access to justice and timely and appropriate reparation.¹⁴² In addition, states must undertake measures to prevent TfGBV, including by raising awareness about this issue and establishing support services for all people whose right to live free from GBV has been violated.¹⁴³ In doing so, it is fundamental to take into account, with an intersectional approach, the ways in which race or ethnic background, as well as socio-economic status can shape specific experiences of TfGBV in varying contexts.¹⁴⁴

The right to live free from GBV is indivisible from and interdependent on other human rights, including but not limited to the rights to privacy, freedom of expression, freedom of peaceful assembly and freedom of association.¹⁴⁵

2.2 RIGHT TO PRIVACY

The right to privacy is enshrined in Article 12 of the Universal Declaration of Human Rights (UDHR). Article 17 of the ICCPR further provides that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence,” and that “everyone has the right to the protection of the law against such interference or attacks”.¹⁴⁶

International law and standards require that any state interference with the right to privacy must be lawful, necessary and proportionate.¹⁴⁷ It must serve a legitimate aim and be subject to safeguards adequate to prevent abuse, such as being subject to judicial oversight for a defined purpose and period.¹⁴⁸ Furthermore, any limitation on the right to privacy must comply with the principle of non-discrimination and other rights recognized under international law.¹⁴⁹ Where the limitation does not meet these criteria it is unlawful and/or arbitrary.¹⁵⁰

The full enjoyment of the right to privacy must be protected for every person, irrespective of their SOGIESC. In 2020, the UN Special Rapporteur on the right to privacy expressed that, after a worldwide consultation process, it was clear that “[g]ender and factors such as ethnicity, beliefs, culture, social origins, age, economic self-sufficiency and legal and political frameworks serve to mould experiences of privacy”.¹⁵¹ An increasing body of work in feminist theory also shows the interconnection between “bodily sovereignty and data sovereignty” and highlights that, as the separation between physical and digital spaces is increasingly undefined, the experiences of gender-based violence in one space can mirror, or have ripple effects on, the other.¹⁵² To address these discriminatory impacts of the violation of the right to privacy, states should take any necessary measures to prevent and investigate the breaches of privacy that result in gendered impacts.¹⁵³

Especially in the context of criminalization of LGBTQ identities, secure digital communications, including encryption and anonymity, are crucial for the full realization of the right to privacy without discrimination based on SOGIESC.¹⁵⁴ The right to privacy underpins other key rights for civic participation, such as freedom of expression and freedom of peaceful assembly and association. The UN High Commissioner for Human Rights emphasizes that: “Even the mere possibility of communications information being captured creates an interference with privacy, with a potential chilling effect on rights, including those to free expression and

¹⁴¹ UN Special Rapporteur on violence against women, Report: *Online violence against women and girls from a human rights perspective* (previously cited), para 67.

¹⁴² CEDAW, General recommendation No. 35 (previously cited), para 29.

¹⁴³ CEDAW, General Recommendation No. 35 (previously cited), para 31 (iii).

¹⁴⁴ CEDAW, General recommendation No. 35 (previously cited), para 12.

¹⁴⁵ CEDAW, General recommendation No. 35 (previously cited), para 15.

¹⁴⁶ International Covenant on Civil and Political Rights (ICCPR), Article 17.

¹⁴⁷ ICCPR, Article 19. UN Human Rights Committee, General Comment No. 34 on Article 19: Freedoms of opinion and expression, 12 September 2011, UN Doc. CCPR/C/GC/34.

¹⁴⁸ Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report on surveillance and human rights, 28 May 2019, UN Doc. A/HRC/41/35, para. 50(c).

¹⁴⁹ UN Office of the High Commissioner for Human Rights (OHCHR), Report: *The Right to Privacy in the Digital Age*, 30 June 2014, UN Doc. A/HRC/27/37, paras 22-23.

¹⁵⁰ OHCHR, *The Right to Privacy in the Digital Age* (previously cited).

¹⁵¹ UN Special Rapporteur on the right to privacy, Report, 24 March 2020, UN Doc. A/HRC/43/52, para. 19 (c).

¹⁵² See, for example, GenderIT.org, *Global Attention to Technology-facilitated Gender-based Violence (TFGBV): Feminist Perspectives*, 24 August 2023, genderit.org/edition/global-attention-technology-facilitated-gender-based-violence-tfgbv-feminist-perspectives

¹⁵³ UN Office of the High Commissioner for Human Rights (OHCHR), Report: *Privacy and technology from a gender perspective*, 27 February 2019, UN Doc. A/HRC/40/63, para. 108(e).

¹⁵⁴ The Yogyakarta Principles +10, Principle 36.

association... The onus would be on the State to demonstrate that such interference is neither arbitrary nor unlawful.”¹⁵⁵

2.3 FREEDOMS OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY

Freedom of expression is protected under international and regional human rights instruments, such as Article 19 of the UDHR, Article 19 of the ICCPR and Article 9 of the African Charter on Human and Peoples’ Rights. It includes the right to seek, receive, access and impart information and ideas across frontiers, regardless of form or media.¹⁵⁶ Its full enjoyment is fundamental for the existence of a free press and the work of HRDs and activists. In this sense, ideas protected under this right include those that may offend, shock or disturb.¹⁵⁷

To comply with their obligations under IHRL, it is not enough for states not to interfere with the exercise of freedom of expression; it is also required that states promote adequate conditions for the full enjoyment of the right, including by lifting any barriers that may hinder expression.¹⁵⁸ In particular, states must actively eliminate “structural and systemic forms of gender discrimination” to protect freedom of expression “on a basis of equality”.¹⁵⁹ International human rights law and standards on freedom of expression are applicable to digital mediated spaces as well.¹⁶⁰

Freedom of expression is not absolute. States may interfere with this right in pursuit of a legitimate aim recognized by international law, provided the interference is provided by law, necessary and proportionate.¹⁶¹ States are required to prohibit – though not necessarily criminalize – the advocacy of hatred that constitutes incitement to discrimination, hostility or violence.¹⁶² The Rabat Plan of Action provides the authorities with six criteria to determine whether a specific form of expression amounts to advocacy of hatred.¹⁶³

Under CEDAW and other IHRL instruments, sex, gender, gender identity, gender expression, and sexual orientation are protected categories from discrimination.¹⁶⁴ As noted by the UN Special Rapporteur on freedom of expression, since the rights to equality and freedom of expression, and the obligation of non-discrimination “are mutually reinforcing”, states must strive to protect and promote the speech of all, “especially those whose rights are often at risk, while also addressing the public and private discrimination that undermines the enjoyment of all rights.”¹⁶⁵

Discriminatory forms of expression that do not meet the threshold of advocacy of hatred may be subject to necessary and proportionate restrictions to protect the rights of others, including the right to live free from gender-based violence. It is worth noticing that instances of unwanted, improper and repeated use of discriminatory online speech targeting LGBTQ people, especially when it contributes to creating an intimidating, degrading, humiliating hostile and threatening environment, may constitute harassment, which is a form of gender-based violence that states are under the obligation to prevent and address.¹⁶⁶ States must both ensure the rights of LGBTQ people to be protected from violence and discrimination, and refrain from promoting content that incites violence or reproduces or reinforces gender and intersectional discrimination.¹⁶⁷ Such content may include forms of gendered disinformation, smear campaigns, harassment, doxing and other forms of TfGBV. Moreover, states should refrain from adopting laws and

¹⁵⁵ OHCHR, *The Right to Privacy in the Digital Age* (previously cited), para. 20.

¹⁵⁶ UDHR, Article 19; ICCPR, Article 19.

¹⁵⁷ See, for example, European Court of Human Rights, *Handyside v. the United Kingdom*, 1976, para. 49.

¹⁵⁸ UN Human Rights Committee, General Comment No. 34 (previously cited).

¹⁵⁹ UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 30 July 2021, UN Doc. A/76/258, para. 51.

¹⁶⁰ Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report, 2011, UN Doc. A/66/290.

¹⁶¹ ICCPR, Article 19. Human Rights Committee, General Comment No. 34 (previously cited).

¹⁶² ICCPR, Article 20.

¹⁶³ The Rabat Plan of Action, para. 29, [ohchr.org/en/documents/outcome-documents/rabat-plan-action](https://www.ohchr.org/en/documents/outcome-documents/rabat-plan-action).

¹⁶⁴ CEDAW, General Recommendation No. 35 (previously cited); Comisión Interamericana de Derechos Humanos, *Avances y Desafíos hacia el reconocimiento de los derechos de las personas LGBTI en las Américas*, 2018, OEA/Ser.LV/II.170 Doc. 184, oas.org/es/cidh/informes/pdfs/LGBTI-ReconocimientoDerechos2019.pdf.

¹⁶⁵ UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report, 9 October 2019, UN Doc. A/74/486, para. 4.

¹⁶⁶ Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Article 40.

¹⁶⁷ UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report: Gendered disinformation and its implications for the right to freedom of expression, 7 August 2023, UN Doc. A/78/288.

policies that result in the criminalization of legitimate forms of online expression as they introduce catch-all provisions targeting expression that is deemed to be offensive or against public morals.¹⁶⁸

International and regional human rights law and standards recognize that disproportionate restrictions on freedom of expression not only violate the right of specific individuals but may have a chilling effect on the exercise of the right to freedom of expression by others.¹⁶⁹ In *FAJ v Gambia*, the Community Court of Justice of the Economic Community of West African States held that: “Narrowly drawing offences has been treated as particularly important in the case of free speech because of what is known as “chilling effect” which occurs when a wide or vague speech-restricting provision forces self-censorship on speakers even with, because they do not wish to risk being caught on the wrong side of it [...]”¹⁷⁰

The right to freedom of association is protected under international and regional human rights instruments, including Article 22 of ICCPR and Article 10 of the African Charter. Similar to the right to freedom of expression, the right to freedom of association is not absolute but can be subject to restrictions provided that these have a legitimate aim under international human rights law and are both necessary and proportionate to that aim. The freedom to access and use digital technologies for the exercise of the right to freedom of association should be viewed as the rule, and the limitations as the exception. The general norm should be to permit the open and free use of the Internet and other digital tools.¹⁷¹ Technology serves both as a means to facilitate the exercise of the rights of assembly and association offline, and as virtual spaces where the rights themselves can be actively exercised. Indeed, such technologies are important tools for organizers who seek to mobilize a large group of people in a prompt and effective manner, and at little cost, and also serve as online spaces for groups of people that are marginalized by society and are confronted with restrictions when operating in physical spaces.¹⁷²

The ability to be recognized as independent legal entities under the law is a prerequisite for groups to perform necessary functions, such as raising funds, operating bank accounts, contracting goods and services or renting premises. Registration also provides access to advocacy platforms and helps create visibility and growth for national movements. As outlined by the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity: “Many States refuse to register organizations that work on sexual orientation and gender identity-related issues or establish unnecessary administrative obstacles that effectively prevent groups from registering. Sometimes the work of existing groups is suspended by authorities or subjected to official investigation for no reason other than the fact that it is work on sexual orientation and gender identity-related issues. This has the effect of undermining the rights to freedom of association of those groups and organizations – setting the stage for a variety of penalties designed to unlawfully punish individuals and groups for their political opinions, identities, human rights advocacy and efforts to express divergent viewpoints”.¹⁷³

The right to freedom of peaceful assembly is also protected under international and regional human rights instruments including Article 21 of the ICCPR and Article 11 of the African Charter. According to the UN Human Rights Committee, an assembly is a gathering of two or more people for a specific purpose in a public, private or online space. Many assemblies seek to express a message to an external audience, but this expressive purpose is not a necessary element of an assembly.¹⁷⁴ States are required to ensure the protection of all assemblies, public and private, from interference, harassment, intimidation and attacks by non-state actors. They are required to take particular care to ensure that communities that face marginalization and discrimination can assemble and voice their concerns free from interference, harassment, intimidation or attacks.¹⁷⁵

¹⁶⁸ UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, General principles on the right to freedom of opinion and expression and the Internet, 16 May 2011, UN Doc. A/HRC/17/27, para. 34; UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Report: Protection against violence and discrimination based on sexual orientation and gender identity in relation to the human rights to freedom of expression, peaceful assembly and association, 18 April 2024, UN Doc. A/HRC/56/49, sections IV A and B.

¹⁶⁹ Human Rights Committee (HRC), General Comment 34, para. 47 and General Comment 37 paras. 10, 21, 61, 94.

¹⁷⁰ Community Court of Justice of the Economic Community of West African States (ECOWAS), *FAJ v The Gambia*, Judgment No. ECW/CCJ/JUD/04/18, [globalfreedomofexpression.columbia.edu/wp-content/uploads/2016/04/FAJ-and-Others-v-The-Gambia-Judgment.pdf](https://www.columbia.edu/wp-content/uploads/2016/04/FAJ-and-Others-v-The-Gambia-Judgment.pdf)

¹⁷¹ UN Special Rapporteur on the rights to association and peaceful assembly, Report: The rights to association and peaceful assembly in digital age, 17 May 2019, UN Doc. A/HRC/41/41, para. 12.

¹⁷² UN Special Rapporteur on the rights to association and peaceful assembly, Report: *The rights to association and peaceful assembly in digital age* (previously cited), para. 11.

¹⁷³ UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, *Protection against violence and discrimination based on sexual orientation and gender identity in relation to the human rights to freedom of expression, peaceful assembly and association* (previously cited) para. 44.

¹⁷⁴ UN Human Rights Committee, General Comment 37, para. 4.

¹⁷⁵ African Commission on Human and Peoples' Rights, Guidelines on Freedom of Association and Peaceful Assembly in Africa, 22 May 2017, para. 94.

2.4 HUMAN RIGHTS DEFENDERS

The UN Declaration on Human Rights Defenders establishes that states must ensure a safe and enabling environment for the exercise of the right to defend human rights, including the right to freedom of association.¹⁷⁶

The African Commission on Human and Peoples' Rights has repeatedly raised concerns regarding increased threats against human rights defenders working on issues including the right to health, the fight against HIV/AIDS and discrimination on grounds of gender and sexual orientation.¹⁷⁷ In 2024, the Commission adopted the Declaration on the Promotion of the Role of Human Rights Defenders and their Protection in Africa. The Commission called on all Members of the African Union, including Uganda, to ensure that all HRDs can carry out their activities free from fear of harassment, reprisal, intimidation and discrimination.

LGBTQ HRDs and HRDs promoting the rights of LGBTQ people face additional complex risks because of their work and their gender and/or sexual orientation, necessitating increased protection. For instance, the UN Special Rapporteur on the situation of human rights defenders presented an observation in a report to the Human Rights Council on child and youth HRDs that at the global level, young defenders, especially women and girls, often faced “gendered attacks online” to “harass, control, blackmail or humiliate” them.¹⁷⁸ The UN Declaration on Women Human Rights Defenders of 2013 calls on all states to take positive steps to provide adequate, gender-sensitive protection to women and girls as they exercise their right to defend human rights, often to challenge and resist systemic gender-based violence and discrimination.¹⁷⁹ Similarly, states must also tackle the adverse conditions that LGBTQ HRDs face and ensure their protection.¹⁸⁰

2.5 RIGHT TO AN EFFECTIVE REMEDY

States are also required to ensure that individuals whose rights have been violated by TfGBV have access to remedy. The right to an effective remedy has been recognized under various international and regional human rights treaties and instruments,¹⁸¹ including the UDHR, the ICCPR, the CEDAW and the CAT, which Uganda has ratified. It is, moreover, a rule of customary international law.¹⁸²

Under IHRL, the Ugandan authorities have a duty to create an accountability framework that provides equal and effective access to justice for all; establishes mechanisms for effective, prompt, thorough and impartial investigations, including access to relevant information; and offers adequate, prompt and effective reparations including non-repetition guarantees.¹⁸³ Effective remedies can include compensation for physical or mental harm, rehabilitation including medical and psychological care, and legal and social services. Survivors should also be provided with satisfaction through measures such as effective investigations and

¹⁷⁶ This Declaration was adopted by consensus in 1998 by the United Nations General Assembly. See, United Nations Special Rapporteur on Human Rights Defenders, Declaration on HRDs, [ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders](https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders).

¹⁷⁷ African Commission on Human and Peoples' Rights, Resolution on situation of Human Rights Defenders in Africa, 22 May 2017, ACHPR/ Res.376(LX)2017, [achpr.au.int/en/adopted-resolutions/376-resolution-situation-human-rights-defenders-africa-achpres376](https://www.achpr.org/en/adopted-resolutions/376-resolution-situation-human-rights-defenders-africa-achpres376).

¹⁷⁸ UN Special Rapporteur on the situation of human rights defender, Report: “We are not just the future”: Challenges faced by child and youth human rights defenders, 17 January 2024, UN Doc. A/HRC/55/50, paras 43-44.

¹⁷⁹ UN General Assembly, Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women HRDs, 18 December 2013, UN Doc. A/RES/68/181.

¹⁸⁰ Joint statement by UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and UN Special Rapporteur on the situation of human rights defenders, 24 March 2022, [ohchr.org/en/statements/2022/03/defenders-human-rights-lgbt-persons-constantly-risk-warn-un-experts](https://www.ohchr.org/en/statements/2022/03/defenders-human-rights-lgbt-persons-constantly-risk-warn-un-experts).

¹⁸¹ UDHR, Article 8; ICCPR, Article 2(3); International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 2; International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 6; CEDAW, Article 2; CAT, Article 14; European Convention on Human Rights, Article 13; American Convention on Human Rights, Article 25; African Charter on Human and Peoples' Rights, Article 7(1)(a); Charter of Fundamental Rights of the European Union, Article 47; Arab Charter on Human Rights, Articles 12 and 23; UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 21 March 2006, UN Doc. A/RES/60/147, among others.

¹⁸² See, International Criminal Tribunal for Rwanda, *Prosecutor v. André Rwamakuba*, Case No. ICTR-98-44C, Decision on Appropriate Remedy, para. 40 (31 January 2007); International Criminal Tribunal for Rwanda, *Prosecutor v. André Rwamakuba*, Case No. ICTR-98-44C-A, Decision on Appeal Against Decision on Appropriate Remedy, paras 23-25 (13 September 2007); and Inter-American Court of Human Rights, *Cantoral-Benavides v. Perú*, 2001. (ser.C) No. 88, at para. 40.

¹⁸³ See, Corte IDH. Cuadernillos de Jurisprudencia de la Corte Interamericana de Derechos Humanos No. 13: Protección Judicial (previously cited); Antônio A. Cançado Trindade, *El derecho de acceso a la justicia internacional y las condiciones para su realización en el sistema interamericano de protección de los derechos humanos* (previously cited).

prosecution of the perpetrators or public acknowledgement of the facts and acceptance of responsibility and guarantees of non-repetition, through actions or reforms to prevent future abuses.¹⁸⁴

¹⁸⁴ See, Corte IDH. Cuadernillos de Jurisprudencia de la Corte Interamericana de Derechos Humanos No. 13: Protección Judicial (previously cited); Antônio A. Cançado Trindade, *El derecho de acceso a la justicia internacional y las condiciones para su realización en el sistema interamericano de protección de los derechos humanos* (previously cited).

3. DIGITAL SPACES: A POWERFUL TOOL FOR THE LGBTQ COMMUNITY

“[T]he online or the digital platform is always a space where they (LGBTQ people) can freely express themselves, it’s the only space where they can freely interact and also get all the relevant information...[S]ocial media is a very powerful tool for mobilizing social justice. But now, it's also being used to spread disinformation and to shame and discredit, especially LBT (lesbian, bisexual and transgender) women.”

ED of XXH organization, Kampala

Digital technologies have brought remarkable opportunities for enjoyment of the rights of freedom of peaceful assembly and freedom of opinion and expression and have vastly expanded the capacities of individuals and civil society groups to organize and mobilize, to advance human rights and to innovate for social change. Globally, digital spaces are being used by women, girls and LGBTQ activists to communicate, gather, network, mobilize, access and share information, raise awareness, coordinate action, advocate and



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“EVERYBODY HERE IS HAVING TWO LIVES AND PHONES”
THE DEVASTATING IMPACT OF CRIMINALIZATION ON DIGITAL SPACES FOR LGBTQ PEOPLE IN UGANDA

Amnesty International

gain visibility, document and report human rights violations and challenge dominant narratives and norms.¹⁸⁵

In Uganda, Amnesty International found that LGBTQ individuals are using online tools in various ways to challenge discrimination and homophobia and transphobia that is prevalent in Uganda; to reach out to LGBTQ individuals and to provide information about sexual and reproductive health and rights (SRHR) and services available for LGBTQ people; to connect community members with each other; and to protect their rights. LGBTQ activists are using social media campaigns, online petitions, and blogs, to educate the public about their experiences, advocate for legal reforms, and challenge harmful stereotypes.¹⁸⁶ Digital platforms, especially social media, have become powerful tools for advocacy and activism within the LGBTQ community in Uganda.¹⁸⁷

Facebook, WhatsApp and TikTok are some of the most commonly used platforms,¹⁸⁸ whereas uptake of Signal and Telegram remained low, given the demographics of the research interviewees, who face prohibitive constraints in terms of digital skills, financial costs of data and low formal education levels. WhatsApp groups, in particular, have become one of the most used tools by LGBTQ people, who have been forced to leave other more public social media platforms owing to safety and security concerns. Private and discrete WhatsApp groups, which allow members to implement certain security measures and to control membership and access, were commonly used across the board. Instagram and X (formerly Twitter) were also being used by some. Some of the research participants also noted using Grindr for dating and Zoom and Google Meet for organizing meetings.

Digital spaces have become even more vital in the Ugandan context, which is presently marred by extreme state repression and criminalization shadowing every aspect of the lives of LGBTQ persons, in addition to widespread societal stigma and discrimination. This often forces people to conceal their gender expression, identity and sexual orientation in offline spaces and makes it difficult, if not impossible, to organize physical gatherings, due to fear of attacks and violence. As Ashe*, a lesbian activist and program head at an LGBTQ organization notes: "After this AHA (Anti-Homosexuality Act), you have to use online spaces to reach out to people, to know how people are doing, so basically, that's the meeting point we have that is safer right now compared to in person."¹⁸⁹



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¹⁸⁵ In a study by WOUNET on shrinking civic space for feminist organizing online, especially 'structurally silenced women' in Uganda, they found that 65.4% of the women human rights defenders mentioned that they use these online civic spaces to advocate for women's rights as well as educate masses about feminism and women's rights, 20.6% use online civic spaces for documenting and reporting human rights abuses and violations against women and 13.8% mentioned using spaces for social networking, accessing news and information on women issues as well as build networks at national and global level. WOUNET, *Examining the Effect of Shrinking Civic Space* (previously cited).

¹⁸⁶ Written communication sent by representatives of XXD organization, 2 December 2023. See for instance, campaigns such as #SayNoToOnlineGBV, #SayNoToHomophobia, #RepealAHA2023, #release (used to campaign for LGBTI people facing arrest), #StartTalking (using faith and religion as a tool for attitude and narrative change against LGBT persons) have been used by the LGBTQ community in Uganda.

¹⁸⁷ A study by HerInternet on the uses of social media platforms by LGBTQ persons in Uganda found that these spaces are being channelled for a variety of purposes, including advocacy and awareness raising, mental well-being, community building and organizing, learning and knowledge sharing, access to information and resources, visibility and representation, and amplifying LGBTQI+ voices in mainstream discourse. These findings mirror the findings of Amnesty International. HerInternet, *Navigating Algorithms: The Case of Structurally Silenced Communities in Uganda*, 2024.

¹⁸⁸ HerInternet, *Navigating Algorithms* (previously cited).

¹⁸⁹ In person interview with Ashe*, 1 December 2023.

3.1 USE OF DIGITAL SPACES

3.1.1 ADVOCACY AND ACTIVISM

Social media platforms serve an important role in creating awareness about human rights of LGBTQ persons, documenting violations and advocating for the rights of LGBTQ persons in Uganda. Activists told Amnesty International that they use these platforms to raise awareness about themes affecting the rights of LGBTQ persons in Uganda and to sensitize community members and the wider public about human rights and the laws that affect LGBTQ people. This includes clarifying the content and applicability of existing provisions, myth-busting and creating rights-based awareness amongst LGBTQ community.¹⁹⁰ Posts on Facebook and X (formerly Twitter) have also been used to post pictures of violations and violence that the community faces to highlight and condemn such acts.¹⁹¹ Lastly, Facebook, Instagram and X have created a space for the LGBTQ community to advocate for their rights, join campaigns and hashtags both nationally and globally, share advocacy plans and strategies, ensure a strong community response to the human rights abuses and violations that LGBTQ people are facing and to hold governments accountable.¹⁹²

3.1.2 ACCESSING AND SHARING INFORMATION AND COMMUNITY MOBILIZATION

Digital spaces, including social media platforms and organizational websites, serve as important tools to receive and disseminate information. Social media spaces are often used to share information about issues including understanding SOGIESC identities, health-based information, security risks and threats to the community and interventions by different organizations.¹⁹³ Interviewees also told Amnesty International that they rely on social media platforms to know what is happening in other places, keep up to date with important news, updates and debates that affect them, and to learn from each other.¹⁹⁴

Information related to health, in particular sexual and reproductive health (SRH), was the most frequently shared. HRDs told Amnesty International that they found social media platforms useful to share information about safer sex practices, condom usage and distribution, STI testing, and HIV care, counselling and testing.¹⁹⁵ These platforms also served to inform the community about upcoming events and camps where confidential and discrete SRH services would be provided for the community and allowed them to mobilize people for such health service delivery.¹⁹⁶ While earlier peer educators and organizations providing SRH services to LGBTQ people were able to use more public platforms like Facebook to allow greater reach and higher mobilization, the passage of AHA 2023 has forced many to move to discrete WhatsApp groups for communicating such information. This has resulted in several detrimental impacts on outreach and consequently on SRH of LGBTQ people, which is further explored in Section 6.3.

3.1.3 COMMUNITY BUILDING

Social media platforms allow people to connect and engage with other LGBTQ people both in Uganda and across the world and can create a space to explore and understand one's sexuality in a supportive environment. By exchanging information, news, advice, updates, pictures and stories, as well as using these platforms to find friends, sexual and romantic partners, LGBTQ people have been able to create a sense of virtual community and also ensure their mental well-being.¹⁹⁷ This has allowed them to be connected with not just other LGBTQ persons in Uganda, but meet others from across the world, "who you could have never

¹⁹⁰ In person interview with Amana*, 1 December 2023; In person interview with Ashe*, 1 December 2023; In person interview with Musoke*, 21 November 2023.

¹⁹¹ In person interview with Ssenyonga*, 27 November 2023.

¹⁹² In person interview with Anita*, 1 December 2023; In person interview with Amana*, 1 December 2023.

¹⁹³ In person Focus Group Discussion, Kampala, 29 November 2023; In person interview with James*, 1 December 2023; In person interview with Charles*, 29 November 2023.

¹⁹⁴ In person interview with Cathy*, 24 November 2023; In person interview with Ronaldo*, 1 December 2023.

¹⁹⁵ In person interview with Musoke*, 21 November 2023.

¹⁹⁶ In person interview with Wasswa* and Namugenyi*, 27 November 2023; In person interview with Rose*, 22 November 2023.

¹⁹⁷ In person interview with Cathy*, 24 November 2023; In person interview with Ronaldo*, 1 December 2023.

met in person”.¹⁹⁸ As Sampson*, a gay man and peer educator from northern Uganda, succinctly captures below, these virtual communities assume even more significance amidst the repression and isolation that the LGBTQ people in Uganda face:

“They (online spaces) really are important because we don't have physical places where we can meet up, so online is the only platform where we can interact with people...[B]ack in the day, we used to have public places where we used to engage, but now the government went and cracked them one by one, so now they are not there. If they are there, you need to be recommended to go there. Someone has to refer you for you to enter there and you find that that is a little bit limiting.

[I]t's really hard for someone like me (a cis man with feminine gender expression) to make friends. That is why I've mostly had online friends because people don't want to be seen in public with you. They say [...] you will be putting them in the spotlight... I really have few friends, but most of my friends are mostly online friends.”¹⁹⁹

3.1.4 PROVIDING SUPPORT

Different WhatsApp groups have been set up by LGBTQ communities to deal with several issues that impact them, including taking urgent action against violations and abuses, solidarity actions, monetary contributions and warning others about security threats and risks. WhatsApp groups are used to share cases of blackmail, extortion, arrests, threats, and violence, among other forms of abuses and violations that LGBTQ people face, and to respond and coordinate action.²⁰⁰ They allow people to seek and receive guidance and support when community members are harassed, attacked and/or arrested, share challenges faced by LGBTQ organizations in different regions and ensure safe passage and support for LGBTQ persons who are traversing different regions.²⁰¹ The instant nature of WhatsApp messaging has been pivotal to this. While some of the interviewees spoke about migrating to safer platforms like Signal for coordinating support actions, most continue to rely on WhatsApp groups and messages.

3.1.5 VISIBILITY AND REPRESENTATION

Social media platforms provide a powerful tool for LGBTQ organizations and content creators to increase visibility on LGBTQ issues and ensure positive, affirmative and well-rounded self-representation of the LGBTQ community in Uganda. TikTok videos have been used by transwomen, gender diverse people and those with non-normative gender expression, as a way to express themselves, be seen and appreciated and gain followers, without fear of physical attacks that are common in offline spaces.²⁰² Participants also told Amnesty International that they use social media spaces to spread hopeful and empowering messages for the LGBTQ community²⁰³ and create dialogue and space for LGBTQ people in Uganda to “construct their self-identity away from the popular mainstream gaze”.²⁰⁴

For activists from rural areas, asserting their voice and presence on social media and ensuring representation of rural LGBTQ communities in national conversations, debates and actions becomes even more important given the barriers and silencing that they face due to a digital divide between rural and urban areas.²⁰⁵ As Amana*, a lesbian activist notes: “even if you're in the rural community...the anti-gay law also affects you. That's why we need to show solidarity, our voices need to be heard, [to show that] you know our community is there.”²⁰⁶

¹⁹⁸ Interview with Lucien*, Kampala, 22 November 2023. See also similar findings from the study by HERInternet which note that “Respondents noted that social media served to relieve stress and enhance mental health and psychological well-being, with memes, funny videos and status updates being key avenues for these. Many respondents noted these served as “distractions from stress””. HERInternet, *Navigating Algorithms* (previously cited).

¹⁹⁹ Interview with Sampson*, 24 November 2023.

²⁰⁰ In person interview with Charles*, 29 November 2023; In person interview with Ronaldo*, 1 December 2023; In person interview with Amana*, 1 December 2023; In person interview with Imani*, 24 November 2023; In person interview with Rose*, 22 November 2023; In person interview with Musoke*, 21 November 2023.

²⁰¹ In person interview with Cathy*, 24 November 2023.

²⁰² In person interview with Cathy*, 24 November 2023. Amnesty International also viewed TikTok accounts of other LGBTQ content creators on TikTok who post similar content. However, further information about the same is being withheld owing to security risks for such individuals.

²⁰³ In person interview with Nakawesi*, 27 November 2023.

²⁰⁴ In person interview with Ssenyonga*, 27 November 2023.

²⁰⁵ Freedom House, *Uganda: Freedom on the Net 2022 Country Report* (previously cited).

²⁰⁶ In person interview with Amana*, 1 December 2023.

Organizations also used social media platforms and their individual websites to showcase their work, post about the activities undertaken by them, and attract funders and donors based on this.²⁰⁷ However, with the passage of the AHA 2023, most organizations reported having to take down information on LGBTQ persons or activities conducted with LGBTQ groups and their language and messaging has been censored, which has detrimentally impacted visibility of their messaging and activities. This is further detailed in Section 4.3.

3.2 CHALLENGES IN ACCESSING AND USING DIGITAL SPACES

Despite the pivotal role that social media platforms, and digital spaces at large, play in exercising and upholding rights of LGBTQ persons in Uganda, there are many barriers to their full utilization. As noted earlier, there are significant disparities in internet usage between men and women and between rural and urban areas²⁰⁸ and high costs of internet access disproportionately affect LGBTQ people who are socio-economically marginalized.²⁰⁹ The prevalence of criminalization, negative social attitudes and bias against LGBTQ people, their expulsion from schools, banishment from their families and loss of job opportunities on the basis of their real and/or perceived SOGIESC status affect their purchasing power for data and tech devices.²¹⁰ LGBTQ persons in rural areas, where the majority of the research participants were based, are even less likely to have access to social media and smartphones, which affects their ability to benefit from digital spaces.²¹¹ A prominent human rights organization described the different barriers that are likely to be faced by LGBTQ people in rural areas:

“[U]se of these (social media) tools has been more prevalent with individuals whose socioeconomic background is a little bit elevated because they can afford data, they have digital skills and they have these networks.”²¹²



CASE STUDY 1: THE BARRIERS IN ACCESSING DIGITAL SPACES

The difficulties experienced by Lubwama*, a 23 year old bisexual man from northern Uganda explains the severity of the issues and the layers of oppression LGBTQ people have to encounter which impacts their access to digital spaces.²¹³ Lubwama* was forced to stop his schooling after secondary level, when he was expelled from his school after they found out about his sexual orientation and his mother thereafter refused to continue paying for his schooling. Lubwama*'s mother is a farmer and a single parent. His father abandoned his family when Lubwama* was only three years old.

After the expulsion, Lubwama* said his mother started treating him very badly and he was forced to run away from his house. He struggled to find work and entered into different transactional relationships with people as a way to sustain himself. Lubwama* got involved with a male client at his place of work and was fired by his employers when they found out. The employers had him arrested and he was remanded to police custody for two weeks, before being released on cash bond. At the police station he was treated with a lot of brutality and when he was finally released, Lubwama* says he struggled with depression and couldn't bring himself to do anything.

²⁰⁷ In person interview with Charles*, 29 November 2023; In person interview with Anita* and Ronaldo*, 1 December 2023; In person interview with Nakawesi*, 27 November 2023; In person interview with Cathy*, 24 November 2023.

²⁰⁸ See Section 1.2.3.

²⁰⁹ Elizabeth Kemigisha and Sandra Kwikiriza, *The trends and impact of technology assisted violence among Lesbian, Bisexual, Queer (LBQ) Womxn and Female Sex workers (FSW) in Uganda*, 2021.

²¹⁰ In person interview with Rose*, Kampala, 22 November 2023. See also findings from the study by Elizabeth Kemigisha & Sandra Kwikiriza, which notes that “LBQ womxn and FSW are among the vulnerable groups in Uganda who are disproportionately affected by the extremely high costs of living in the country. Due to structural inequalities such as criminalization, schools justify this to expel students and employers to withdraw work, based on the real or perceived identity of the womxn, setting them up for an uphill battle in the socio-economic sphere.” Elizabeth Kemigisha and Sandra Kwikiriza, *The trends and impact of technology assisted violence* (previously cited).

²¹¹ In person interview with Amana* and Ashe*, 1 December 2023.

²¹² In person interview with representative of XXC organization, 21 November 2023.

²¹³ In person interview with Lubwama*, 24 November 2023.

One of the only things he was able to do was to use his phone to keep him company, but even that became difficult as he could not afford data: “[T]he only thing I could do, I wake up and play games with my phone [and] listen to music. When I have data, then I can go online. And most of these days, I don’t have data...I can’t access the internet”.

Furthermore, with the passage of the AHA 2023 and the ensuing fear amongst the community, individuals and organizations have been forced to alter their digital presence and behaviour and have resorted to moving to more private and controlled platforms, which ostensibly provide a greater sense of security. Many of the LGBTQ activists and organizations that Amnesty International spoke to have been forced to deactivate their accounts, delete and/or censor posts, unfollow accounts that post LGBTQ content for fear of being outed, and limit the content shared on organizational websites, which has impacted the reach of LGBTQ rights messaging and advocacy, among other areas.²¹⁴ In addition, the threats and presence of various forms of TfGBV, have further circumscribed the kinds of information that can be shared as well as the reach of LGBTQ activists, and has had a detrimental impact on how social media can be used by the LGBTQ community in Uganda. These are detailed in the following chapter.

²¹⁴ See section 6.1.

4. VIOLENCE AGAINST LGBTQ PEOPLE AND ORGANIZATIONS IN DIGITAL SPACES

“Our governments, and so many of our structures are investing heavily on how opening up of social media spaces, online platforms and digital spaces, can be a tool of social change, but they're also investing heavily on ensuring that we as a people, don't fully adopt the use of those things beyond what they want to allow us.”

Representative of XXG Organization²¹⁵

The increasing reliance on digital spaces by LGBTQ people, especially in the context of limited access to their rights in physical spaces, has been met with a simultaneous increase in various forms of TfGBV against them by both state and non-state actors (primarily private individuals). Amnesty International documented technology-facilitated attacks targeting LGBTQ individuals and human rights defenders, as well as organizations working on advancing rights of LGBTQ persons.

The attacks against LGBTQ persons and organizations in digitally mediated spaces mirrors, reproduces and amplifies harmful stereotypes, biases, prejudice, discrimination and violence faced by LGBTQ communities in the offline space. It is rooted in and reproduces inequality, power asymmetry and harmful norms and stereotypes that perpetuate historical structural and systemic discrimination faced by LGBTQ people and enable their marginalization within social, economic and political spheres. Threats, harassment and violence against LGBTQ people that start in offline spaces, often percolate into and are amplified through social media platforms, which can in turn lead to further offline violence and attacks.

Digitally mediated spaces, by their very nature, also allow abusive content to be easily amplified and to remain in perpetuity and can make accountability difficult owing to the lack of traceability of perpetrators. These online attacks and threats, especially forms of TfGBV like outing, doxing, threats of violence and

²¹⁵ Online interview with representative of XXG organization, 2 February 2024.

harassment, can simultaneously bleed into the offline world and lead to severe harmful impacts for LGBTQ people. TfGBV against LGBTQ persons and human rights defenders, therefore, must be understood within this co-relation between online and offline discrimination and violence faced by LGBTQ communities in Uganda.

While widespread homophobia and transphobia stirred up during key moments in Uganda's politics²¹⁶ have always fed into digital spaces, resulting in LGBTQ persons being subjected to online abuse and threats of violence, most of the organizations and LGBTQ people whom Amnesty International met indicated that the passage of the AHA 2023 and the veil of criminalization it shrouds the LGBTQ community in, has resulted in increased severity, frequency and new forms of TfGBV against LGBTQ persons in Uganda.

Overall, Amnesty International found that criminalization of LGBTQ people, including the passage of the AHA 2023 and the public discourse that accompanied it, created a conducive environment for targeting LGBTQ persons, both in digitally mediated and offline spaces, with total impunity.

4.1 THE TFGBV FRAMEWORK

Amnesty International understands TfGBV,²¹⁷ to be any act of gender-based violence, or threat thereof, perpetrated by one or more individuals that is committed, assisted, aggravated and/or amplified in part or fully by the use of information and communication technologies or digital media. It disproportionately impacts women and girls but can also impact other people based on their real and/or perceived sexual orientation, gender, gender identity and/or expression, or sex characteristics, causing physical, psychological, economic, social and sexual harm.

Amnesty International uses the term TfGBV to refer to violence against LGBTQ people since such forms of violence are 'gender-based', where gender is understood as a socially constructed²¹⁸ set of norms, roles and behaviours associated with a person's sex assigned at birth, which serves to uphold cis-heteropatriarchy. Therefore, while GBV does disproportionately impact women and girls, it also impacts others when the root cause of the violence is to preserve, maintain and uphold gendered roles, norms, social systems and power structures, even as its manifestation may vary across different groups.

Global research on TfGBV has found that people are disproportionately targeted because of their gender identity and/or expression and/or sexual orientation, with transgender women experiencing the highest proportions of TfGBV.²¹⁹ LGBTQ people are also more likely to be subjected to certain forms of TfGBV like online harassment, including insults, death threats and threats of violence, doxing, outing and blackmail.²²⁰

The situation in Uganda shows similar trends. Transgender, non-binary and gender diverse people in Uganda have reported being subjected to relentless TfGBV, having concerns about government surveillance, being threatened with physical harm and death, cyberstalking, cyberbullying and extortion.²²¹ A study by HERInternet on the prevalence and impact of TfGBV among lesbian, bisexual, queer (LBQ) women and female sex workers (FSW) in Uganda found that 44.4% of the respondents had experienced TfGBV and 80% had known someone who had experienced TfGBV.²²² Increased online harassment, threats of violence,

²¹⁶ Follow up telephonic interview with representative of XXG organization, 15 July 2024.

²¹⁷ The term 'technology-facilitated gender-based violence' is being used by many civil society organizations, including Amnesty International, to refer to the range of ways that different types of technology are being used to cause particular kinds of harm to women, girls and LGBTQ people, both within and beyond online spaces. TfGBV, therefore, encompasses forms of GBV which rely on technology but do not necessarily happen 'online', including the use of spyware (when someone uses software to gain covert access to information from a target computer system or device), non-consensual video and image recording or sharing through Bluetooth and non-internet-based devices, and is therefore wider in its scope than 'online GBV'.

²¹⁸ See, for instance, the report of the Special Rapporteur on right to privacy, which reinforces this understanding of gender when upholding right to privacy in the digital age. The Special Rapporteur notes that a contemporary understanding of gender must encompass an understanding that: "(i) Cisnormativity, biological sex, sexual orientation and expression, gender identity or expression, sex characteristics and societal norms are elements of gender; (ii) Gender, for some individuals, can change throughout their lives; (iii) Gender identity is integral to personality and important to self-determination, dignity and freedom; (iv) Gender intersects with ethnicity, indigeneity, age, disability, health, migration and marital or family status, among others, to heighten the importance of human rights to dignity and quality of life." UN Special Rapporteur on the Right to Privacy, Report, 24 March 2020, UN Doc. A/HRC/43/52, para. 20(d).

²¹⁹ Centre for International Governance Innovation, *Special Report: Supporting Safer Digital Spaces*, 8 June 2023, cigionline.org/publications/supporting-safer-digital-spaces/.

²²⁰ Generation G, *Decoding Technology-Facilitated Gender Based Violence: A reality Check from seven countries*, 27 June 2024 rutgers.international/resources/decoding-technology-facilitated-gender-based-violence-a-reality-check-from-seven-countries/; Luke Hubbard, *Online Hate Crime Report: Challenging Online Homophobia, Biphobia and Transphobia*, Galop, 2020, galop.org.uk/wp-content/uploads/2021/06/Online-Crime-2020_0.pdf.

²²¹ APC, *The Left Out Project report* (previously cited); Cecilia Strand and Jakob Svensson, "Towards a Situated Understanding of Vulnerability — An Analysis of Ugandan LGBT+ Exposure to Hate Crimes in Digital Spaces", 2023, *Journal of Homosexuality*, Volume 70, Issue 12, pp. 2806-2827.

²²² Elizabeth Kemigisha and Sandra Kwikiriza, *The trends and impact of technology assisted violence* (previously cited).

blackmail and extortion, the non-consensual sharing of private information, outing, surveillance and censorship were noted to be rampant,²²³ which is consistent with Amnesty International's findings.

4.2 FORMS OF TFGBV AGAINST LGBTQ PERSONS IN UGANDA

Blackmailing of LGBTQ people has become rampant, due to disinformation campaigns that accuse LGBTQ people of having access to funds from international donors.²²⁴ To sustain organized and widespread blackmailing, various other forms of TfGBV, including setting up fake profiles to trap LGBTI people, violations of privacy through seizing and accessing people's devices and data, as well as threats of outing and doxing, have become more common. These are documented in the following sections.

4.2.1 VIOLATIONS OF THE RIGHT TO PRIVACY

The Special Rapporteur on the right to privacy has previously noted that the right to privacy is of particular importance for those who face "inequality, discrimination or marginalization on the basis of their gender, sexual orientation, gender identity, sex characteristics or expression."²²⁵ His report further notes that invasion of privacy against LGBTQ people can occur through specific practices such as outing, publication of personal information that puts their safety at risk, as well as through fake accounts by state and non-state actors to entrap, arrest, blackmail and to subject them to cruel and degrading treatment.²²⁶ Furthermore, he notes that those subjected to intersectional forms of discrimination, including on the basis of SOGIESC, face higher instances of invasions of privacy and online violence, which has detrimental impact on a range of human rights.²²⁷

Amnesty International documented various violations of the right to privacy of LGBTQ persons in Uganda, including through practices such as outing, doxing, hacking of individual and organizational accounts, and accessing devices and data of LGBTQ persons without their consent.

CONFISCATION OF DEVICES AND ACCESS TO PERSONAL DATA WITHOUT CONSENT

During this research, Amnesty International documented numerous instances where state and non-state actors (private individuals)²²⁸ had seized devices or data of LGBTQ people through threats of arrest, physical violence and abuse of state power and often used it to blackmail them for money.²²⁹

Amnesty International documented six cases where police authorities were involved in seizing mobile devices of LGBTQ persons, and the police forcefully accessed the data on their phone. According to XXB, a human rights organization based in Kampala, these instances are quite common: "If someone is suspected of being 'homosexual', their phones are confiscated, passwords are forcefully removed, their data is accessed and sometimes videos are circulated without consent. The data on their devices is also used for blackmailing."²³⁰ Interviewees also told Amnesty International that when phones are seized by the police, police look through their contacts and applications to find other LGBTQ persons.

Nathalie*, a lesbian woman activist and Kiwanuka*, a transgender woman activist, who are both peer educators, shared instances of their phones being taken away by the police. Kiwanuka*, was among one of many activists arrested in a police raid on a local LGBTQ community centre. When the police raided their training venue, Kiwanuka*'s phone and laptop were seized, and these devices were never returned.²³¹ While Kiwanuka* was in prison, Nathalie*, their colleague and friend went to the police station to bring them food and during this visit, the police took away her phone.²³² Despite making several requests to get her phone back, it was never returned. Both Kiwanuka* and Nathalie* noted that they started receiving phone calls

²²³ HERInternet, *Navigating Algorithms* (previously cited).

²²⁴ WOUNGNET, *Examining the Effect of Shrinking Civic Space* (previously cited), page 21. See also Section 1.1.1. above on the socio-political and economic context of this myth.

²²⁵ UN Special Rapporteur on the right to privacy, *Right to privacy in the digital age* (previously cited) para. 55.

²²⁶ UN Special Rapporteur on the right to privacy, *Right to privacy in the digital age* (previously cited), paras 59-75.

²²⁷ UN Special Rapporteur on the right to privacy, *Right to privacy in the digital age* (previously cited), paras 59 and 74.

²²⁸ In person interview with Ssenyonga*, 27 November 2023 and in person interview with RMF, 2 December 2023.

²²⁹ Use of unauthorized access as a form of TfGBV has been noted by others as well, where it was found that higher proportion of LGBTQ people reported unauthorized access (32.8 percent) than heterosexual people (24.1 percent). See CIGI, *Supporting Safer Digital Spaces* (previously cited), p. 27.

²³⁰ In person interview with representatives of XXB organization, Kampala, 22 November 2023.

²³¹ In person interview with Kiwanuka*, 22 November 2023.

²³² In person interview with Nathalie*, 22 November 2023.

from unknown numbers after their devices were taken by the police. Nathalie* was forced to change her number as a result.

James*, a peer educator noted a similar instance of his device being taken by the police. James* told Amnesty International that he believed that earlier in 2023 his phone had been hacked and his contact details shared with local police officers.²³³ He was then called to the police station and asked to hand over his phone as they suspected him of working with the LGBTQ community, owing to his proximity to other local LGBTQ activists. Despite making repeated requests to get his phone back, it was never returned to him, and neither was he provided with any record of the confiscation or documentation about the reasons behind it. James* said that when he requested such documentation, he was threatened with arrest and detention, and the police threatened to tell the public that “you are promoting homosexuality” and that he would be beaten up. Before going to the police station, he deleted all photos and videos from his phone as he feared that the photos of HIV prevention related drugs (PrEP and PEP) on his phone would be used to associate him with the LGBTQ community and to charge him under AHA 2023. Since then, James* has used a feature mobile phone (pictured here) and said he is no longer able to use social media to keep in touch with friends and family and must resort to meeting them physically, which is quite expensive.



© ↑ A photo of James*'s current phone after his smart phone was seized by the police

CASE STUDY 2: LGBTQ PEOPLE FORCED TO PROVIDE ACCESS TO PERSONAL DATA

Mithie*, is a student and transgender woman, who was forced to flee from Kampala after being outed to her family by the police using data on her phone that identified her as being a part of the LGBTQ community.²³⁴

While on her way to a queer party in November 2023, she was stopped at a signal by the police, based on her visibly non-normative gender expression. On searching her bag, they found lubricants and condoms, and she was immediately taken to the police station. At the police station she was asked for a password to open her phone and was beaten by the police when she refused. She was finally forced to give her password, and the police accessed all her data, which included LGBTQ-related content. She recounted that the police also looked through her TikTok account, her videos, followers and likes.

Based on the content found on her phone, she was outed to her parents by the police. She told Amnesty International that they also used the data on her phone, as “evidence” of her being from the LGBTQ community and used that to blackmail her into giving them a hefty bribe.



© ↑ Illustration by East Africa Visual Artists

²³³ In person interview with James*, December 2023.

²³⁴ In person interview with Mithie*, 2 December 2023.

While in detention, and before the bribe was eventually paid by her family, she reported being sexually harassed, beaten in custody and deprived of food. After this incident, Mithie* shared she feels that she has no prospects left. Being outed to her family led to them forcing her to come back to her familial home, where she was being kept under strict surveillance. She shared fears that her father, who was paying her tuition fee, would pull her out of college, which was causing her severe stress and depression.

Kashi, a gay man and paralegal from Kampala, noted a similar instance where his phone was seized by the police when he was arrested, and he was asked to remove his password.²³⁵ He told Amnesty International that he was beaten by the police until he complied and gave them access to his phone.

DOXING AND OUTING

Doxing involves revealing personal information, identifying documents or details about someone without their consent online, typically with malicious intent.²³⁶ This can include a person's home address, real name, children's names, phone numbers or email address. Outing refers to the disclosure, online or offline, of a person's sexual orientation and/or gender identity or their HIV status, without their consent and in violation of their right to privacy.²³⁷ In the interviews conducted by Amnesty International, doxing frequently led to outing of LGBTQ persons as often their SOGIE status was not known to others outside the community, as documented below. As a result of being outed, LGBTQ persons and human rights defenders were subjected to online and/or physical violence and threats thereof, evictions, loss of employment, or were ousted from family homes.²³⁸

Amnesty International found that both state and non-state actors (private individuals) have engaged in acts of revealing identifying personal information about LGBTQ persons with the aim of shaming and maligning their reputation.

A prominent LGBTQ organization told Amnesty International that outing is a common phenomenon in Uganda which has several deleterious consequences on LGBTQ people.²³⁹

“Malicious people will come up with a page and list people's names where they are...where they live or who they are dating and [there is] outing on social media, but also in the videos [people] get outed. You know in the comments someone puts up a comment and then before you know it...someone's names are appearing up in that comment...[A]nd of course, we know what outing of people does to many people in the presence of social media, people either shut down on their social media or they will disappear or you know they will be traumatized and because of the trauma that happened, actually, so many community members take a break from social media.”²⁴⁰

²³⁵ In person interview with Kashi*, Kampala, 29 November 2023.

²³⁶ The study by CIGI on TfGBV notes that transgender and gender diverse people are at higher risk of being doxed compared to cis men and women. CIGI, *Supporting Safer Digital Spaces* (previously cited), p. 39.

²³⁷ In a survey of 700+ LGBTQ people in the UK, outing was regarded as a significant form of TfGBV, with 34% of people surveyed noting that they have been outed over digital platforms. Luke Hubbard, *Online Hate Crime Report* (previously cited).

²³⁸ Documentation by civil society organizations in Uganda similarly notes instances of outing which have resulted in LGBTQ people being evicted by their landlord or being forced to leave their family home. See for instance case HRAPF/PA/277/2023, where an unknown person shared a photo of a LGBTQ person before and after their transition on social media, leading to their eventual eviction by the landlady. Human Rights Awareness and Promotion Forum (HRAPF), *Report on Violence and Violations on the basis of real or presumed sexual orientation and/ or gender identity in the seven months after the Anti-Homosexuality Act came into force (December 2023)*, 10 January 2024. In February 2024, in another case documented by HRAPF, a persons' sister outed him to his family, after going through his phone without his consent, leading to him being beaten and evicted from the family home. HRAPF/PA/411/24 documented in HRAPF, *Report on Violence and Violations on the basis of real or presumed sexual orientation and/ or gender during the month of February 2024*, 13 March 2024.

²³⁹ See, Elizabeth Kemigisha and Sandra Kwikiriza, *The trends and impact of technology assisted violence* (previously cited).

²⁴⁰ Online interview with representative of XXF organization, 1 February 2024.



CASE STUDY 3: SERIOUS FORMS OF TFGVB OFTEN WORK IN TANDEM, LEADING TO SEVERE CONSEQUENCES FOR THOSE WHO ARE TARGETED



↑ Screenshot of a post on Facebook by the Uganda Police Force that revealed identifying details about a number of LGBTQ peer educators. All identifying information has been redacted to ensure safety and privacy of the LGBTQ HRDs.

In March 2023, police raided the premises of an LGBTQ organization in Jinja, while members of the organization were involved in a training and arrested six of them.²⁴¹ What followed this arrest starkly demonstrates how online and offline homophobia and transphobia are deeply connected and amplify each other. The range of tactics used by the police against the six HRDs also shows how different forms of TfGBV often work in tandem to target LGBTQ people.

Following the arrest, the Uganda Police Force published a post on Uganda police's Facebook page (pictured above) which included the real names of the members and provided various identifiers about them, including where they lived and worked.²⁴² This amounts to doxing. The post also provided a link to the police statement²⁴³ encouraging people to provide more information "regarding residential locations in neighbourhoods, where acts of sexual trafficking and other unusual activities are taking place", further creating a platform for other LGBTQ activists to be outed and doxed.

In their post, the police claimed that the members of the LGBTQ organization were "actively involved in the grooming of young boys into acts of sodomy, recruiting of male adults into gay practices, recording of pornographic and sex videos of children and other unnatural sex practices". According to information provided to Amnesty International, the arrested persons were peer educators involved in

²⁴¹ In person interview with 2 activists who were arrested by the Jinja police in connection with this case, Kampala, 22 November 2023.

²⁴² See Uganda Police Force, Facebook post, 20 March 2023, [facebook.com/PoliceUg/posts/pfbid02gxSahm927CSZKP8TAx6i5YBMEB49bD7D1kPuwtmVa3Egd8vjCHcCoYqeTEtKPdzcl](https://www.facebook.com/PoliceUg/posts/pfbid02gxSahm927CSZKP8TAx6i5YBMEB49bD7D1kPuwtmVa3Egd8vjCHcCoYqeTEtKPdzcl) (accessed on 10 October 2024).

²⁴³ Uganda Police Force, "6 suspects arrested in Jinja belong to a criminal sexual network", 20 March 2023, [upf.go.ug/6-suspects-arrested-in-jinja-belong-to-a-criminal-sexual-network/?fbclid=IwAR2dhlApoOx-bUSY26EZ3PlzK8f-g3NoK7EptXLPO0dla4A3EuEM87EoJ9s](https://www.upf.go.ug/6-suspects-arrested-in-jinja-belong-to-a-criminal-sexual-network/?fbclid=IwAR2dhlApoOx-bUSY26EZ3PlzK8f-g3NoK7EptXLPO0dla4A3EuEM87EoJ9s) (accessed on 10 October 2024).

the provision of health services, with a focus on the LGBTQ community, which raises concerns regarding the instrumentalization of disinformation by the authorities.²⁴⁴

Lastly, the post notes that “The 6 suspects were examined and some found to be HIV positive”. In interviews with two of the activists who were arrested by the police, they told Amnesty International that they were subjected to forced anal examination and beatings. Forced anal examinations violate the prohibition of torture and other ill-treatment under international law.²⁴⁵

As a result of being doxed and outed to the community, one of the arrested persons told Amnesty International: “I was a church minister before, but since this happened, they did not allow me to do that. Whenever I move in the community, they are like ‘this is the guy, he’s homosexual’. I had a place to stay, I used to rent near my family before, I had a job, I was selling clothes. But I was robbed, don’t know who took my things. I don’t have a wage or a place to stay. I couldn’t afford renting my place anymore. I stay with a friend and this peer educator job that I do is voluntary. I cannot go home because my family doesn’t want to see me after what happened.”²⁴⁶

When this report went to press (October 2024) the post continued to be available on Facebook, despite a request by the African Human Rights Coalition to take it down.²⁴⁷

In addition to doxing by state actors, Amnesty International was told of four instances of doxing by unknown individuals. Atim*, a queer woman and Executive Director of a SRHR organization that works with LGBTQ people and sex workers in Uganda recounted how her personal information shared online resulted in her being evicted by her landlady.²⁴⁸ Atim* was involved in advocating for safe abortion access for sex workers as a part of Safe Abortion Day in August 2023. Owing to this advocacy, her personal information, such as her name and place of work was shared on social media platforms and the local media and she was forced to stay away from social media for her personal safety. She noted that her landlady “had proof” because of these social media posts about her area of work and used that to evict her.

Ashe*, a lesbian activist working with a LGBTQ organization, told Amnesty International that her real name and contact details were circulated on social media platforms, resulting in severe online harassment and requests from journalists, eventually forcing her to relocate.²⁴⁹

At least three people reported their photos being shared on Facebook accusing them of “recruiting people to homosexuality”.²⁵⁰ Nakato*, who works as a peer educator and is a LGBTQ activist, recalled that in November 2023 he received Facebook messages from an unknown person threatening to post on Facebook that Nakato* is a “homosexual”, unless he was paid UGX 1 million (approximately \$267). When Nakato* refused to pay and blocked the blackmailer, he posted Nakato*'s name and where he works on an open Facebook page and accused him of “promoting homosexuality” and said he needs to be arrested.²⁵¹ Nakato* received violent threats in the post’s comments and was also outed to his family. He blocked the page and the account and reported it to Facebook, but says he never received an update on whether the post was taken down. Similarly, when Wasswa*, a peer educator and LGBTQ activist, found his name and phone number shared on social media without his consent in June 2022, he received a lot of online hate. It also resulted in him being outed to his family, and he was thereafter evicted from his family home.²⁵²

Kiwanuka*, a transwoman activist and peer educator, told Amnesty International that in July 2020, a man reached out to her through Facebook messages to ask for PrEP and PEP medication and they continued communicating over WhatsApp.²⁵³ She shared private photos with him where she was holding lubricants, and he took screenshots of these photos and shared these with her family. She was outed as a transgender person to her family and was evicted from her family home.

²⁴⁴ See Section 4.2.4 below.

²⁴⁵ In person interview with 2 activists who were arrested by the Jinja police in connection with this case, Kampala, 22 November 2023.

²⁴⁶ In person interview with Kiwanuka*, 22 November 2023.

²⁴⁷ African Human Rights Coalition, “Facebook Complicit in Persecution of Gays in Uganda”, 17 April 2023, upf.go.ug/6-suspects-arrested-in-jinja-belong-to-a-criminal-sexual-network/?fbclid=IwAR2dhIApoOx-bUSY26EZ3PlzK8f-g3NoK7EptXLP00dla4A3EuEM87EoJ9s (accessed on 10 October 2024).

²⁴⁸ In person interview with Atim*, 24 November 2023.

²⁴⁹ In person interview with Ashe*, 2 December 2023.

²⁵⁰ In person interviews with Ssenyonga*, Nakato* and Wasswa*, 27 November 2023.

²⁵¹ In person interview with Nakato*, 27 November 2023.

²⁵² In person interview with Wasswa*, 27 November 2023.

²⁵³ In person interview with Kiwanuka*, 22 November 2023.

ACCOUNT HACKING AND DOCTORED IMAGES

Amnesty International documented four cases of accounts of LGBTQ persons and organizations being hacked.²⁵⁴ Ashe*, a lesbian activist working with a LGBTQ organization, showed Amnesty International email notifications of attempts to log into the organization's Instagram account by unknown persons.²⁵⁵ Three of the interviewees alleged that their Facebook accounts were hacked.²⁵⁶ Namugenyi*, a lesbian activist told Amnesty International that after her Facebook account was hacked, photoshopped images of her having sexual intercourse with another woman appeared on her Facebook timeline.²⁵⁷ These images were seen by all her friends and family and because of these images her husband threatened to take her children away.

4.2.2 BLACKMAIL

Blackmailing of LGBTQ people and HRDs through social media platforms or through the use of their digital data by state authorities or private individuals was the most predominant and widespread form of TfGBV noted across all the locations. In countries such as Uganda, where people are forced to hide their sexual orientation and/or gender identity and/or expression, for fear of prosecution, violence, and discrimination, blackmail and extortion is endemic.²⁵⁸



AMNESTY INTERNATIONAL DOCUMENTED

**AT LEAST 25 CASES OF PEOPLE
REPORTING BEING BLACKMAILED
DIRECTLY,**

**KNOWING OF CASES WHERE THEIR FRIENDS HAVE BEEN BLACKMAILED,
OR HANDLING CASES OF BLACKMAIL AS PARALEGALS AND LGBTQ
ORGANIZATIONS.**

Data and messages stored on people's devices and social media accounts played a pivotal role in arming blackmailers with "evidence" of the person being LGBTQ or being associated with LGBTQ people and organizations. Blackmailers often relied on the presence of strong stigma, bias, and discrimination against LGBTQ people, wherein being outed as a LGBTQ person can result in severe consequences for people. Incidents of blackmailing were also noted to have increased after the passage of AHA 2023, as LGBTQ people now risk being arrested and charged under draconian provisions if they resist the demands of blackmailers, while simultaneously being unable to seek assistance from law enforcement authorities or remedy from other institutions.²⁵⁹ In fact, many interviewees told Amnesty International that police authorities were often responsible for blackmailing.

²⁵⁴ Freedom House has similarly noted trends of hacking of accounts of LGBTQ persons and organizations, who were found to have been targeted for regular technical attacks in recent years. For example, their reporting notes that in 2016, the email and Facebook accounts of a social worker at the Most at Risk Populations Initiative were hacked and it was believed that the attack may have been perpetrated by the government, given the wealth of information the social worker possessed about the LGBTQ community through their work and private communications. The report also found presence of hacking attacks against gay individuals for the purpose of extortion. Furthermore, it notes an instance from 2016 where after the Facebook account of a closeted gay celebrity was hacked, screenshots of private messages pointing to his sexual orientation were used to blackmail him. Freedom House, *Uganda: Freedom on the Net 2022 Country Report* (previously cited).

²⁵⁵ In person interview with Ashe*, 2 December 2023.

²⁵⁶ In person interview with Namugenyi*, 27 November 2023; In person interview with James*, 2 December 2023; and in person interview with Musoke*, 21 November 2023.

²⁵⁷ In person interview with Namugenyi*, 27 November 2023. Two other interviewees, Nabirye* and Nakawesi*, from a different region of Uganda, also noted patterns of photoshopped images of LGBTQ persons having sexual intercourse with others was used as a way to target LGBTQ people.

²⁵⁸ A report by the International Gay and Lesbian Human Rights Commission on Blackmail and Extortion of LGBT People in Sub-Saharan Africa detailed how LGBTQ people in some African countries, where it is illegal, stigmatizing or otherwise dangerous to identify as LGBTQ, face physical and legal risks if their sexual orientation is exposed online or in their communities. The report noted incidents of blackmail related to one's SOGIE in Botswana, Cameroon, Ghana, Malawi, Namibia, Nigeria and South Africa. Ryan Thoreson and Sam Cook, *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa*, International Gay and Lesbian Human Rights Commission, 2011, world-psi.org/sites/default/files/documents/research/blackmail_and_lgbti_people_in_africa.pdf.

²⁵⁹ A study on blackmailing and extortion against LGBTI people in Sub-Saharan Africa, similarly noted that survivors of violence are deterred from seeking help and justice for fear of further condemnation by authorities, communities, and even their own families. Ryan Thoreson and Sam Cook, *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa* (previously cited).

"EVERYBODY HERE IS HAVING TWO LIVES AND PHONES"
THE DEVASTATING IMPACT OF CRIMINALIZATION ON DIGITAL SPACES FOR LGBTQ PEOPLE IN UGANDA

As noted above, in an overall context of low wages and high cost of living in Uganda, where LGBTQ people are simultaneously believed to be receiving funding from international donors, they are even more likely to be targeted for blackmailing as they are assumed to have large sums of money at their disposal.²⁶⁰

Amnesty International documented at least 25 cases of people reporting being blackmailed directly, knowing of cases where their friends have been blackmailed, or handling cases of blackmail as paralegals and LGBTQ organizations.²⁶¹ Perpetrators ranged from ex-partners, other LGBTQ community members, clients, to unknown members of the public, as well as police authorities. In cases of blackmail by private individuals, state authorities not only failed to effectively investigate them, but were also responsible for creating an environment where these crimes can occur with impunity. The authorities, rather than preventing gender-based violence as required by international and regional human rights law and standards, have effectively prompted private individuals to engage in these forms of violence.



CASE STUDY 4: BLACKMAILERS EMBOLDENED BY AHA 2023

Cathy*'s experience as a transwoman and peer educator, shows how blackmailing and extortion subject LGBTQ people to immense physical, financial and psychological violence.

Cathy*, who is also a sex worker, shared with Amnesty International that one of her regular clients was told by his friends to record them having sex and to leverage such a video to blackmail her.²⁶² The client made a video of them during sexual intercourse and threatened to distribute the video over WhatsApp, unless she agreed to pay him UGX 2.5 million (approximately \$670). Cathy* believes that the passage of the AHA 2023, has emboldened people like her client, who often cite the heavy penalties under AHA 2023 to coerce their victims into succumbing to demands for huge sums of money. When Cathy* resisted his attempts to extort her and reminded him that he too would be liable, the client told her that he would claim to have been drunk and forced into having sex by her.

Unable to pay the money demanded by him, she deleted all her data from her phone, bought a new phone and left Gulu. Cathy* told Amnesty International that it was important for her to delete everything from her phone so that she could not be traced and the pictures and videos on her phone could not be shared with others.

In some instances, interviewees reported coordinated efforts by local authorities and private individuals to blackmail human rights defenders and LGBTQ people. For example, Amana*, a human rights defender protecting the rights of LGBTQ people living in a rural area, told Amnesty International that her organization received many threats from private individuals, through the social media account of their organization. Amana* explained how the local authorities actively contributed to the harassment of human rights defenders. She said: "They wanted to extort money, and so the local leaders, the community development officers, they sat and created a strategy to hunt every person and organization that was connected with the LGBTQ community".²⁶³ Following a series of physical attacks against LGBTQ people and human rights defenders, in March 2023, Amana* closed down the offices of the organization she was working for and temporarily took down the organization's webpage.

Dating apps were reported as one of the key platforms where people create fake accounts to entrap others and use photos or video shared over the apps for blackmailing. One of the interviewees noted that this kind of blackmailing has "become a business", whereby blackmailers often have connections with police and the police use the opportunity to get some money from LGBTQ persons under threats of charging them under

²⁶⁰ WOUUNET, *Examining the Effect of Shrinking Civic Space* (previously cited), p. 21. See also Section 1.1.1. above on the socio-political and economic context of this myth. This was reiterated by others in interviews with Amnesty International: In person interview with Wasswa*, 27 November 2023; Focus Group Discussion, Kampala, 29 November 2023.

²⁶¹ Other civil society organizations in Uganda have similarly documented instances of blackmailing against LGBTQ people, where digital data of LGBTQ persons were used to blackmail them for money with the threat of outing them to friends and family. Human Rights Awareness and Promotion Forum (HRAPF), *Reports on violence and violations based on real or presumed sexual orientation or gender since the AHA came into force*, hrapf.org/violation-reports/ (accessed on 10 October 2024)

²⁶² In person interview with Cathy*, 24 November 2023.

²⁶³ In person interview with Amana*, 1 December 2023.

the AHA 2023. “[Y]ou will be released after giving them money...you don’t even get something like a police bond, you will just be released without anything.”²⁶⁴

Issac* a gay man, met someone on a dating app and, in October 2023, after talking for a couple of weeks arranged to meet in person.²⁶⁵ While he was waiting at the location, he told Amnesty International that he was approached by two men, who looked different from the photos of the man with whom he was chatting, who proceeded to interrogate him. One of them told Issac* that he worked with ISO (Internal Security Organization), which is an intelligence agency, and that they were sent data of him chatting on the app and that they know his real name and his address. Issac* recounted, “[t]hey blackmailed and tried to get money, but I said I had no money.” Issac* was then taken to a remote location, asked intimate questions about his sex life and also asked to share names of other LGBTQ persons if he didn’t want to go to prison. He was beaten up when he refused. Issac* said that his attackers sent text messages to his family members from his phone telling them that he was gay. He later found out from paralegals in Kampala, that the person who conned him was a person known as ‘Morris’, a man who worked with the police and was known to blackmail gay people to get money. Issac* said he could not report it to the police because he would have risked arrest under the AHA 2023.

In June 2023, Nabirye*, a LGBTQ activist and health counsellor, was threatened with her intimate videos being leaked unless she agreed to continue engaging in a sexual relationship with an ex-partner.²⁶⁶ Nabirye* told Amnesty International that long after she wanted to end things with a person she fell in love with, she was intimidated by her into having sex and the woman proceeded to record them engaging in intimate acts. The woman used the threat of making these videos public to continue coercing Nabirye* into engaging in sexual acts with her. Despite being blackmailed into an abusive sexual relationship over months, Nabirye* was not able to complain to the police as she feared being arrested and charged under the AHA 2023 herself.

In May 2023, Mirembe*, a lesbian human rights defender was robbed by three unknown men in Kampala and all her gadgets, including her phone, were stolen.²⁶⁷ Mirembe* had pictures on her phone, including intimate photos of her and her partner. Mirembe* told Amnesty International that the people who took her phone were able to get into her phone and view these pictures and used them to blackmail her. They got in contact with her a few days after the robbery and asked her to pay 5 million UGX (approximately \$1340) or otherwise they would share the photos on social media and with her employer. She finally had to pay 3 million UGX (approximately \$800). She was forced to temporarily relocate because of this.

Several paralegals and representatives of LGBTQ and human rights organizations told Amnesty International that they handle a lot of such cases of blackmail. Charles*, a transman from Kampala who works with a LGBTQ organization, noted that “the main challenge that we encounter is blackmails...many people have been blackmailed and many have ended up in prison... People want to extract money from you, they end up concocting stories.”²⁶⁸

4.2.3 THREATS OF VIOLENCE AND HARASSMENT

Amnesty International found widespread derogatory and offensive language against LGBTQ people in Uganda, which dehumanized and, at times, encouraged violence against them, reinforced harmful stereotypes and biases, and in some cases led to physical acts of violence.²⁶⁹ The online attacks came from a range of different actors, including known people, unknown members of the public, religious and cultural leaders, as well as political leaders.²⁷⁰

These forms of speech may constitute, depending on the specific circumstances of each case, harassment or advocacy of hatred that incites discrimination, hostility or violence (see section 2.3). States have an obligation, under article 20.2 of the ICCPR, to prohibit advocacy of hatred. They also have an obligation to

²⁶⁴ In person interview with Musoke*, 21 November 2023.

²⁶⁵ In person interview with Issac*, 21 November 2023.

²⁶⁶ In person interview with Nabirye*, 27 November 2023. This form of blackmailing, wherein the perpetrator threatens to release intimate pictures of the survivor in order to extort additional explicit photos, videos, sexual acts or sex from the survivor, has often been referred to as ‘sextortion’. UN Special Rapporteur on violence against women, Report: *Online violence against women and girls*, (previously cited) para. 35.

²⁶⁷ In person interview with Mirembe*, 27 November 2023.

²⁶⁸ In person interview with Charles*, 29 November 2023.

²⁶⁹ These findings mirror global findings which have noted that LGBTQ people face higher prevalence of online “hate speech”. For instance, a survey of over 700+ LGBTQ people in the UK found that 8 in 10 respondents had experiences anti-LGBTQ hate crime and “hate speech” online in the last 5 years. Luke Hubbard, *Online Hate Crime Report* (previously cited).

²⁷⁰ The Guardian, “US denies visa to Ugandan MP who called for homosexual castration”, 6 March 2024, [theguardian.com/global-development/2024/mar/06/us-denies-visa-to-ugandan-mp-who-called-for-homosexual-castration](https://www.theguardian.com/global-development/2024/mar/06/us-denies-visa-to-ugandan-mp-who-called-for-homosexual-castration)

prevent and address homophobic and transphobic harassment, as it constitutes a form of gender-based violence. This obligation may entail the adoption of necessary and proportionate restrictions on the right to freedom of expression to protect the rights of others, which is a legitimate aim under international human rights law to restrict that right.

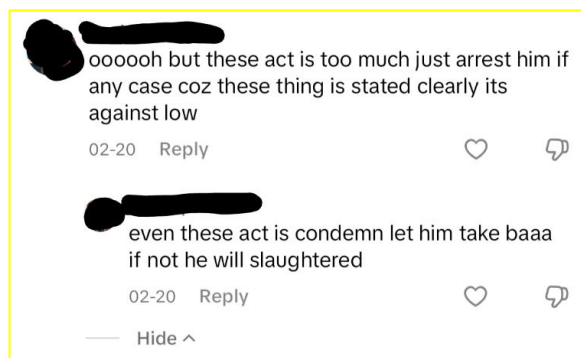
While the threats of violence, harassing messages, and trolling against LGBTQ people in Uganda have been present before,²⁷¹ almost all the people interviewed by Amnesty International said that the severity and volume of hateful and abusive content against LGBTQ people has gone up since the passage of the AHA 2023 and the homophobic and transphobic public discourse it generated. In many instances, the law is directly referenced in instances where discriminatory language is used against LGBTQ people online. A representative of a prominent human rights organization in Kampala summarized the changes since the passage of AHA in 2023 as follows:

“Unlike in 2013-2014, (now) there is a very organized group of people, whose sole intention is to vilify LGBTQ people or their allies online, so that if you post something, it’s an army of people who respond, who troll you, who make it very difficult for you to engage online. And I think the reason really has to do with the fact that since the physical space for organizing for LGBTQ folks in Uganda is severely controlled and restricted, if not in some many cases, non-existent, the digital space had become the space for organizing, a space for communication, a space for people to exchange information and get together, a space for advocacy. Now that space is being targeted primarily by these organized, what seems to be organized, accounts that a casual look at them appear to be Christian groups or people who belong to evangelical movement, and indeed, some vigilante people who are just making this as their mission.”²⁷²

Several LGBTQ people reported receiving death threats in the comments below their social media posts.²⁷³

Lucien* a transgender woman,²⁷⁴ recounted receiving a barrage of abusive and hateful comments, including threats of physical harm.²⁷⁵ In the comments sections of her deceased boyfriend’s photos, who was also a LGBTQ activist and murdered some years back, she said people shared pictures of them together, stating ‘you are next’. She said she has also been called a ‘girl boy’, ‘the cursed one’, ‘moving corpse’ and other such abuses. After the vitriolic messages she received on social media, she has stopped posting videos.

Cathy*, a transwoman peer educator, who puts out videos on TikTok in feminine attire and makeup, told Amnesty International that she has received numerous online threats on her TikTok videos, including ones saying, ‘one day your day will come to an end’, ‘the bill has been passed, be ready to rot in jail’, and some of the comments threatened to out her to her parents.²⁷⁶ Similar hateful messages have been received by her transgender woman friend, who often posts TikTok videos of herself in traditional Ugandan feminine attire. Amnesty International found that in the comments to her videos, people have called for her to be ‘arrested’ and ‘slaughtered’ and condemned her dressing in feminine clothing as being against religion and socio-cultural values.



© ↑ Screenshot of comments on videos of a transgender TikTok content creator

Ashe*, a vocal lesbian HRD was doxed on social media and started receiving several threats and attacks online thereafter.²⁷⁷ She said some of the messages threatened that “when the bill gets passed, we are going to, like we shall kill you, we shall rape you, we shall show you how, like, what you’re missing, we think you’re just not OK”. As a result of these abusive online threats, she was forced to change her number and deactivate her Facebook account.

²⁷¹ Elizabeth Kemigisha and Sandra Kwikiriza, *The trends and impact of technology assisted violence* (previously cited).

²⁷² Online interview with representative of XXI organization, 7 February 2024.

²⁷³ These are in line with global findings. 39% of 700 LGBTQ people surveyed on TfGBV in UK, noted receiving death threats. Luke Hubbard, *Online Hate Crime Report* (previously cited).

²⁷⁴ Transgender people are more likely to receive online abuse compared to cisgender people. See Luke Hubbard, *Online Hate Crime Report* (previously cited).

²⁷⁵ In person interview with Lucien*, 22 November 2023.

²⁷⁶ In person interview with Cathy*, 24 November 2023.

²⁷⁷ In person interview with Ashe*, 2 December 2023.

Wasswa*, a gay man and LGBTQ activist and peer educator from Mbale, said he has been accused of getting funds from Europeans to initiate people into homosexuality.²⁷⁸ He has also received threats from people that they will find him and kill him, that he will be arrested, and that he is going against religious diktats. When Wasswa* tried to check the profiles of his harassers to understand who they are, he often ended up with untraceable fake profiles.

Nabirye*, a lesbian activist and health counsellor from Mbale received online comments where she was told 'how she deserved to die' and 'how if they got me in a corner, they will strangle me'.²⁷⁹ Nabirye* found this particularly concerning as online threats can often translate into offline violence.

Another lesbian activist from Mbale shared similar narratives of hateful online comments, including death threats. Nakawesi* told Amnesty International that when she posts on Facebook about the work she is doing for the LGBTQ community, she faces a lot of bullying and is accused of being a "promoter of homosexuality", of "recruiting children", "killing traditions" and being "sold out".²⁸⁰ She has also been accused of having sex with women "using sticks and metal rods" and has been threatened with physical attacks. Nakawesi* finds that even when she blocks some of these accounts, they open another account.

Threats of death and harm to the LGBTQ community, especially on TikTok videos, have enjoyed large scale viewership.²⁸¹ Amnesty International reviewed some videos that have called for LGBTQ people in Uganda to be murdered in gruesome

**THREATS OF DEATH AND HARM TO THE
LGBTQ COMMUNITY ON SOCIAL MEDIA
HAVE ENJOYED LARGE SCALE
VIEWERSHIP.**



ways, including through lynching, beheading, arson and by drowning. While the videos calling for beheading, castration and other forms of horrific violence have since been removed from TikTok, they were shared multiple times before they were eventually removed, including a video calling for beheading of LGBTQ people having been shared 2,000 times on the platform.²⁸² As Convening for Equality, a Ugandan LGBTQ community-led coalition and pressure group, has noted, such videos have often been followed by physical attacks against LGBTQ people.²⁸³

Another common form of attack against LGBTQ persons in online spaces is to accuse them of "promoting homosexuality", a phrase popularized by a provision in the AHA 2023 of the same name. James*, a gay man and peer educator told Amnesty International that before his smartphone was seized by the police, he used to post about PrEP and PEP on his social media posts and received hateful comments from both known and unknown people accusing him of "promoting homosexuality and lesbianism".²⁸⁴ Even after reporting these comments to Facebook, James* told Amnesty International that he did not receive any follow up to know if any action was taken by them.

Amana*, a lesbian activist associated with a LGBTQ organization in western Uganda noted similar instances where social media posts of activities organized by them often received comments about them "promoting homosexuality" and of "recruiting people to homosexuality".²⁸⁵ Ssenyonga*, a gay peer-educator and paralegal, also noted receiving similar comments on Facebook which said, "these homosexuals are the ones recruiting our people into homosexuality".²⁸⁶ The prevalence of this language is indicative of the deep penetration of homophobic and transphobic language institutionalized and popularized through the AHA 2023 which is now circulating on social media.

²⁷⁸ In person interview with Wasswa*, 27 November 2023.

²⁷⁹ In person interview with Nabirye*, 27 November 2023.

²⁸⁰ In person interview with Nakawesi*, 27 November 2023.

²⁸¹ See for instance references to videos on TikTok which have called for the murder of LGBTQ people and for them to be targeted under the newly passed AHA. Minority Africa, TikTok's algorithm of gay hate and Uganda's Anti-Homosexuality Bill, 7 June 2023, minorityafrica.org/tiktoks-algorithm-of-gay-hate-and-ugandas-anti-homosexuality-bill/.

²⁸² CFEUGANDA, TikTok post, 17 May 2024, tiktok.com/@cfeuganda/video/7369918805792886022?r=1&t=8pHLsFOulxx (accessed on 10 October 2024)

²⁸³ SMUG, Instagram post, 17 May 2024, instagram.com/smug2004/reel/C7ER_2FtrF9/ (accessed on 10 October 2024); SMUG, Instagram post, 20 May 2024, instagram.com/smug2004/reel/C7L1gMTNWF9/ (accessed on 10 October 2024); Convening for Equality, Instagram post, 17 May 2024, instagram.com/conveningforequality/reel/C7DpZxTN9Dm/ (accessed on 10 October 2024).

²⁸⁴ In person interview with James*, 2 December 2023.

²⁸⁵ In person interview with Amana*, 2 December 2023.

²⁸⁶ In person interview with Ssenyonga*, 27 November 2023.

Interviewees told Amnesty International that these comments are harrowing as such accusations on public forums visible to one's friends, family and community members can have harmful consequences for them.

“[H]eterosexual people don't know the impact of what they are posting, how far it can go, because some of them are just there for likes, for views, you know? Because they know it's that thing [that is] trending, not knowing this thing (doxing and threats of violence) can result in someone being killed. So, for them, they're doing it for likes, you know? Engagement. They don't care how it is affecting you as a person.”²⁸⁷

4.2.4 DISINFORMATION

Organizations working on human rights and rights of LGBTQ persons told Amnesty International that disinformation,²⁸⁸ i.e., false or inaccurate information that is shared to deliberately deceive or mislead people, is rampant in Uganda and has contributed to widespread homophobia and transphobia and increased support for government actions to criminalize and penalize LGBTQ persons and their allies through harsh penalties. Mass circulation of clips wrongly alleging people and organizations of “promoting homosexuality” has exposed them to homophobic and transphobic sentiments by the public and the state, putting their safety at risk.²⁸⁹

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, has noted that in instances of gendered disinformation, “information is manipulated and amplified with some degree of coordination to reaffirm gender stereotypes, inflame existing bias and prejudices and push overarching negative gender narratives.”²⁹⁰ She also notes that “gendered disinformation affects LGBTQ+ communities disproportionately, perpetuating harmful stereotypes and further marginalizing them.”²⁹¹ Gendered disinformation can lead to harms both at individual and community level, and such negative narratives about women and LGBTQ persons and their communities legitimizes both online and physical violence against them.²⁹²

In the Ugandan context, misinformation and disinformation campaigns often portray LGBTQ people as being influenced by a Western imperial agenda, as “un-African”, as incompatible with Christianity and Islam, as “a threat to Ugandan culture and society”,²⁹³ and as “sexual predators”, particularly interested in recruiting children into their sexual practices. The use of the latter, in particular, has been a harmful stereotype used to create moral panic, and significantly sway the Ugandan public, leading to severe harassment, violence and discrimination against LGBTQ persons. Public officials have also engaged in spreading disinformation targeting LGBTQ people. A case in point is Thomas Tayebwa, the Deputy Speaker of the Ugandan Parliament, whose tweet conflating



↑ Tweet by the Deputy-Speaker of Parliament in Uganda, accusing schools of having been 'infiltrated' and becoming 'recruitment centres'

²⁸⁷ In person interview with Ashe*, 2 December 2023.

²⁸⁸ The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, in her report on gendered disinformation, notes that gendered disinformation, like other forms of false information seeks to spread false or misleading information with the intent to cause harm to individuals and to society at large, but unlike other forms of disinformation, gendered disinformation relies not just on false information but also on existing gender narratives to achieve its social and political goals, including maintaining the status quo of gender or creating a more polarized electorate. UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, *Gendered Disinformation*, 7 August 2023, UN Doc. A/78/288.

²⁸⁹ In person interview with representatives of XXC organization, 21 November 2023.

²⁹⁰ UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, *Gendered Disinformation* (previously cited), para. 16.

²⁹¹ A survey of over 18,000 people of all genders in 18 countries, found that LGBTQ people were much more likely to be targeted with false information as compared to heterosexual and cisgender people. CIGI, *Supporting Safer Digital Spaces* (previously cited), p. 38.

²⁹² Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, *Gendered Disinformation* (previously cited), paras 45-55.

²⁹³ *Convening for Equality, Eteeka Lyayita (Vol. 2)* (previously cited), pp. 34-36.

homosexuality with child abuse (see: screenshot of tweet above) was still visible on the platform X when this report went to press (October 2024).



CASE STUDY 5: “HATE SPEECH GOES EVERYWHERE, OUR RESPONSES CANNOT.”

Ruth, who works with a prominent LGBTQ organization actively involved in documenting and countering disinformation, told Amnesty International that these kinds of false narratives spread like wildfire due to algorithmic bias and lack of regional language-based content moderation. She also explained that LGBTQ organizations simultaneously find themselves shackled by a law that makes it hard for them to make factual corrections on behalf of the LGBTQ community, for fear of being charged as “promoters”.²⁹⁴

She narrated an incident where a video of a man engaging in child sexual abuse was virally shared across social platforms, tagging openly queer persons in Uganda, when the person was clearly not Ugandan. She recounted that it was flagged as a “gay video” instead of child sexual abuse by social media posts and spread widely by church groups with large followings. As a result of this coordinated disinformation campaign, two people from different areas of Uganda were physically attacked as people mistakenly assumed to be the perpetrators of child sexual abuse from the videos. Ruth noted that LGBTQ people were also evicted from their homes as a result. The harassment targeted both individual online accounts of queer people and LGBTQ organizations.

Ruth told Amnesty International that another disinformation campaign popular in Ugandan social media spaces is a false narrative of naming and tagging clinics providing sexual and reproductive health care to LGBTQ persons in Uganda and falsely accusing them of providing wrongful information on same sex conduct and gender identity.²⁹⁵ One such video, still available on TikTok when this report went to press (October 2024), also makes a number of false and misleading claims about LGBTQ people, including that there is a “demon” inside LGBTQ people and these clinics are indoctrinating people into denying as well as changing the sex assigned at birth.²⁹⁶ These clinics were heavily targeted as a result. Many were forced to shut down and some have still not opened. “[I]t’s now a fact that online misinformation that is run by those accounts has a trickledown effect. That means our health, our social spaces are being shut down... That is queer lives that continue to be at risk because they’re not receiving these services elsewhere, that is, increase in mental health challenges within our community, that means social isolation that is closing down on our freedoms of participation or access to services.”

Despite the reach of these disinformation campaigns and the severity of the harms caused by them, the evidence collected by Amnesty International suggest that the responses of social media platforms, especially the availability of content moderation in Luganda and other local languages, remain a significant concern.²⁹⁷ Moreover, the ability of civil society organizations to respond and counter disinformation is restricted as the AHA 2023 and the CMA have a chilling effect of their rights to freedom of expression and association.²⁹⁸ Ruth told Amnesty International that they risk being charged for “promotion of homosexuality” under the AHA 2023 as well as “offensive communication” under the CMA when they put out content showcasing LGBTQ people in all their diversity.²⁹⁹

²⁹⁴ Online interview with Ruth, 2 February 2024.

²⁹⁵ Online interview with Ruth, 2 February 2024.

²⁹⁶ SammieKayOfficial, Tik Tok post, 24 February 2024, [tiktok.com/@samiekayofficial/video/7203771995115277574?is_from_webapp=1&web_id=7363596198102976005](https://www.tiktok.com/@samiekayofficial/video/7203771995115277574?is_from_webapp=1&web_id=7363596198102976005)

²⁹⁷ See Section 5.3.

²⁹⁸ In addition to gaps in content moderation and domestic laws, there is limited media space for the LGBTQ people to raise awareness of violations, promote human rights or put forward their own narratives. As a consequence of this systematic exclusion from media spaces, narratives about LGBTQ people have been shaped by influential power holders such as religious and political elites, which in turn results in representations consistently failing to present a balanced and fair coverage of the community or reflect its concerns, as well as rampant negative and stereotypical portrayals and othering of the LGBTQ community. See: Cecilia Strand and Jakob Svensson, ““Fake News” on Sexual Minorities is “Old News”: A Study of Digital Platforms as Spaces for Challenging Inaccurate Reporting on Ugandan Sexual Minorities”, 2019, *African Journalism Studies*, Volume 40 Issue 4, pp. 77-95. See also, Cecilia Strand, “Homophobia as a barrier to comprehensive media coverage of the Ugandan anti-homosexual bill”, 2012, *Journal of Homosexuality* Volume 59, pp. 564–579.

²⁹⁹ Cecilia Strand and Jakob Svensson, “Fake News” on Sexual Minorities is “Old News” (previously cited).

Amnesty International contacted social media companies about these concerns prior to publication. For more information, please see section 5.3 below.

These harms stemming from misinformation and disinformation campaigns, especially the risk of it translating into offline violence and creating a chilling effect on LGBTQ persons' ability to use social media spaces freely, was echoed by another prominent LGBTQ activist.

“[T]his (disinformation and misinformation) has created a lot of hatred that has come from social media that has manifested into violence for the community. So, for example, we saw [when] XXF³⁰⁰ was getting closed, there was a lot of disinformation that we’re recruiting children into homosexuality, that we are screening pornography, that we are abusing children, and we are trafficking young boys for sex. And so all that information was on the social media and what happened is, we saw a lot of violence during that time... I received the most, the most, threats in my life during that time – death threats, threats on my phone... So it was very, very bad, especially the spread of disinformation... [W]hat this did was create a lot of fear, because if people are seeing me, who is seen as a key activist in Uganda being attacked in that way, so definitely many people are going to be scared and worried of being on social media.”³⁰¹

Amnesty International found that misinformation and disinformation campaigns, often with the patronage of religious and political elites,³⁰² has contributed to fostering a climate whereby harmful stereotypes, bias, prejudice and discrimination against LGBTQ people are repeatedly circulated on social media platforms. This affects their rights to liberty, dignity and bodily autonomy, while simultaneously limiting the availability to a variety of information that is key to inform policy making and is also dissuading others from exercising their human rights.³⁰³

4.2.5 IMPERSONATION LEADING TO PHYSICAL ATTACKS

Amnesty International also documented instances of entrapment of LGBTQ people through online fake accounts. Fake profiles were used by several different actors including relatives, ex-partners, unknown people and state authorities to get LGBTQ people to disclose information or meet in person. This was then often used to subject them to blackmail and physical violence.³⁰⁴

Three of the HRDs in the Kampala focus group discussion shared instances of fake accounts being used to lure them into physical meetings, where they were met with severe physical violence. Interviewees told Amnesty International that often the people behind these accounts were difficult to trace and when such accounts were reported and banned, they were soon replaced by others.

However, in one instance Amnesty International documented, a fake account was created by a family member. Kashi*, who works with a SRH delivery organization, told Amnesty International that his relatives monitored his Facebook account and where he worked and used this information to assume he is gay.³⁰⁵ An uncle then created a fake Facebook account and reached out inquiring about services that he offered through his organization and asked for STI testing kits. His family was able to confirm that he is gay through the exchange of information and messages between Kashi* and the fake profile created by his uncle. His family then disowned him. He was also eventually outed by them to others in the community, which led to him being physically attacked. The attackers demanded UGX 300,000 (approximately \$80) or threatened to report Kashi* to the police. Since Kashi* did not have that amount of money, they forcefully took his electronics and reported him to the police. After this incident, Kashi* was forced to flee to Kenya for a few weeks.

³⁰⁰ Name of the organization has been withheld for safety and security purposes.

³⁰¹ Online interview with representative of XXF, 1 February 2024.

³⁰² Cecilia Strand and Jakob Svensson, “Fake News” on Sexual Minorities is “Old News” (previously cited).

³⁰³ Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, *Gendered Disinformation*, (previously cited) para 45.

³⁰⁴ Human Rights Awareness and Promotion Forum (HRAPF) has similarly documented a number of cases, where LGBTQ people were lured into physical meetings through dating apps and social media platforms. In two of these instances, they were met by police officers when they reached the agreed location (HRAPF/PA/143/2023, 14 August 2023; and HRAPF/PA/193/2023, 25 September 2023) and in two other instances they were accosted by a group of people and severely beaten up (HRAPF/PA/66 and HRAPF/669/2024, 28 August 2024), hrapf.org/violation-reports/

³⁰⁵ Focus group discussion, Kampala, 29 November 2023.

Peter*, a gay man from Entebbe, told Amnesty International about an incident in which he met a person through Facebook and planned an in-person meeting after talking online for a while.³⁰⁶ Upon reaching the agreed meeting point, he was instead attacked by a mob of people who accused him of being gay and they beat him quite severely. His phone was also stolen. He was taken to the village chief, who let him go after making Peter* promise he would “stop being gay”. Peter* did not report this incident to the police as he was scared to let them know that he was assaulted because he is gay.

Online abuse and TfGBV can take place by using anonymous accounts or accounts with pseudonyms and/or fake profiles, making it difficult to identify perpetrators. However, anonymity in online spaces is simultaneously also a valuable tool for the LGBTQ community, who are often forced to rely on encryption and anonymity to circumvent restrictions placed on their ability to exercise the right to seek, receive and impart information, to safely exist in digital spaces and to exercise a range of rights.³⁰⁷

4.3 VIOLATION OF FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

Civil society organizations play a key role in protecting the human rights of LGBTQ people, especially in a context like Uganda, where several aspects of their lives are *de facto* criminalized, beyond consensual sexual activities. Specifically, the role of organizations providing counselling and access to sexual health services is crucial for fulfilling the right to the highest attainable standard of health of LGBTQ people. In the Ugandan context, civil society organizations are the main providers of sexual and reproductive health services, including for the prevention and treatment of HIV and other sexually transmitted infections (STIs), through the support of international donors.³⁰⁸

Civil society organizations also support LGBTQ people to seek remedies in instances where their human rights are violated, especially where other avenues to seek redress are restricted or risky, such as, for example, reporting to police instances of abuses, as these often result in arbitrary arrest, detention, torture or other ill-treatment and further victimization (see chapter 5).

As discussed in chapter 3, digital spaces are critical for civil society organizations, especially given restrictions imposed on them and their members to meet and conduct activities offline. For example, organizations providing health services often use social media and other online spaces to advertise their services and to provide information to marginalized LGBTQ groups, who would otherwise have very few opportunities to access it.

The right to freedom of association is guaranteed by the 1995 Ugandan Constitution.³⁰⁹ However, subsequent domestic laws regulating the establishment and operations of civil society organizations, especially the NGO Act 2016,³¹⁰ have resulted in restrictions and regulations that excessively burden civil society organizations and violate the right to freedom of association. The Act established the National Bureau for Non-Governmental Organizations (NGO Bureau), which has extensive powers to allow or refuse registration of organizations, a legally mandatory requirement for their operations. The Bureau can impose a series of sanctions on organizations, including suspending their registration, blacklisting them and revoking their registration.³¹¹ In recent years, human rights treaty bodies and NGOs have criticized the decisions of the Bureau to suspend the permits of dozens of organizations.³¹² In 2023, the Human Rights Committee

³⁰⁶ In person interview with Peter*, 21 November 2023.

³⁰⁷ UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, *Report on encryption, anonymity, and the human rights framework*, 22 May 2015, UN Doc. A/HRC/29/32. See also Association for Progressive Communications, *Online gender-based violence: A submission from the Association for Progressive Communications to the United Nations Special Rapporteur on violence against women, its causes and consequences*, 2017, [apc.org/sites/default/files/APCSubmission_UNSR_VAW_GBV_O_0.pdf](https://www.apc.org/sites/default/files/APCSubmission_UNSR_VAW_GBV_O_0.pdf); Internet Governance Forum (IGF), *Best Practice Forum (BPF) on Online Abuse and Gender-Based Violence Against Women*, 2015, [genderit.org/resources/igf-2015-best-practice-forum-online-abuse-and-gender-based-violence-against-women-report](https://www.genderit.org/resources/igf-2015-best-practice-forum-online-abuse-and-gender-based-violence-against-women-report)

³⁰⁸ Nicolas de Torrente, “The evolving role of the state, donors and NGOs providing health services in a liberal environment: Some insights from Uganda”, 8 January 1999, [msf-crash.org/en/humanitarian-actors-and-practices/evolving-role-state-donors-and-ngos-providing-health-services](https://www.msf-crash.org/en/humanitarian-actors-and-practices/evolving-role-state-donors-and-ngos-providing-health-services)

³⁰⁹ The Constitution of the Republic of Uganda, 1995, Article 29 (1) (e).

³¹⁰ Uganda, The Non-Governmental Organisations Act, 2016.

³¹¹ International Centre for Not-for-Profit Law, “Civic Freedom Monitor: Uganda”, 30 August 2024, [icnl.org/resources/civic-freedom-monitor/uganda](https://www.icnl.org/resources/civic-freedom-monitor/uganda).

³¹² Article 19, “Uganda: stop intimidating NGOs”, 26 August 2021, [article19.org/resources/uganda-stop-intimidating-ngos/](https://www.article19.org/resources/uganda-stop-intimidating-ngos/).

raised concerns regarding the excessive burden that the NGO Act imposes on organizations and the criminal sanctions applied to NGO personnel for the non-compliance with administrative requirements.³¹³

Amnesty International has emphasized that three specific new provisions introduced by the AHA 2023 – the ones punishing people who rent out premises for the “purpose of homosexuality”, “promote homosexuality” and fail to report to police people who are suspected of committing “the offence of homosexuality”³¹⁴ have resulted in violations of the right to freedom of association, including by enhancing discriminatory scrutiny and interference from the NGO Bureau and other authorities against organizations perceived to be “promoting homosexuality”, a vague concept that violates the principle of legality. In 2023, the NGO Bureau confirmed that 26 organizations were being investigated for suspicion of “promoting LGBTQ activities”.³¹⁵ The report included recommendations to the government that would result in further violations of the right to freedom of association, including one requesting further resources to inspect and monitor organizations as the activities of organizations “promoting LGBTQ activities were on the rise”.³¹⁶

One of Amnesty International’s most worrying research findings is the additional burden that the AHA 2023, combined with the NGO Act 2016, imposes on the digital operations of civil society organizations, including their use of digital tools and platforms. The enforcement of these laws has pushed organizations providing sexual health services and counselling to refrain from openly advertising their services online to LGBTQ people, and exposed civil society organizations and human rights defenders to online harassment and other forms of TfGBV, police raids, arbitrary arrest and detention, disproportionate restrictions on their activities, including suspension of registrations, and seizure of their information technology equipment.

Smith*, a human rights defender involved with an organization providing sexual health services across Uganda, explained to Amnesty International how the AHA 2023 affected provision of services and, ultimately, the right to health of LGBTQ people, and the organization’s operations. Public debate before the AHA’s adoption in May 2023 ignited discriminatory speech and behaviours, both offline and online. Smith* explained to Amnesty International that in March 2023, the mayor of the city where he lived, supported a march against homosexuality, which forced the organization to close its offices for two days for fear of physical attacks. Smith* said district authorities insisted on signing a memorandum of understanding with the organization to clarify their purposes as many believed it was “promoting homosexuality”, which became a criminal offence when the AHA 2023 came into force. Health authorities inspected the organization’s offices before a memorandum was signed between the organization and the District Health Officer, which clarified that the organization was providing services to “vulnerable populations”, instead of “LGBTQ” or “key populations” and imposed quarterly reporting requirement on them.

In subsequent months, because of fear of physical attacks and given increasing online discriminatory language against the organization, Smith* explained that they had to stop proactively advertising their health services which negatively impacted outreach. He said: “We used to advertise services on our Facebook page, for example if we offered PrEP in a specific region, we said that we had that service there, we told people who wanted to access it to get in touch, we provided contact details, so that people who followed our organizational pages knew what services were available where”.³¹⁷

However, despite changes in their public communication and outreach efforts, as many people knew that they mostly provided services to LGBTQ people, the organization increasingly received discriminatory and threatening messages through its social media platforms. “They were saying ‘we know where our organization is, we shall raid it, we shall come there, we know what you do, don’t pretend that you are focusing on health, you’re in this [promoting homosexuality]”, Smith* explained. Between March and July 2023, the organization hired private security 24/7 but then opted to reduce it to night security because of the substantial financial costs and because day security was likely to attract further attention. Indeed, Smith* discussed with Amnesty International the difficulties for the organization to navigate an extremely volatile context and the looming threat of attacks by private individuals and raids by police. He said: “if

³¹³ Human Rights Committee (HRC), Concluding Observations: Uganda, 11 September 2023, UN Doc CCPR/C/UGA/CO/2, paras 46 and 47.

³¹⁴ Uganda, Anti-Homosexuality Act, 2023, Articles 9, 11 and 14. The Constitutional Court struck down articles 9 and 14, see chapter 1.1 for further information.

³¹⁵ In March 2024, the Court of Appeal of Uganda confirmed the denial of the registration of Sexual Minorities Uganda (SMUG). ILGA World, “Uganda: denying NGO registration fails democratic principles”, 15 March 2024, ilga.org/news/uganda-denying-smug-ngo-registration/; The UN Special Rapporteur on Human Rights Defenders expressed concerns for the NGO Bureau’s decision to stop SMUG’s operations in 2022. Special Rapporteur on Human Rights Defenders, “Uganda: Forced closure of LGBTQI+ organization ‘SMUG’ (joint communication)”, 22 December 2022, srdefenders.org/uganda-forced-closure-of-lgbtqi-organisation-smug-joint-communication/

³¹⁶ National Bureau for NGOs, *Status Report on NGOs Suspected of Being Involved in the Promoting of LGBTQI activities in the countries*, January 2023, [database.ilga.org/api/downloader/download/1/UG%20-%20EXE%20-%20NGO%20Bureau%20report%20Jan%202023%20\(2023\)%20-%20OR%20\(en\).pdf](https://database.ilga.org/api/downloader/download/1/UG%20-%20EXE%20-%20NGO%20Bureau%20report%20Jan%202023%20(2023)%20-%20OR%20(en).pdf)

³¹⁷ In person interview with Smith*, 1 December 2023.

police wanted to come and raid, even if you have a guard, even if you had a padlock, if they wanted to raid you, they will raid you. So, we need always to be cautious.”³¹⁸

The organization digitized and anonymized their clients’ records and enhanced security by introducing two-factor verification to prevent surveillance and hacking of their IT systems. Before then, Smith* explained that they had experienced phishing attacks, especially on their Facebook account, where personal data, information and private conversations with clients were stored. While the origin of those attacks was never ascertained, they instilled fear and insecurity among the organization’s staff and led to the organization refraining from actively using digital platforms for outreach purposes. Moreover, the increasingly hostile environment both online and offline pushed the organization to advise their clients against coming to their central office so as to not endanger the safety and bodily integrity of all their clients, given the risks of physical attacks by both private individuals and law enforcement officials. These precautions also point to concerns regarding the enjoyment of the right to peaceful assembly, which protects the gathering of two or more people, including in private, and without a specific expressive purpose (see section 2.3).

Other organizations faced disruptions in their operations and arbitrary and discriminatory barriers to defending human rights for everyone without discrimination, including the right to health. These organizations had to discontinue, or substantially change, use of digital tools and spaces to advertise services, raise awareness and offer counselling, because online engagement heightened the risk of deregistration and police raids during the public debates that accompanied the adoption of the AHA 2023. Anita*, a queer woman and an employee of an organization protecting human rights of women, children and ethnic minorities in western Uganda, told Amnesty International that the organization had to change its communication and outreach strategies after experiencing online abuse and trolling in early 2023, during the public debate ahead of the AHA’s adoption.³¹⁹ Specifically, the backlash occurred after the organization had posted information on their Facebook page regarding a HIV testing campaign that they had conducted, including publication of photos portraying LGBTQ people, including a trans woman who was publicly known in the region. The comments posted on the organization’s page, among other discriminatory messages, blamed LGBTQ people for spreading HIV.

Moreover, individual members were subject to threats and attacks. Anita* reported to Amnesty International that, for example, an unknown individual published the photo of a member who was HIV positive on Facebook, disclosing his HIV status and sexual orientation and accusing him of “spreading HIV and killing many people.” Her organization provided support to report the post to Facebook, which eventually, according to Anita*, removed it seven days later.

Anita* explained that the hostile environment for civil society organizations, which led to the deregistration of NGOs by the Bureau for Non-Governmental Organizations, pushed her organization to refrain from posting information online that could make them appear as associated with LGBTQ people. She said: “Before the bill (AHA) passed, we posted information about our partners, including their names. But then (after the bill was passed), people started asking a lot of questions, insinuating that we supported LGBTQ people, so we had to completely redesign our public facing information, deleting content that we could not edit and untagging partners who were openly known for supporting LGBTQ people”.³²⁰

Other activists interviewed shared similar concerns and told Amnesty International that they avoided posting online content that could make their organizations be perceived as promoting LGBTQ rights. Ssenyonga*, a sexual health peer educator and a paralegal based in Eastern Uganda, told Amnesty International that his organization stopped using Facebook for outreach and human rights documentation purposes when the AHA 2023 was passed. He explained that the organization amended its description on Instagram, presenting itself as a charitable organization supporting orphaned children. Ssenyonga* pointed to the extremely volatile and threatening environment for civil society organizations to justify those changes.

Following visits from government officials to their office, Ssenyonga* explained that they decided to remove computers from their offices to prevent the authorities from confiscating them: “Some of us are not well versed with software issues, like issues on how to encrypt information. Most of our information was just plain, so someone would just enter in office and the moment you access a computer you are able to access everything that we do, which could create a lot of risk for the group. Data on the computers could be used as evidence of the services we provide. The government is the greatest fear... Before the AHA 2023 came through, we wouldn’t remove them (computers and data on them) even if there were threats from [people] in the neighbourhood”.³²¹

³¹⁸ In person interview with Smith*, 1 December 2023.

³¹⁹ In person interview with Anita*, 1 December 2023.

³²⁰ In person interview with Anita*, 1 December 2023.

³²¹ In person interview with Ssenyonga*, 27 November 2023.

In at least one other case documented by Amnesty International, the police confiscated IT equipment and mobile phones while raiding the offices of an organization, which was subsequently deregistered by the NGO Bureau. On 16 March 2023, police raided the premises of the organization Peace and Comfort Foundation, in Jinja (eastern Uganda) where 12 members were having a peaceful meeting, in violation of their right to peaceful assembly. According to information available to Amnesty International, police proceeded to arrest six activists, while six others managed to run away, by subjecting them to arbitrary use of force and, while in detention, to forced anal examination, which amounts to torture. Police seized both the IT equipment of the office and the mobile phones of the six activists, who were all charged with “practicing homosexuality”. Police alleged that the six activists were part of a “criminal sexual network” recruiting young adults into “gay practices” and “recording pornographic sex videos of children and other unnatural practices”. According to police, the activists recorded “sex videos and live-streamed sessions that they submitted to LGBTQ donors for funding their activities”.³²² At the time this report went to press (October 2024), the activists were on bail and still waiting for the trial. Computers and mobile phones had not been returned yet.³²³

While in pre-trial detention, Amnesty International was told that the police exposed the six activists to further ill-treatment, discrimination and violations of their right to privacy by taking them around town on a police patrol the day after their arrest, announcing publicly that they had arrested six men who were part of a criminal gang and sharing their full names on a Facebook post (see section 4.2.1 above). Consequently, the owner of the premises of the organizations decided to evict them and the NGO Bureau deregistered the organization. Mugabi*, who used to be associated with the organization said: “We are at the moment trying to rebrand ourselves and to restart our activities but it’s a big problem because often funders require the official registration, and we don’t have it anymore.”³²⁴

In interviews, members of civil society organizations shared with Amnesty International concerns of being harshly targeted by authorities, including through police raids and deregistration, because of their use of digital tools to provide support and services to LGBTQ people. Activists and health workers involved with an organization providing sexual health services in Kampala, shared feelings of constant fear and anxiety regarding the misuse by police of personal data stored on their phone, including about their activism or health status, to incriminate them in cases where their phones were stolen or confiscated. In November 2023, unknown people burgled the premises of the organization and stole all the computers, where the data of clients to whom the organization provided services, were stored. The activists told Amnesty International that they reported the crime to police but never received an update on the investigation. Concerns regarding further attacks led to the organization stopping using social media to promote their health services. Michael*, a health worker, told Amnesty International: “We used our Facebook page as an organization, we used to post each and every activity that we conduct. But right now, we no longer post. This affects us as an organization, we no longer have visibility. We don’t show what we do. So, we are like working underground.”³²⁵

The use of digital tools and online engagement, which is key for providing counselling, health services and support to LGBTQ people, has become increasingly risky for civil society organizations since the adoption of the AHA 2023. Authorities have relied on information imparted online or stored in phones and computers to subject civil society organizations to increased scrutiny, discriminatory investigations, operational hurdles and, at times, deregistration, violating the right to freedom of association and the principle of non-discrimination. As a result of the hostile environment and the chilling effect that criminalization has on the right to freedom of expression, LGBTQ organizations face arbitrary and discriminatory restrictions on the provision of information and in advocating for accountability in areas of public interest. For example, Ruth who works for a prominent LGBTQ organization, told Amnesty International: “First of all, we are breaking the law under this Computer Misuse Act [when we put out stories about holding politicians accountable as a queer organization], so we cannot share information that informs people in a way that then, in the long run, aims to protect our lives by ensuring that our lives or issues of LGBTQ people are no longer used as tokens for politicians to get votes or to change or influence people’s mindsets [...]. They’ll say we are promoting homosexuality and we are an illegal entity that cannot come up to complain [...]. It’s not just that LGBTQ organizations can no longer hold governments accountable on LGBTQ issues, but they also simultaneously can’t hold the government accountable on a range of other issues. Even when we say the right to protest, it’s not just the right to protest about LGBT issues, it’s the right to protest about a range of social justice issues that is entirely getting curtailed just by how one identifies.”³²⁶

³²² Uganda Policy Force, *6 suspects arrested in Jinja belong to a criminal sexual network* (previously cited).

³²³ In person interviews with Mugabi*, Natalie* and Kiwanuka*, 22 November 2023.

³²⁴ In person interview with Mugabi*, 22 November 2023.

³²⁵ In person interview with Michael*, 29 November 2023.

³²⁶ Online interview with Ruth, 2 February 2024.

5. ACCESS TO REDRESS AND JUSTICE

All 57 LGBTQ persons and HRDs interviewed told Amnesty International that they would not consider reporting TfGBV to the police or seek state assistance. Rampant fears about being disbelieved, outed, blackmailed or arrested themselves under Uganda’s criminal laws were the major deterrents in seeking state support.³²⁷ The only support available to survivors of TfGBV was through other local LGBTQ organizations, paralegals and legal aid provided by human rights organizations working with LGBTQ people. A prominent human rights organization in Uganda told Amnesty International: “People do not want to go to the systems because the systems just don’t protect them. The system seems to be against LGBTI people and so in terms of legal recourse, in theory you could sue people for violations of their rights and obtain judgement. But that’s really in theory. In practice, that is extremely difficult... The entire system just seems to be more interested in people’s sexuality than in providing protection for them.”³²⁸

LGBTQ people seeking to report TfGBV and receive support from the state face barriers common to all survivors of TfGBV, such as inadequate policies to tackle TfGBV, limited knowledge about redress for TfGBV among survivors, misconceptions about TfGBV among law enforcement officials,³²⁹ gender-based bias and prejudice among law enforcement officials, burdensome legal processes, and social stigma that can deter people from reporting.³³⁰ Criminalization creates an added barrier for LGBTQ people.

Overall, access to justice in cases of TfGBV requires a multi-pronged approach, including measures to identify, prevent, report and seek redress for TfGBV, including through psychosocial support, legal aid and specialized units that can address TfGBV holistically. However, as noted below, Amnesty International found that far from this being the case, LGBTQ people in Uganda do not have access to any redress for the TfGBV they face, and instead, egregiously risk being arrested as survivors of TfGBV themselves, especially if their LGBTQ identity becomes known.

5.1 FEAR OF BEING COUNTER-CHARGED UNDER AHA 2023

Punitive laws disproportionately targeting and impacting LGBTQ people, such as the AHA 2023, Section 145 of the Penal Code Act, provisions of the CMA, among others, create a risk of LGBTQ people being

³²⁷ A study by HERInternet prior to the passage of the AHA, including on reporting patterns on TfGBV among LGBTQ people and female sex workers, noted that 53% of the respondents reported that they would not report instances of TfGBV. This was attributed to a variety of reasons, including: homophobic attitude amongst police officers and criminalization of same-sex conduct leading to outing; police inability to recognize and adeptly address online harms; blaming of LGBTQ people themselves for the harms caused to them; police corruption; and prevailing impunity for violence against LGBTQ people in the offline sphere. Elizabeth Kemigisha and Sandra Kwikiriza, *The trends and impact of technology assisted violence* (previously cited).

³²⁸ Online interview with XXI organization, 7 February 2024.

³²⁹ A study in Uganda found that only 53% of respondents indicated that they were aware that they can report cybercrimes and online violence. Unwanted Witness, *Weak Legal and Institutional Framework: A Hindrance To Justice For Survivors Of Online Violence Against Women And Girls In Uganda*, 2020.

³³⁰ Generation G, *Decoding Technology-facilitated Gender-Based Violence* (previously cited) and Amnesty International, *“Being Ourselves is Too Dangerous”* (previously cited).

prosecuted under these laws.³³¹ LGBTQ people interviewed by Amnesty International reported that they fear being investigated, since they could be either blackmailed³³² or arrested by the police if the police suspect that a case has anything to do with a person's SOGIE status. This creates a chilling effect on reporting. The passage of the AHA 2023, in particular, was noted as deterring reporting by the LGBTQ people interviewed by Amnesty International.³³³



LGBTQ PEOPLE INTERVIEWED BY AMNESTY INTERNATIONAL REPORTED THAT

THEY FEAR BEING INVESTIGATED, BLACKMAILED OR ARRESTED IF THE POLICE SUSPECT THAT A CASE HAS ANYTHING TO DO WITH A PERSON'S SEXUAL ORIENTATION OR GENDER IDENTITY AND/OR EXPRESSION

Miremba*, who is involved with a LGBTQ organization, told Amnesty International that before the AHA 2023 was passed, the community would feel safe with some police officers who had received LGBTQ-sensitivity training, but after the AHA 2023 passed it was hard to trust anyone as LGBTQ people risk getting outed and arrested through reporting.³³⁴ This was echoed by a several other people, who similarly reported fear of being counter-charged and arrested.³³⁵

Lucien*, a transgender peer educator, told Amnesty International that if the police found out that she is transgender in the process of her filing a complaint, then she wouldn't be able to leave the police station. "They can just tell me remove your shoes and enter into the cell", she said.³³⁶ Another participant at the focus group discussion in Kampala noted "Here in Uganda, if you go to report to the police, they will tell you that they have been looking for you for many years."³³⁷ Nakawesi*, who runs an LGBTQ organization, narrated an incident to Amnesty International where a transgender woman who went to the police to report her money and phone being stolen, was arrested herself. She told Amnesty International, "[I]n Uganda, first of all, you can't go to the police. They say that I am an LGBT person, we don't have rights. Our rights have been taken from us."³³⁸

A human rights organization based in Kampala that routinely handles cases of discrimination and violence faced by the LGBTQ community in Uganda confirmed this trend.

"Messages sent by [a person from the LGBTQ community] can be used to blackmail them, defame them or even used by the police officers to extort people, instead of protecting them, if they saw the content of the messages had any expression of same sex desires. People cannot file cases for blackmail as they themselves can be arrested under Section 145 or the promotion of homosexuality. Even your exes can use information shared during a relationship to blackmail and incriminate you. People bringing such forward information are often welcomed by the police."³³⁹

³³¹ Generation G, *Decoding Technology-facilitated Gender-Based Violence* (previously cited) and Elizabeth Kemigisha and Sandra Kwikiriza, *The trends and impact of technology assisted violence* (previously cited).

³³² Interviewees told Amnesty International that the police are sometimes not interested in charging people but use the opportunity of knowing that a person is LGBTQ for blackmailing and extorting purposes. In person interview with Musoke* and Peter*, 21 November 2023.

³³³ In person interview with Wasswa* and Namugenyi*, 27 November 2023; In person interview with Rose*, 22 November 2023; In person interview with Issac*, 21 November 2023.

³³⁴ In person interview with Miremba*, 27 November 2023.

³³⁵ In person interviews with Ssenyonga* and Nakawesi*, 27 November 2023.

³³⁶ In person interview with Lucien*, 22 November 2023.

³³⁷ Focus Group Discussion, Kampala, 29 November 2023.

³³⁸ In person interview with Nakawesi*, 27 November 2023.

³³⁹ In person interview with representatives of XXB organization, 22 November 2023.

5.2 APATHY AND PREJUDICE FROM POLICE OFFICERS

Even in the few instances where LGBTQ people reported TfGBV to the police, despite the risk of being charged under criminal laws themselves, the police failed to act and subjected complainants to humiliation.

Anita*, a queer woman associated with a LGBTQ collective, narrated two separate incidents where the homophobia and transphobia displayed by police officers deterred people from engaging with them.³⁴⁰ Anita* had a client who was being blackmailed with the release of nude photos by an ex-partner who had borrowed money from her. When on Anita*'s advice the client reported the incident to the police, they asked to see the nude photos that the ex-partner was threatening her with and shared those photos with police officers present there. Humiliated, the client left the police station without being able to take action against the blackmailer. In another instance, where a queer member of the collective Anita* works with went to the police station to provide surety to bail a friend, she was questioned by the police “if she was male or female” based on her feminine gender expression, which did not align with the sex assigned at birth. Intimidated by such questioning, she left the police station without giving surety for her friend.

Another prominent LGBTQ activist told Amnesty International that he did not receive any support from the police when he sought police protection when their organization was regularly subjected to harassment, through both social media platforms and offline spaces. He noted: “[S]ome of the messages and information I shared they knew that... this could manifest into actual violence because some of the messages and the threats I was getting where they were directly naming where I live, where the office is located and then they were mentioning people like the local counsellors who are of that area... so the police knew this was imminent threats and they did nothing. I never heard back.”³⁴¹

5.3 INADEQUATE RESPONSES FROM META, TIKTOK AND X

Meta and TikTok have expressed concerns about the AHA 2023 and have taken some actions to address the context of criminalization of LGBTQ people in Uganda. However, the evidence collected by Amnesty International suggests that Meta, TikTok and X do not adequately address TfGBV against LGBTQ people in Uganda and thus fail to comply with their responsibility to respect human rights. The three main areas of concerns are a) the failure to moderate specific content amounting to TfGBV, b) challenges faced by LGBTQ persons in reporting TfGBV, and c) gaps in content moderation in local languages other than English, especially Luganda.

Prior to publication, Amnesty International shared the findings of this report with Meta, TikTok and X (formerly Twitter) for their response. Meta and Tik Tok replied to Amnesty International by providing elements that are reflected in this section. Their full responses are reproduced in Annex 1 and 2. X did not reply by the time of publication (October 2024) and therefore the analysis below drew upon publicly available information regarding their policies and the testimonies collected by Amnesty International in the context of this research.

5.3.1 FAILURE TO MODERATE SPECIFIC CONTENT AMOUNTING TO TFGBV

Facebook, TikTok and X (formerly Twitter) have adopted policies and guidelines to address TfGBV. Sharing, or threatening to share, intimate images without consent is against Meta’s policies, which include Facebook’s Community Standards on bullying and harassment³⁴² and Instagram’s Community Guidelines, which apply to bullying, harassment and misinformation.³⁴³ Both Facebook’s Community Standards and Instagram’s Guidelines clarify that it is not permissible to incite violence or to attack anyone based on their sexual orientation or gender identity. Facebook Community Standards on bullying and harassment also state that private adults are protected from unwanted contact that is sexually harassing, claims about sexually

³⁴⁰ In person interview with Anita*, 1 December 2023.

³⁴¹ Online interview with representative of XXF organization, 1 February 2024.

³⁴² Facebook, “Community Standards on Bullying and Harassment”, transparency.meta.com/en-gb/policies/community-standards/bullying-harassment/ (accessed on 10 October 2024).

³⁴³ Instagram, “Community Guidelines”, help.instagram.com/477434105621119?helpref=faq_content (accessed on 10 October 2024).

transmitted infections and derogatory language related to sexual activity. Publicly available information from Meta states that it is working in over 50 languages to moderate content that violates its policies.³⁴⁴

X's rules on Abuse/Harassment and Hateful Conduct clarify that it is not permissible to share abusive content, engage in the targeted harassment of someone, or incite other people to do so or to attack anyone based on their sexual orientation or gender identity. X's rules also prohibit the use of insults, slurs, incitement of harassment and targeting of individuals or groups of people belonging to protected categories.³⁴⁵ However, Amnesty International did not receive a response from X as to whether the presence of various insults and abusive comments against LGBTQ people on its platform; lack of action against death threats received by LGBTQ activists on its platform; and wide circulation of disinformation against LGBTQ people on its platform, documented in this report by Amnesty International, violate X's guidelines, as such posts and comments continued to be available on X when this report went to press (October 2024).

TikTok's Community Guidelines do not "allow any violent threats, promotion of violence, incitement to violence, or promotion of criminal activities that may harm people."³⁴⁶ TikTok's Guidelines also recognize gender, gender identity, sex and sexual orientation as protected characteristics. Based on this, any form of hate speech or hateful behaviour that excludes, oppresses, or otherwise discriminates against individuals based on their protected attributes is also prohibited. This includes use of slurs, promotion of violence, segregation, discrimination, and other harms as well as dehumanizing such groups or deadnaming and misgendering people. In addition, TikTok's Guidelines on 'Integrity and Authenticity' state that it does not allow misinformation that may cause significant harm to individuals or society.³⁴⁷

Despite these policies, human rights and tech organizations in Uganda have noted that platforms fail to adequately address the needs of marginalised communities as evidenced by the various platforms' inability to effectively moderate specific content amounting to TfGBV.³⁴⁸

Amnesty International has itself identified two specific cases where X has failed to moderate content that constitutes TfGBV (See sections 4.2.4. and 6.2). Specifically, Amnesty International wrote to X on 18 September 2024, noting that prominent LGBTQ activist Steven Kabuye, received death threats on X and that when Kabuye reported the content to X, he was told that such threats do not violate community standards.³⁴⁹ In the same letter, Amnesty International raised concerns regarding other posts on X that spread disinformation, including some accusing LGBTQ people of recruiting and sodomizing children. These include a post by the Deputy Speaker of Uganda's Parliament Thomas Tayebwa, which was still available on X when this report went to press (October 2024).³⁵⁰ Amnesty International did not receive a reply from X in response to these allegations.

Amnesty International has identified at least one case where Meta has failed to moderate content by the Uganda Police Force that constituted doxing, a form of TfGBV (See Section 4.2.1), which is still accessible on Facebook when this report went to press (October 2024). In its reply to Amnesty International's findings, Meta did not provide any further information regarding the steps it had taken to moderate this content.

These concerns mirror those formulated by other NGOs regarding the gaps in content moderation and their detrimental impact on LGBTQ people in other regions of the world.³⁵¹

5.3.2 CHALLENGES FACED IN REPORTING TFGBV

Moreover, LGBTQ individuals and organizations noted that reporting violations relating to TfGBV on social media platforms remains challenging. LGBTQ people told Amnesty International that they did not report instances of TfGBV to platforms like Facebook and TikTok as they did not know how to report abuses and file complaints. Amnesty International has previously noted concerns about the lack of accessible reporting

³⁴⁴ Meta, "The people behind Meta's review teams", transparency.meta.com/en-gb/enforcement/detecting-violations/people-behind-our-review-teams/ (accessed on 10 October 2024).

³⁴⁵ X, "Policy on Hateful Conduct", April 2023, [X's policy on hateful conduct | X Help](https://help.x.com/en/policies/hateful-conduct) (accessed on 10 October 2024).

³⁴⁶ TikTok, "Community Principles on Safety and Civility", 17 April 2024, tiktok.com/community-guidelines/en/safety-civility/ (accessed on 10 October 2024).

³⁴⁷ TikTok, "Community Principles on Integrity and Authenticity", 17 April 2024, tiktok.com/community-guidelines/en/integrity-authenticity (accessed on 10 October 2024).

³⁴⁸ HERINetnet, *Navigating algorithms* (previously cited).

³⁴⁹ Steven Kabuye, X post, 22 December 2023, x.com/SteveKabuye5/status/1738114695125447168 (accessed on 10 October 2024).

³⁵⁰ Thomas Tayebwa, X post, 24 January 2023, x.com/Thomas_Tayebwa/status/1617901516375097346 (accessed on 10 October 2024).

³⁵¹ Human Rights Watch noted that social media platforms' insufficient investment in human content moderators and their over-reliance on automation undermine their ability to address content on their platforms. Content targeting LGBTQ people is not always removed in an expeditious manner even where it violates platform policies. Human Rights Watch, *Questions and Answers: Facebook, Instagram, and Digital Targeting of LGBT People in MENA*, 23 January 2024, [hrw.org/news/2024/01/23/questions-and-answers-facebook-instagram-and-digital-targeting-lgbt-people-mena#.Toc156238253](https://www.hrw.org/news/2024/01/23/questions-and-answers-facebook-instagram-and-digital-targeting-lgbt-people-mena#.Toc156238253).

mechanisms on social media platforms, such as Meta’s platforms, as a hindrance to reporting abuses occurring on these platforms.³⁵² For socio-economically marginalized LGBTQ people, who make up the majority of respondents interviewed for this research, lack of digital literacy and skills also impact their knowledge of reporting mechanisms and this must inform the development of reporting mechanisms and awareness measures for users to be aware of available redress options.

Even when people reported instances of TfGBV, they may face issues as shown by the testimonies of some of the interviewees.³⁵³ As noted previously, when Nakato*, who works as a peer educator and is a LGBTQ activist, was doxed on an open Facebook page after failing to pay his blackmailer, he told Amnesty International that despite reporting the post doxing him to Facebook, he never received an update on whether the post was taken down. Similarly, James*, a gay man and peer educator told Amnesty International that he reported comments accusing him of “promoting homosexuality and lesbianism” to Facebook but did not receive any follow up to know if any action was taken in relation to those comments. Lastly, Anita recounted to Amnesty International that her organization provided support to report a post to Facebook in which the HIV status of one their members was disclosed. According to Anita, the post was eventually removed after seven days.

Another prominent HRD told Amnesty International,

“There are people who have reported LGBTI violence online to social media networks, like Twitter, and Twitter just does nothing. Twitter just says we don’t see anything violating our rules. Steven Kabuye again is one of those who reported somebody who had been issuing threats against him, and Twitter said this post doesn’t violate our guidelines.³⁵⁴ And so the lack of protection from these social media spaces and their companies as well, in cases where people have reported, is really a huge, huge problem for many of the folks in Uganda.”³⁵⁵

In the letter responding to Amnesty International’s findings, Meta indicated that their LGBTQI+ Safety Hub, containing resources, tools, partnerships and policies for anyone seeking support in relation to online safety is available in “multiple languages, including Uganda’s two official languages: English and Kiswahili”.³⁵⁶ However, despite Meta undertaking some efforts to publicize those tools, LGBTQ people and organizations in Uganda were not aware of them.³⁵⁷ Meta’s LGBTQI+ Safety Hub remains unavailable in other widely spoken languages in Uganda, including Luganda. Amnesty International did not receive a specific response from TikTok on whether the platform has taken any steps to make reporting mechanisms more accessible, including the availability of guidance for reporting in local languages, such as Luganda, which would significantly help socio-economically marginalized LGBTQ people to report instances of TfGBV online.

5.3.3 GAPS IN CONTENT MODERATION IN LOCAL LANGUAGES OTHER THAN ENGLISH, ESPECIALLY LUGANDA

Organizations working at the intersection of technology and human rights in Uganda also told Amnesty International that they were unaware of social media platforms’ mechanisms to monitor and moderate the use of local language to target the LGBTQ community in Uganda, both in terms of disinformation and online harassment, and that their concerns about this have not received adequate responses from social media platforms.³⁵⁸

³⁵² In a 2023 investigation into Meta’s role in the serious human rights abuses perpetrated against the Tigrayan community between 2020 and 2022 in Ethiopia, many affected individuals and digital rights activists noted that Meta’s reporting mechanisms are unclear. Amnesty International, *‘A death sentence for my father’: Meta’s contribution to human rights abuses in northern Ethiopia*, (AFR 25/7292/2023), 31 October 2023, [amnesty.org/en/documents/afr25/7292/2023/en/#:~:text=This%20report%20is%20based%20on,context%20of%20Ethiopia's%20armed%20conflict](https://www.amnesty.org/en/documents/afr25/7292/2023/en/#:~:text=This%20report%20is%20based%20on,context%20of%20Ethiopia's%20armed%20conflict)

³⁵³ In person interview with Wasswa*, 27 November 2023; In person interview with James*, 2 December 2023.

³⁵⁴ Steven Kabuye, X post, 22 December 2023, x.com/SteveKabuye5/status/1738114695125447168 (accessed on 10 October 2024); Steven Kabuye, X post, 19 March 2024, x.com/SteveKabuye5/status/1770047176434999792 (accessed on 10 October 2024); Steven Kabuye, X post, 3 April 2024, x.com/SteveKabuye5/status/1775436861457956996 (accessed on 10 October 2024).

³⁵⁵ Online interview with representative of XXI organization, 7 February 2024.

³⁵⁶ Meta’s letter can be found in Annex 1.

³⁵⁷ This reflects similar findings in other countries. In a survey of LGBTQ people in the United Kingdom, 91% of the respondents noted that they were unaware of online mechanisms to report abuse and/or resources designed to support LGBTQ victims of online abuse. Luke Hubbard, *Online Hate Crime Report* (previously cited).

³⁵⁸ In person interview with representatives of XXA organization, 29 November 2023; Online interview with representative of XXG organization, 2 February 2024. Other organizations have raised similar concerns. For instance, HERInternet based in Uganda notes that “platforms do not adequately pick up anti-LGBTQ+ content that is hidden in visual messages, non-English languages (a lot of rhetoric is

Amnesty International also found that some of the videos spreading disinformation against the LGBTQ community in Uganda, including those naming and accusing clinics providing SRH services to LGBTQ people as “indoctrinating people into denying as well as changing the sex assigned at birth” (See Section 4.2.4), continued to be available on TikTok when this report went to press (October 2024).

Meta has not provided specific information regarding the availability of human moderators to implement its Community Standards in languages spoken in Uganda other than English.³⁵⁹ While TikTok relies on moderators, who moderate content in more than 70 languages, and noted that it provides “specialized guidance and keywords that cover many Ugandan local languages, including Luganda”, Amnesty International found that in the Community Guidelines Enforcement Reports published by TikTok between January 2023 and March 2024, Luganda is not mentioned as a language in categories of languages that are being covered by human moderators.

In response to Amnesty International’s findings, Meta and TikTok have provided further information regarding broader measures that they have implemented to respond to increasing concerns regarding the criminalization of LGBTQ people in Uganda. Meta emphasized that these steps include engagement with LGBTQ civil society organizations to discuss the online challenges they faced after the adoption of the AHA 2023, the launch of an influencer campaign in 2023 to promote online safety tools and the establishment in the same year of the Africa Queer Advisory Council to provide advice to LGBTQ people on challenges faced on Meta’s platforms.³⁶⁰

TikTok noted that it has “launched a dedicated task force focused on addressing content that promotes LGBTQ hate in East Africa” and has conducted “proactive sweeps” of their platform to identify and remove videos that violate its guidelines, including those that incite violence against LGBTQ people, misinformation and dangerous conspiracy campaigns against LGBTQ service providers, as well as hate speech against LGBTQ people, including religious and political speech.³⁶¹ TikTok also noted that they regularly consult with civil society, including with NGOs focused on protecting the LGBTQ community in Uganda.

Despite these measures, by failing to provide transparent and accessible reporting mechanisms, responding inconsistently to removal requests, and failing to moderate content that amount to TfGBV, especially those circulating in widely spoken local languages, there are concerns that Meta, TikTok and X are failing to respect human rights. These companies have a responsibility to respect human rights under the UN Guiding Principles on Business and Human Rights, which state that all business enterprises are required to avoid causing or contributing to adverse human rights impact through their own activities, and to address such impacts when they occur. These guiding principles require businesses to respect the human rights of all, especially those belonging to specific groups or populations that require particular attention, where they may have adverse human rights impacts on them³⁶², which would include the abuses being faced by LGBTQ people in Uganda.

Meta, TikTok and X should adopt a survivor-centred reporting system that prevents re-traumatization and is easy to access, navigate and follow up. They also have a responsibility to ensure users are aware of reporting mechanisms and not discouraged from reporting TfGBV by lack of easy and accessible information about the same.

shared in Luganda), as well as veiled in political and religious narratives which are popular online.” HERInternet, *Navigating Algorithms* (previously cited).

³⁵⁹ Amnesty International requested this information in its letter presenting the findings including in this report to Meta.

³⁶⁰ Further details are included in the response that Meta provide to Amnesty International’s letter presenting the findings included in this report. A copy of Meta’s response is reproduced in Annex 1.

³⁶¹ See Annex 2.

³⁶² UN Guiding Principles on Business and Human Rights. Implementing the United Nations “Protect, Respect and Remedy” Framework, 16 June 2011, Principle 12.

6. IMPACTS OF TFGBV ON THE RIGHTS OF LGBTQ PEOPLE

“[T]he situation in Uganda when it comes to digital rights and internet freedoms is really, really bad. And it has gotten to a point where so many LGBTQ persons and organizations, some of them shut down their social media, some of them no longer use their social media. So, the online engagement has really dropped tremendously, and lesbian and gay and other individuals really opt to not use social media at all because they fear for their safety and also, we cannot ignore the impact it has on their mental health and wellbeing.”

Representative of XXE organization³⁶³

TfGBV makes it increasingly unsafe for LGBTQ people to engage with technology and benefit from social media, in a world increasingly driven by technological changes. Being targeted through TfGBV is widely reported as detrimentally impacting online engagement of survivors, especially on social media platforms, with LGBTQ people at heightened risk of facing online targeting resulting in offline harms.³⁶⁴ TfGBV impacts an individual’s ability to use digital spaces to freely express oneself, and also impacts rights to freedom of association. Survivors of TfGBV have consistently reported reduced participation in digital spaces, where people end up deactivating their accounts, reducing their engagement with technology or censoring themselves in online spaces, which has a domino effect on other rights, including their right to access information, health services and livelihood opportunities.³⁶⁵

³⁶³ Online interview with representative of XXE organization, 1 February 2024.

³⁶⁴ CIGI, *Supporting Safer Digital Spaces* (previously cited); Generation G, *Decoding Technology-Facilitated Gender-Based Violence* (previously cited).

³⁶⁵ CIGI, *Supporting Safer Digital Spaces* (previously cited). See also similar results found among Ugandan women in a study on shrinking online civic space in Uganda by WOUNET, whereby women human rights defenders reported that 64% of them deactivated their online accounts, while 20% mentioned they censor themselves in online spaces. WOUNET, *Examining the Effect of Shrinking Civic Space on*

However, the harms of TfGBV are not confined to digital spaces alone, the online-offline continuum of gender-based violence means that threats online can often translate into offline consequences, including physical violence.³⁶⁶

TfGBV also causes emotional distress, social ostracization, and economic hardship for survivors. LGBTQ activists subjected to TfGBV have previously reported impacts, including increased mental distress such as feelings of depression, anger, anxiety, shame, suicidal ideation, heightened fear, social withdrawal and isolation, economic losses and reduced ability to engage online safely.³⁶⁷

The impacts of TfGBV are not limited to the individual experiencing violence, but also include significant systemic and structural repercussions.³⁶⁸ Not only do various forms of TfGBV mirror and amplify harmful norms and stereotypes about gender and sexuality, but by forcing LGBTQ people to retreat from these spaces or minimize their presence, it hinders their ability to speak out, challenge and transform these oppressive norms. This can further solidify and reinforce harmful norms and stereotypes around gender and sexuality and entrench discrimination against LGBTQ people.

As further detailed in the following sections, the AHA 2023 appears to have had a chilling effect on the exercise of the rights to freedom of expression by LGBTQ individuals, human rights defenders and organizations. All the interviewees who spoke to Amnesty International confirmed that they refrained from expressing themselves on social media, left social media platforms or, at least, exercised extra caution not to publicize statements that could lead them to be perceived as either LGBTQ or supporters of the rights of LGBTQ people.

The systematic exposure of LGBTQ people to TfGBV of their use of, and engagement with, social media platforms and digital tools violates their rights to security of person, bodily autonomy, health and freedom of expression.

6.1 CHILLING EFFECT ON FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

The right to freedom of expression includes the right to seek, receive and impart information online and offline, without any discrimination.

The context of criminalization, entrenching a disturbing pattern of homophobia and transphobia within the police and among private individuals, forces LGBTQ people in Uganda to refrain from freely expressing aspects of their identities associated with their sexual orientation, gender identity and/or expression.³⁶⁹ Vague provisions in the AHA 2023, including punishing “the promotion of homosexuality”, violate the principle of legality and contribute to a “chilling effect” on freedom of expression. Moreover, the surveillance abilities of the Ugandan state (see below) combined with patterns of criminalization of LGBTQ identities, fuel the fear of surveillance by state authorities, which in turn strengthen the chilling effect on freedom of expression. The Community Court of Justice of the Economic Community of West African States (ECOWAS)

Feminist Organizing Online, (previously cited). Other studies have also made similar observations see for instance, UNFPA, *Technology-facilitated Gender-based Violence: Making All Spaces Safe*, 2021, unfpa.org/publications/technology-facilitated-gender-based-violence-making-all-spaces-safe and UN Women, *Online gender-based violence against women with a public voice. Impact on freedom of expression*, 2022, lac.unwomen.org/sites/default/files/2023-12/report_onlineviolence_21dec23.pdf

³⁶⁶ A study of TfGBV across 7 countries found that 74% of interviewees highlighted incidents of violence that started online but proceeded to manifest offline. Generation G, *Decoding Technology-Facilitated Gender-Based Violence* (previously cited).

³⁶⁷ Elizabeth Kemigisha and Sandra Kwikiriza, *The trends and impact of technology assisted violence* (previously cited); CIGI, *Supporting Safer Digital Spaces* (previously cited). See also, Rachel Keighley, “Hate Hurts: Exploring the Impact of Online Hate on LGBTQ+ Young People”, 2022, *Women & Criminal Justice*, Volume 32, Issue 1-2, pp. 29-48. Furthermore, a study on the impact on online GBV on women in Uganda similarly notes that a total of 37.3% of respondents reported that women who experience online gender-based violence suffer from psychological harm, including depression, anxiety, and fear, 19.5% ended up isolating themselves from the public space while 11.9% suffered from economic loss through which survivors became unemployed and lost income. WOUNGNET, *Not Just a Trend: Assessing the Types, Spread, and the Impact of Online Gender Based Violence in Uganda*, 29 October 2021, wougnet.org/download/policy-brief_not-just-a-trend-assessing-the-types-spread-and-the-impact-of-online-gender-based-violence-in-uganda/?wpdmdl=2998&refresh=67080be50b8341728580581

³⁶⁸ UNFPA, *Making All Spaces Safe* (previously cited); Generation G, *Decoding Technology-Facilitated Gender-Based Violence* (previously cited).

³⁶⁹ Gender expression, referring to people’s presentation of themselves through physical appearance and mannerisms, speech, behavioural patterns, names and personal references, constitutes a form of expression that is protected by international human rights law and standards. For instance, see InterAmerican Commission on Human Rights, “Report on Transgender and Gender Diverse Persons and Their Economic, Social, Cultural and Environmental Rights”, 7 August 2020, oas.org/en/iachr/reports/pdfs/TransDESCA-en.pdf, para. 65.

has held that a chilling effect “occurs when a wide or vague speech-restricting provision forces self-censorship on speakers because they do not wish to risk being caught on the wrong side of it”.³⁷⁰

Amnesty International has identified a widespread chilling effect resulting from the introduction of the AHA 2023, which has significantly changed the modalities, content and manner through which LGBTQ people express themselves online. All 57 LGBTQ individuals and the representatives of the seven civil society organizations interviewed spoke about some dimensions of the chilling effect that the AHA 2023 has had on their freedom of expression. While same-sex sexual conduct was already criminalized before 2023, the interviewees painted a picture of substantial regression of right to freedom of expression in conjunction with the public debate that the AHA stirred. Self-censorship is often a survival strategy rather than a choice, which LGBTQ people are compelled to follow to lower the risks of being subjected to torture and other ill-treatment and other violations of their right to bodily autonomy and integrity.

Some of the negative impacts that the AHA 2023 has had on freedom of expression online include, for example, people refraining from sharing information or following online accounts and profiles that could result in them being outed as LGBTQ, avoiding sharing photos or audiovisual materials where they were identifiable, removing past posts, deleting social media accounts, stopping using specific social media platforms or social media altogether and, in some instances, reverting to using feature mobile phones as an enhanced safety strategy.

Seven people interviewed explicitly said they stopped using social media platforms for fear of being outed, targeted and subjected to discrimination by private individuals, including family members, and the police. For example, Rose*, a queer HRD from Jinja, told Amnesty International that she had stopped using social media platforms and limited herself to using WhatsApp for fear of being targeted. She explained: “The police are mostly interested in your online presence, they confiscate your phone, your laptop, ask for your passwords to establish that you are a queer person.”³⁷¹ She also emphasized that she refrained from using words such as “MSM” (men who have sex with men) and “transgender” when advertising or providing information about the services offered by her organization, which had a detrimental impact on access to health services for LGBTQ people.

Paul* a young gay man, stopped using social media platforms altogether after a colleague at work outed him to his manager, other colleagues and his family in spring 2023. Because of threats of violence from private individuals and the manhunt that police launched, he fled the city where he lived and worked and found temporary refuge in another region. However, in November 2023, when he talked to Amnesty International, he was still worried that police may identify and arrest him. He said: “I am scared they may track me through social media. They can find me through FB (Facebook), I have that fear. I have a friend who was using FB to communicate with someone and those messages were shared with police and he was arrested”.³⁷²

Kirabo*, a gay activist from western Uganda, told Amnesty International that since the introduction of the AHA 2023 he was afraid of sharing messages and posting on his social media accounts. He refrained from using social media most of the time and preferred to “use WhatsApp disappearing messages because they are not permanent”. He noted that the chilling effect on freedom of expression had negatively impacted the support that he and other activists could offer to LGBTQ people in need: “someone may need your services, but it may take them weeks to open up to reveal the issue for fear of being arrested for what they are sharing.”³⁷³

Other activists continued to use social media platforms to share both personal content and information associated with their activities as human rights defenders. However, they explained that they had to be careful about the frames and language used, which pushed them to self-censor to avoid being targeted or arrested. For example, Ashe*, a lesbian HRD told Amnesty International how heated debates about the AHA 2023 made the general public much more inquisitive about online messages, which heightened risks of being targeted, including offline through physical violence. She said: “You have to be really careful about the words you use. We weren’t minding saying queer but right now we have to say KPs [key populations] for it not to be like LGBTQ [...]. This time [after the AHA passed] people would get to dig in and really see what you’re doing. Because I feel that attack is so hot that people read it, go deep and dig down like your photos, your everything, your family, you know, so you’re really threatened. So, because people even threaten to kill you, kill your family, kill whoever is connected to you, you know? The threats are really... And you know, we’ve had people that the threats go from online to offline”.³⁷⁴

³⁷⁰ Court of Justice of ECOWAS, *FAJ and others v the Gambia*, judgment no ECW/CCJ/JUD/04/18, 13 February 2018, caselaw.ihrrda.org/entity/ufwlyg8ulhp?page=1&file=1583938815552ydc7i3ud7oh.pdf, para. 38.

³⁷¹ In person interview with Rose*, 22 November 2023.

³⁷² In person interview with Paul*, 21 November 2023.

³⁷³ In person interview with Kirabo*, 1 December 2023.

³⁷⁴ In person interview with Ashe*, 1 December 2023.

Sampson*, a gay HRD from Gulu, explained how the chilling effect that the AHA 2023 had on his use of social media made him feel lonely and isolated as he had to unfollow most accounts he engaged with online and forced him to refrain from participating in online discussions. He said: “[M]ostly before [the AHA passed] I was this visible person, very visible. So, if I see on social media, like if there’s a community thing and there’s a debate or discussion going on, I would gladly like to involve myself. I can’t do that now. So, because like I’ve unfollowed most of those accounts where we used to have those debates and stuff, so now I don’t know what is going on [...] So I’m now limited. I can’t share some stuff because you don’t know who’s going to find it.”³⁷⁵

Several activists explained that they decided not to express negative opinions about the AHA 2023 online or, more generally, to provide information about human rights for fear of reprisals, both online and offline.

Lucien*, a transgender woman and HRD, told Amnesty International that the AHA 2023 has further restricted opportunities for expressing dissent because of the chilling effect that TfGBV and other violations of digital rights have on LGBTQ. She explained that she and other activists used to post online messages about the rights of marginalised people, but they stopped doing so after the AHA became law. She said that she refrained from engaging in discussions about LGBTQ issues online and criticizing the AHA 2023 because of fears of being outed and associated with LGBTQ people, which would jeopardize her safety and bodily integrity. She emphasized: “If I was in another country, I would pierce the AHA, but because I am in Uganda, I can’t”.³⁷⁶

Trans and non-binary people are particularly bearing the brunt of a context where they do not feel free to express their gender identity and/or expression because of the online and offline attacks that they or their friends and acquaintances suffered when expressing their trans or non-binary identities. This deterrent effect has resulted in reinforcing harmful gender stereotypes and roles, which many trans and non-binary interviewees felt they had to fulfil to protect their safety.

Cathy*, a transgender woman and HRD told Amnesty International that she could not freely post online photos portraying her gender identity, so she limited herself to share these photos through private messages. She told Amnesty International that shortly after the AHA 2023 passed, police used some of her online photos to accuse her of “promoting homosexuality” and she had to leave her hometown for three months. She was concerned that her photos would be used by police to justify arresting her or would expose her to physical attacks by private individuals, which had already happened twice to her since the introduction of the AHA 2023.³⁷⁷

Gay and lesbian people whose gender expression did not conform to common gender stereotypes also told Amnesty International that they had refrained from expressing themselves online after the AHA 2023 had passed. For example, Nabirye*, an LGBTQ activist and peer educator said she had avoided appearing both online and offline with dreadlocks as “it was associated with being ‘homo’”. She also said she felt forced to wear makeup to “look like a woman”. Nabirye* highlighted that “the AHA put LGBTQ people back into the closet.”³⁷⁸



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Four people who talked to Amnesty International said they had sold their smart phones and reverted to using a feature phone, either before or after the AHA 2023 passed, to limit the risks of being tracked by the authorities or being exposed to TfGBV. For example, Ema*, a gay man, decided to sell his mobile phone after being targeted with GBV in September 2023. He told Amnesty International that a friend outed him to residents in the village where he lived, which triggered a mob attack and forced him to run away. He explained that after being outed, he continued to receive threatening and mocking messages via social media and online messaging services: “People reached out to tell me stop being gay, that it was not good. A friend posted a photo of a naked man and told me ‘here is your wife’. They also sent me through WhatsApp a photo of my house after it had been attacked by the mob. That is why I sold my smartphone, I only have a

³⁷⁵ In person interview with Sampson*, 24 November 2023.

³⁷⁶ In person interview with Lucien*, 22 November 2023.

³⁷⁷ In person interview with Cathy*, 24 November 2023.

³⁷⁸ In person interview with Nabirye*, 27 November 2023.

regular one now, so I don't receive those messages anymore. It's also easier to track people who have a smartphone, so I prefer to have sold it after I had to run away".³⁷⁹

At least six people³⁸⁰ told Amnesty International about fears of their phones being tracked.³⁸¹ However, this could not be confirmed by Amnesty International, as testing any devices for the presence of any form of spyware or other surveillance and tracking technologies among the LGBTQ activists interviewed for this research, was outside the scope of this research. Yet, communications issued by the UCC and the efforts of the Ugandan authorities to build its technical capacity to intercept and conduct surveillance,³⁸² point to capability and use of surveillance tactics by the State. Moreover, in 2013, the Security Minister of Uganda announced that the government will start monitoring social media platforms³⁸³, heightening self-censorship among internet users and civil society actors.

The fear of surveillance was found to cause a chilling effect and forced LGBTQ people to change how they communicate.³⁸⁴

Nabirye*, a LGBTQ activist and health counsellor, was disowned by her family and banished from her village after unknown accounts posted photoshopped images of her having sex with another woman on her Facebook timeline.³⁸⁵ After this incident, she recounted receiving many phone calls and said she did not know who is tracking her phone, but "sometimes you hear strange voices, they say "are you the one?" and then the line disconnects". Owing to this fear of her phone calls being tracked, Nabirye* told Amnesty International that she put her incoming calls on loudspeaker and if she heard a strange voice on the other end, she did not pick up the calls. She shared that she feared that as a visible transgender person, who challenges dominant gender and sexuality norms, she was facing a disproportionate risk of being targeted through surveillance.

Similarly, another lesbian activist, Nakawesi*, told Amnesty International that, sometimes, a sound can be heard in the background when she is talking on the phone, which makes her feel she as if she is being tracked.³⁸⁶ As a result, she prefers using messaging platforms providing much higher level of encryption and data security for phone calls, which limits her reach as use of such apps is not widespread among LGBTQ communities in rural areas. Nakawesi* also mentioned that both her team and the local LGBTQ community have had to develop codes for communicating and meeting safely.

Both Nabirye* and James* who noted fears of their phones being tracked, told Amnesty International that they have stopped communicating any information that could lead them to being identified as belonging to the LGBTQ community over phone and prefer to meet people physically instead. Owing to this, James* is unable to talk to his partner, who is based in Kampala, and had to incur additional costs to travel to Kampala to meet in person.³⁸⁷

The Declaration of Principles on Freedom of Expression and Access to Information In Africa, which was adopted by the African Commission on Human and Peoples' Rights in 2019, calls on states to facilitate the right to freedom of expression and access to information online and to take specific measures to ensure that marginalized groups can effectively exercise those rights online.³⁸⁸ Ugandan authorities are failing to comply with those principles. Domestic policies and practices are, in some instances, pre-emptively dissuading LGBTQ people from exercising their right to freedom of expression online. In other instances, LGBTQ people significantly changed the manner through which they express themselves online. The chilling effect produced by the AHA 2023, and other policies and practices targeting LGBTQ, is a key manifestation of entrenched homophobia and transphobia in the country.

³⁷⁹ In person interview with Erna*, 24 November 2023.

³⁸⁰ In person interview with Nabirye*, 27 November 2023; In person interview with Nakawesi*, 27 November 2023; In person interview with James*, 2 December 2023; In person interview with Rose*, 22 November 2023; Online interview with representative of XXF organization, 1 February 2024; Online interview with representative of XXE organization, 1 February 2024.

³⁸¹ Other studies have also noted higher presence of the use of monitoring, tracking or spying on online platforms against LGBTQ people; CIGI, *Supporting Safer Digital Spaces* (previously cited).

³⁸² Civil society organizations have noted that electronic surveillance in Uganda includes the interception of digital communications, use of spyware, video surveillance and the use of facial recognition technology. CIPESA, *Technology and elections in Uganda. A digital rights view of the January 2021 general elections*, December 2020, cipesa.org/wp-content/files/briefs/Uganda-A-Digital-Rights-View-of-the-January-2021-General-Elections.pdf

³⁸³ New Vision, "Gov't Plans to monitor social media", 31 May 2023, newvision.co.ug/new_vision/news/1321505/gov-plans-monitor-social-media (accessed 10 October 2024).

³⁸⁴ Similar findings have been observed by Amnesty International in Thailand, where it was seen that the chilling effect was felt not just by individuals who were directly targeted by either surveillance or online harassment, but also by other people in the groups they operated in, Amnesty International, *"Being ourselves is too dangerous"* (previously cited) p. 77.

³⁸⁵ In person interview with Nabirye*, 27 November 2023.

³⁸⁶ In person interview with Nakawesi*, 27 November 2023.

³⁸⁷ In person interview with James*, 2 December 2023.

³⁸⁸ African Commission on Human and Peoples' Rights, Declaration of principles on freedom of expression and access to information in Africa in 2019, 10 November 2019, Principles 37 (1) and (4).

Moreover, the AHA 2023 contributed to further isolating LGBTQ people and imposing additional hurdles for nurturing community ties. LGBTQ human rights defenders emphasized the precautions that they had to take following the adoption of the AHA, including avoiding gatherings that may have raised the authorities' attention (see section 4.3). These developments raise concerns regarding the chilling effect that the AHA 2023 has on the exercise of the right to peaceful assembly as well.

6.2 OFFLINE CONSEQUENCES

TfGBV, exists on a continuum of homophobic and transphobic violence faced by LGBTQ people and moves between offline and online spaces. Harms from online attacks, therefore, often transcend the digital space. Being a target of forms of TfGBV like outing and doxing, in particular, can leave LGBTQ people more vulnerable to physical attacks, arrests, evictions, and being ousted by their families, putting their safety, dignity, bodily autonomy, housing and livelihood at risk.

Online threats can and do translate into offline violence, further heightening the chilling effect experienced by LGBTQ people when engaging on digital platforms. Nakawesi*, a lesbian activist from Mbale told Amnesty International that she was physically attacked in March 2023, after she was targeted online for being a “promoter of homosexuality” and received threats of physical attack.³⁸⁹ Lucien*, a transgender woman and peer educator from Jinja, similarly warned about not taking threats on social media platforms lightly. She recounted receiving an online threat from an unknown person stating that “they are going to do something” to her. A few days after receiving this message, her brother was attacked. Since she was living with her family at this point, she believes her brother might have been mistaken for her by the assailant and was attacked as a follow up to the online threat Lucien* had received.³⁹⁰

Others narrated incidents where persons known to them have been physically attacked, after being threatened online, which has made them fearful of posting anything online which could be seen as associating with the LGBTQ community.³⁹¹ Atim*, a queer woman and Executive Director of a SRHR organization that works with LGBTQ people and sex workers in Uganda, shared an instance where a trans woman, active on TikTok, was followed by unidentified persons using locations from her social media posts. She was thereafter violently assaulted and despite complaining to the police, did not receive any help.³⁹²

Similar incidents of disinformation campaigns, online threats and calls to violence against LGBTQ people in digital spaces, translating into physical attacks have been documented by LGBTQ organizations.³⁹³ As noted earlier, prominent LGBTQ activist, Steven Kabuye, was stabbed by unknown persons on a motorbike in January 2024 and left to bleed, after being attacked online for his vocal opposition to the AHA 2023 and receiving numerous death threats.³⁹⁴

In addition to direct physical attacks, LGBTQ people also risk being arrested based on their social media posts, being evicted from their houses and ousted from their homes and villages.³⁹⁵ A prominent LGBTQ activist who is vocal on LGBTQ rights in social media spaces told Amnesty International,

“I’ve seen people get arrested for simply wearing lipstick for the man or for dressing up as a man, dressing up as a woman and we don’t know if they identify as LGBTQ+, but they have been arrested. We’ve seen people get arrested for exchanging messages that are misconstrued as if someone is trying to flirt with someone of the same sex...and then when you move to the activists like myself again, there’s that fear of being arrested because of online, of our campaigns and also being very outspoken on social media.”³⁹⁶

³⁸⁹ In person interview with Nakawesi*, 27 November 2023.

³⁹⁰ In person interview with Lucien*, 22 November 2023.

³⁹¹ In person interview with Adia*, 24 November 2023; In person interview with Wasswa*, 27 November 2023.

³⁹² In person interview with Atim*, 24 November 2023.

³⁹³ SMUG, Instagram post, 17 May 2024, [instagram.com/smug2004/reel/C7ER_2FtrF9/](https://www.instagram.com/smug2004/reel/C7ER_2FtrF9/) (accessed on 10 October 2024); SMUG, Instagram post, 20 May 2024, [instagram.com/smug2004/reel/C7L1gMTNwF9/](https://www.instagram.com/smug2004/reel/C7L1gMTNwF9/) (accessed on 10 October 2024); Convening for Equality, Instagram post, 17 May 2024, [instagram.com/conveningforequality/reel/C7DpZxTN9Dm/](https://www.instagram.com/conveningforequality/reel/C7DpZxTN9Dm/) (accessed on 10 October 2024).

³⁹⁴ The Guardian, “Ugandan LGBTQ+ activist in critical condition after brutal knife attack”, 3 January 2024, [theguardian.com/world/2024/jan/03/ugandan-lgbtq-activist-in-critical-condition-after-brutal-knife-attack](https://www.theguardian.com/world/2024/jan/03/ugandan-lgbtq-activist-in-critical-condition-after-brutal-knife-attack) (accessed 10 October 2024); Steven Kabuye, X post, 22 December 2023, x.com/SteveKabuye5/status/1738114695125447168; Steve Kabuye, X post, 3 April 2024, x.com/SteveKabuye5/status/1775436861457956996 (accessed on 10 October 2024).

³⁹⁵ Elizabeth Kemigisha and Sandra Kwikiriza, *The trends and impact of technology assisted violence* (previously cited).

³⁹⁶ Online interview with representative of XXF organization, 1 February 2024.

As a result of being outed to their families and communities, several people reported being disowned by their families and forced to leave their family home.³⁹⁷ In a number of instances, landlords evicted LGBTQ people after the circulation of social media posts that outed and doxed them as being involved with the LGBTQ community.³⁹⁸ In some instances, people have been forced to relocate after they have been outed.³⁹⁹ “You are staying in Shibuya one day. Then another slum, next day you change ... you change your location ... you change your accounts and everything you change. Everybody here is having two lives or phones”, an activist at the Kampala FGD recounted.⁴⁰⁰

6.3 IMPACT ON HEALTH

The right to the highest attainable standard of physical and mental health is enshrined in Article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by Uganda in 1987. The right to health must be ensured to all without discrimination, including on grounds of sexual orientation and gender identity.⁴⁰¹ Moreover, the right to health entails the creation of a “social, psychosocial, political, economic and physical environment that enables individuals and populations to live a life of dignity, with full enjoyment of their rights” and is closely intertwined with the right to equality and non-discrimination.⁴⁰²

LGBTQ people interviewed by Amnesty International reported severe impact on their mental health, including feelings of depression, fear, anxiety, stress and at times suicidal ideation. People who faced TfGBV through digital platforms reported crying a lot, having a ‘mental breakdown’, and an inability to muster energy to continue working on LGBTQ rights.⁴⁰³ Being targeted through TfGBV, often followed by serious consequences in the offline space, also affected their self-esteem and left them with poor mental health, while simultaneously lacking any psychosocial support. The chilling effect caused by TfGBV, enabled and



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³⁹⁷ In person interview with Nabirye*, 27 November 2023; In person interview with Kiwanuka*, 22 November 2023; In person interview with Mithie*, 2 December 2023.

³⁹⁸ In person interview with Ronaldo*, 2 February 2023; In person interview with Atim*, 24 November 2023; In person interview with Namugenyi*, 27 November 2023.

³⁹⁹ In person interview with James*, 2 December 2023 and in person interview with Namugenyi*, 27 November 2023. Ashe* narrated an incident whereby two lesbian friends of hers who regularly post on TikTok were harassed physically and forced to flee to Kenya for a while. In person interview with Ashe*, 2 December 2023.

⁴⁰⁰ Focus Group Discussion in Kampala, Kampala, 29 November 2023.

⁴⁰¹ Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Report: Right to the enjoyment of the highest attainable standard of physical and mental health of persons, communities and populations affected by discrimination and violence based on sexual orientation and gender identity in relation to the Sustainable Development Goals, 14 June 2022, UN Doc. A/HRC/50/27; See also, Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000) on the right to the highest attainable standard of health, para. 18; and Committee on Economic, Social and Cultural Rights, General Comment No. 20 (E/C.12/GC/20), at para. 32.

⁴⁰² UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Report, 12 April 2019, UN Doc. A/HRC/41/34.

⁴⁰³ In person interviews with Nakawesi*, Wasswa* and Mirembe*, 27 November 2023; In person interview with Cathy*, 24 November 2023; In person interview with Lucien*, 22 November 2023. Similar observations have been made in other studies documenting the impacting of TfGBV on Ugandan LBQ+ women, where it was found that more than 75 % of the respondents reported breaking down, fear of harm, not being able to move, and being outing, traumatized as a result of being targeted through TfGBV. Elizabeth Kemigisha and Sandra Kwikiriza, *The trends and impact of technology assisted violence* (previously cited).

emboldened through a climate of criminalization and pervasive homophobia and transphobia in the society, also forced LGBTQ people to isolate, further adding to feeling of loneliness and distress.⁴⁰⁴

Sampson*, a gay man, peer educator and activist from Gulu, poignantly narrates the isolation and loneliness of being forced to exit from online communities, often one of the only safe spaces available to LGBTQ people in Uganda:

“DJuring that whole engagement (through Twitter accounts discussing SOGIESC related topics) you get to learn things you didn’t know before and you’re meeting, yes, I know it is in cyber space, but you’re interacting with these people, and you feel some sort of camaraderie between you and them. And me, mostly I’m a loner. So, I’m mostly a loner and it somewhat makes you feel like you’re not alone. Even if you’re interacting with people you don’t know, they’re strangers, you have this- this spirit of, like unity, for that particular time that you’re online, that you’re engaging at that particular time. So that is something that I feel like, I feel like it has gone because now (after AHA)... when I’m going on my Twitter, I just go and log in, but I can’t participate in live (discussions)... I can’t participate like in real time, like before.”⁴⁰⁵

Interviewees told Amnesty International that living in state of constant fear or being forced to relocate and abandon existing social networks and connections when they are doxed and/or outed compounded feeling of loneliness and took a heavy mental toll.⁴⁰⁶

The heightened mental toll was echoed by LGBTQ activists and organizations that have been trying to provide community-based support to LGBTQ people experiencing mental distress.



CASE STUDY 6: A DEVASTATING BLOW ON THE MENTAL HEALTH OF LGBTQ PEOPLE

Charles*, a trans man and prominent LGBTQ activist based in Kampala, told Amnesty International that people feel lonely as it is difficult to meet offline but also because it is hard to freely express themselves online.⁴⁰⁷ The sense of community has also been affected, as non-LGBTQ people fear being associated with the LGBTQ community, given the potential repercussions.

Charles* noted that there are increased cases of depression affecting community members, as often online violence can make LGBTQ people feel inferior, unwanted and unloved. It has also affected many people’s productivity at work, as well as their self-esteem and confidence. Charles* told Amnesty International: “Today, if previously we would get five cases of depression, now we are getting 20 cases”.

There is increased anxiety within members of the LGBTQ community, since they are not free to express themselves and fear being targeted and attacked through online spaces, which could result in offline harms against them. This has further heightened with prominent and vocal LGBTQ activists being attacked and harassed and sometimes forced to flee the country, which leaves those with lesser access to support and resources in a state of further anxiety about their own well-being.

While the mental hardships faced by the community has increased manifold, curbs on digital spaces and fears of freely posting health information online that is aimed at LGBTQ people, has affected the ability of organizations, including Charles*’s organization, to offer mental health support to affected people. Many have also left online groups out of fear, and this in turn has affected the reach of the few organizations that have been working on mental health support for LGBTQ people.

⁴⁰⁴ Similar observations have been made in a study by HERInternet, wherein LBQ+ women in Uganda found themselves cut off from social media, and in real life as a result of facing TfGBV. Elizabeth Kemigisha and Sandra Kwikiriza, *The trends and impact of technology assisted violence* (previously cited). See also UNFPA, *Making All Spaces Safe* (previously cited).

⁴⁰⁵ In person interview with Sampson*, 24 November 2023.

⁴⁰⁶ In person interview with Ashe*, 2 December 2023; In person interview with James*, 2 December 2023; In person interview with Ssenyonga*, 27 November 2023.

⁴⁰⁷ In person interview with Charles*, 29 November 2023.

In addition to the severe impact on mental health, peer-educators and LGBTQ organizations told Amnesty International that health outreach, mobilization and delivery, especially regarding SRH, have become very difficult.

Social media platforms, as noted earlier, have served as a key space for mobilization and outreach to the community for health-related information and service delivery. However, online and offline attacks, chilling effect and self-censorship have severely impaired how LGBTQ human rights defenders and organizations are able to communicate information related to SRH of the LGBTQ community, and consequently the number of people they can reach. Ssenyonga*, a peer-educator and paralegal noted that it has become difficult to reach people, as everyone has to be careful about how you communicate and the language used, while before the AHA 2023's passage mobilization was easier and the community could be easily informed about health camps, services, medication and equipment availability.⁴⁰⁸ As another activist notes, "[i]nitially we'd reach, for example 500 people [at a go]. Now we can only meet like 150 because everyone is in panic."⁴⁰⁹

Lucien*, a peer educator told Amnesty International that mobilization for SRH services and outreach was easier through WhatsApp groups before the homophobia and transphobia drummed up in the wake of the AHA 2023, but now she has to call people individually, and can reach others only through known people.

"I had to delete those WA (WhatsApp) groups (where SRH information used to be posted) and now mobilization is really hard. If I have to mobilize 50 people, now I have to call [...] Earlier time it was really easy. We used to communicate once- we used to post it in the group [...] So mobilization is really hard because there is that fear that if my phone lands in [the hand of the police] they will get to know all these members."⁴¹⁰

In a situation when peer educators have been jailed for providing SRH services, as was the case of the six peer educators from Jinja noted above, and those providing SRH services are not able to mobilize and provide information on safer sex practices or ensure health service outreach and delivery, including life-saving anti-retroviral therapy (ART)⁴¹¹, Uganda is likely to lose the decades of progress it has made on reducing HIV transmission.⁴¹² Several experts have already warned that the AHA 2023 will lead to rising rates of HIV and other STIs among all Ugandans.⁴¹³ With HIV already being mired in stigma and misconceptions among many people in the country, the law is likely to drive STI prevention efforts, and care-seeking for HIV and STIs further underground.⁴¹⁴

Both the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and the Special Rapporteur on the situation of human rights defenders, have noted that human rights defenders working on SOGIESC issues and SRHR are among the most widely targeted individuals.⁴¹⁵ They face a number of threats, including laws that criminalize their identities, restrictions on activities which are considered as "promotion", hate speech and physical attacks, which in turn can often negatively impact access to health information and services that LGBTQ persons need. TfGBV is directly impacting HRDs and organizations providing SRH services and information to the community through digital spaces in Uganda. This violates state obligations to refrain from direct attacks against HRDs and to "creat[e] a conducive legal and Institutional environment In lh LGBTQ and Intersex rights defenders and their organizations can carry out their work without fear or arbitrary restriction".⁴¹⁶

⁴⁰⁸ In person interview with Ssenyonga*, 27 November 2023.

⁴⁰⁹ In person interview with Charles*, 29 November 2023.

⁴¹⁰ In person interview with Lucien*, 22 November 2023.

⁴¹¹ Antiretroviral therapy (ART) consists of a combination of antiretroviral drugs to maximally suppress the HIV virus and to stop progression of HIV to AIDS. Effective ART also prevents onward transmission of HIV.

⁴¹² Wilson Center, "Uganda's Anti-Homosexuality Act Isn't Just a Human Rights Crisis—It's a Public Health Crisis", 3 May 2023, [wilsoncenter.org/blog-post/ugandas-anti-homosexuality-act-public-health-crisis](https://www.wilsoncenter.org/blog-post/ugandas-anti-homosexuality-act-public-health-crisis) (accessed 10 October 2024).

⁴¹³ UNAIDS, "Joint Statement by the Leaders of the Global Fund, UNAIDS and PEPFAR on Uganda's Anti-Homosexuality Act 2023", 29 May 2023, [unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2023/may/20230529_uganda-anti-homosexuality-act](https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2023/may/20230529_uganda-anti-homosexuality-act) (accessed 10 October 2024).

⁴¹⁴ Vox, "Uganda's harsh anti-gay law is a public health disaster in the making", 16 June 2023, [Uganda's harsh anti-gay law is a public health disaster in the making - Vox](https://www.vox.com/2023/6/16/23688888/uganda-anti-gay-law-public-health-disaster) (accessed 10 October 2024); UNAIDS, "UNAIDS urges the Government of Uganda to not enact harmful law that threatens public health", 22 March 2023, [unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2023/march/20230322_Anti-Homosexuality_Bill_Uganda](https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2023/march/20230322_Anti-Homosexuality_Bill_Uganda) (accessed 10 October 2024); Reuters, "HIV alarm in Uganda as anti-gay law forces LGBT 'lockdown'", 8 June 2023, [reuters.com/world/africa/hiv-alarm-uganda-anti-gay-law-forces-lgbt-lockdown-2023-06-08/](https://www.reuters.com/world/africa/hiv-alarm-uganda-anti-gay-law-forces-lgbt-lockdown-2023-06-08/) (accessed 10 October 2024).

⁴¹⁵ OHCHR, "Defenders of the human rights of LGBT persons constantly at risk, warn UN experts", 24 March 2022, [ohchr.org/en/statements/2022/03/defenders-human-rights-lgbt-persons-constantly-risk-warn-un-experts](https://www.ohchr.org/en/statements/2022/03/defenders-human-rights-lgbt-persons-constantly-risk-warn-un-experts) (accessed 10 October 2024).

⁴¹⁶ Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, *The right to the enjoyment of the highest attainable standard of physical and mental health of persons, communities and populations affected by discrimination and violence based on sexual orientation and gender identity in relation to the Sustainable Development Goals*, (previously cited) para 64.

6.4 ECONOMIC IMPACTS

In addition to impacts on the rights to freedom of expression, association, privacy, health and bodily autonomy noted above, some interviewees highlighted deleterious economic impacts as a result of the chilling effect and censorship they have been forced into. LGBTQ persons engaged in sex work told Amnesty International that fear of being blackmailed, outed and doxed has made it difficult for them to reach new clients.⁴¹⁷ At least in one instance, circulation of old photos linking people with their work on LGBTQ issues resulted in a queer woman activist's suspension from work.⁴¹⁸

LGBTQ organizations that relied on websites and social media platforms to advertise their work, increase visibility and attract donors, noted that the current climate of anti-LGBTQ rhetoric spurred by the passage of the AHA 2023 has forced them to censor updates about their work for fear of their offices being attacked and LGBTQ staff suffering reprisals.⁴¹⁹ An Executive Director of a LGBTQ organization told Amnesty International, "Even for the safety of the community, so that have a safe space whereby we are not being evicted, that's why we cannot use that space (social media)."⁴²⁰ Organizations reported that this creates barriers to reporting, affecting visibility of their activities to donors, and their ability to apply for grants based on the work that they do.

Overall, Amnesty International found that the climate of fear, panic, reprisal and impunity created by the AHA 2023 and the homophobic and transphobic sentiments that it riled up in the public, reflected in both offline and digital space, has had multifaceted negative impacts on the lives of LGBTQ people in Uganda. Importantly, the AHA 2023 has circumscribed the ability of LGBTQ people and organizations to create multidimensional stories about queer lives and has reduced public narratives to "this one dimension of just who you have sex with",⁴²¹ which itself affects public discourse and how people understand queerness and queer people.

⁴¹⁷ In person interview with Musoke*, 21 November 2023; In person interview with Lucien*, 22 November 2023.

⁴¹⁸ In person interview with Anita*, 2 December 2023.

⁴¹⁹ Focus Group discussion Kampala, 29 November 2023; In person interview with Rose* 22 November 2023; In person interview with Atim*, 24 November 2023.

⁴²⁰ In person interview with Atim*, 24 November 2023.

⁴²¹ Online interview with representative of XXG organization, 2 February 2023.

7. A RESILIENT LGBTQ COMMUNITY IN UGANDA

Despite mounting violations and abuses against the LGBTQ community in Uganda, the community has remained steadfast in its resilience through everyday acts of survival and sustained advocacy and transformation of Ugandan society and its sexuality norms.

A vibrant local LGBTQ community and an active sexual rights movement has always been at the forefront of defending the rights of LGBTQ people in Uganda.⁴²² The LGBTQ community in Uganda has developed its own initiatives and repeatedly and unequivocally demonstrated that LGBTQ people in Uganda are not dependant on Western interventions to 'save them'.⁴²³ They have thrived against all odds, created a community and developed a systematic approach to fighting anti-LGBTQ rhetoric, which is sustained through collaboration between transnational actors and local religious and political leaders.⁴²⁴ Together with allies, they have used tactics including strategic litigation, lobbying with policy makers, coalition building, awareness raising campaigns among the general population, and guiding international response and advocacy, to challenge and transform homophobia and transphobia in Uganda, including its codification through legislations like the AHA 2023.⁴²⁵

The range of strategies adopted by them reflect an acute awareness of the complexity of the Issue and the plethora of actors that contribute to upholding homophobia and transphobia in Uganda. Not only have laws that impinge on the rights of the LGBTQ community been challenged in national forums, but the strategy of the LGBTQ movement in Uganda has also countered the growing influence of international anti-rights groups in propagating and influencing anti-LGBTQ rhetoric and legislations in Uganda.

For instance, in 2012, Sexual Minorities Uganda (SMUG), a non-profit LGBTQ advocacy organization in Uganda, brought a case against Scott Lively, a U.S.-based evangelical pastor, for his role in contributing to laws in Uganda which criminalized homosexuality and led to widespread persecution of the LGBTQ community, in a United States Federal Court.⁴²⁶ A New York Times report notes that in 2009, Lively had addressed many Ugandan religious leaders, teachers and social workers to brainstorm anti-gay efforts at a conference entitled, 'Seminar on Exposing the Homosexual Agenda' where he drummed up anti-gay hysteria with warnings that 'gay people would sodomize African children and corrupt their culture', a narrative that continues to be used against LGBTQ people in Uganda till date.⁴²⁷ The petition against Lively alleged that he briefed political and religious leaders, as well as members of Ugandan Parliament and laid the groundwork for the Member of Parliament, David Bahati, to introduce the first anti-homosexuality legislation in

⁴²² Sylvia Tamale, "Exploring the contours of African sexualities" (previously cited); Stella Nyanzi and Andrew Karamagi, "The social-political dynamics of the anti-homosexuality legislation in Uganda", (previously cited).

⁴²³ Richard Lusimbo and Austin Bryan, "Kuchu resilience and resistance in Uganda: a history", (previously cited).

⁴²⁴ Richard Lusimbo and Austin Bryan, "Kuchu resilience and resistance in Uganda: a history", (previously cited).

⁴²⁵ Jjuuko, Adrian, "The incremental approach: Uganda's struggle for the decriminalisation of homosexuality", in Corrine Lennox and Matthew Waites (editors), *Human Rights, Sexual Orientation and Gender Identity in The Commonwealth: Struggles for Decriminalisation and Change*, 2013, pp. 381-408; Adrian Jjuuko and Fridah Mutesi, "The multifaceted struggle against the Anti-Homosexuality Act in Uganda", in Nancy Nicol and others, *Envisioning Global LGBT Human Rights: (Neo)colonialism, Neoliberalism, Resistance and Hope*, 2018, pp. 269-306.

⁴²⁶ Centre for Constitutional Rights, "Uganda LGBT activists file case against anti-gay U.S. evangelical in Federal Court", 14 March 2022, ccrjustice.org/home/press-center/press-releases/ugandan-lgbt-activists-file-case-against-anti-gay-us-evangelical (accessed on 10 October 2024).

⁴²⁷ The New York Times, "Uganda gay rights group sues U.S. Evangelist", 14 March 2022, [nytimes.com/2012/03/15/us/ugandan-gay-rights-group-sues-scott-lively-an-american-evangelist.html](https://www.nytimes.com/2012/03/15/us/ugandan-gay-rights-group-sues-scott-lively-an-american-evangelist.html) (accessed on 10 October 2024).

Uganda.⁴²⁸ While the court eventually dismissed the suits on grounds of lack of jurisdiction, its ruling confirmed that Lively's actions aided and abetted efforts to "demonize, intimidate, and injure LGBTQ people in Uganda constitute violations of international law."⁴²⁹ This was seen as a significant victory in exposing and checking the influence of transnational groups and individuals in fuelling anti-LGBTQ rhetoric in Uganda.⁴³⁰

Since the passage of the AHA in May 2023, LGBTQ groups in Uganda, and allied human rights organizations, have ensured that the legislation and its devastating impacts on the LGBTQ community are documented and challenged, even under heavy risk of criminalization. They have been at the forefront of documenting cases of human rights violations and abuses faced by LGBTQ people; challenging the legislation in court; providing legal aid and psychosocial support to the LGBTQ community; helping LGBTQ people with relocation when needed; managing international advocacy; and supporting the community in building digital skills and resilience, among other tactics and strategies deployed by them.

Given the centrality that the digital space has assumed for advocacy, organizing and community building for the LGBTQ community as noted above, they have also astutely adopted digital resilience tactics to keep themselves and others safe online. Some of the key documented by Amnesty International include:

- Developing a strong network of members that can mass report abusive and derogatory posts, comments and messages on social media platforms that perpetuate outing, doxing, misinformation and disinformation, violence and hatred against LGBTQ people, to force social media platforms to take them down;
- Ensuring greater uptake of safer and more secure social messaging platforms;
- Ensuring safety of members in messaging groups;
- Ensuring the use of safety features like disappearing messages and limiting viewership of profile details;
- Disabling location data on both social media apps and dating apps.

These are just some of the ways in which the LGBTQ community in Uganda has remained resilient in protecting their human rights to dignity, bodily autonomy, privacy and freedom of expression, in the face of extreme prejudice, discrimination and violence encountered by them every day. As Ugandan LGBTQ activists have previously noted "Ugandan *kuchus* are not just sitting back waiting for the rest of the world to step in and save them. Instead, they have organized, mobilized and led the international community to fight, support and one day liberate the *kuchus* of Uganda. It is exactly this resistance and resilience that is essential to fight the battle to advance LGBTI rights in the country, and the rest of the world can learn from this history of organizing."⁴³¹

⁴²⁸ Centre for Constitutional Rights, "Uganda LGBT activists file case against anti-gay U.S. evangelical in Federal Court" (previously cited); Kaoma, Kapya, "Globalizing the Culture Wars. U.S. Conservatives, African Churches, & Homophobia", 2009, politicalresearch.org/sites/default/files/2018-10/africa-full-report.pdf (accessed on 10 October 2024).

⁴²⁹ Centre for Constitutional Rights, "In Scathing Ruling, Court Affirms SMUG's Charges Against U.S. Anti-Gay Extremist Scott Lively While Dismissing on Jurisdictional Ground", 6 June 2017, ccrjustice.org/home/press-center/press-releases/scathing-ruling-court-affirms-smug-s-charges-against-us-anti-gay (accessed on 10 October 2024).

⁴³⁰ Human Rights Watch, "US Court Dismisses Uganda LGBTI Case, but Affirms Rights", 7 June 2017, [hrw.org/news/2017/06/07/us-court-dismisses-uganda-lgbti-case-affirms-rights](https://www.hrw.org/news/2017/06/07/us-court-dismisses-uganda-lgbti-case-affirms-rights) (accessed on 10 October 2024).

⁴³¹ Richard Lusimbo and Austin Bryan, *Kuchu resilience and resistance in Uganda: A History* (previously cited).

8. CONCLUSION AND RECOMMENDATIONS

This report demonstrates pervasive patterns of TfGBV against LGBTQ people in Uganda. Doxing, outing, threats of violence, blackmailing, impersonation, hacking and disinformation are among the main instances of gender-based violence in digital spaces. These are often intertwined with patterns of offline violence, exposing LGBTQ people, human rights defenders and organizations to grave human rights abuses, including the rights to be free from violence, discrimination, torture and other ill-treatment, bodily autonomy, liberty and security of person and health. TfGBV has devastating consequences for LGBTQ people, as their outing often results in forced evictions, dismissal from work, exposure to offline mobs and violence, as well as stress, anxiety and depression.

Amnesty International's research indicates that both state actors, including law enforcement officials, and private individuals, engage in TfGBV against LGBTQ people. By passing a series of draconian laws, especially the Anti-Homosexuality Act in 2023 which criminalizes all aspects of LGBTQ identities, Ugandan authorities have created an environment where crimes against LGBTQ people are condoned by institutionalized homophobia and transphobia. These crimes are not only perpetrated in impunity but, at times, encouraged by disinformation campaigns that entrench harmful stereotypes. Consequently, digital spaces, which are so vital for criminalized and marginalized groups such as LGBTQ people in Uganda, are often not safer than offline spaces, as LGBTQ people experience discrimination and violence in both.

Instead of adopting policy frameworks that effectively prevent and combat TfGBV, Ugandan authorities have clamped down on human rights defenders and civil society organizations, imposing arbitrary and discriminatory burdens on their activities and operations. This is tantamount to a witch-hunt targeting actors perceived as "promoting homosexuality". The AHA 2023 has resulted in a pervasive chilling effect on freedom of expression as LGBTQ people and human rights defenders either stopped using social media platforms or drastically changed how they engage online to express themselves for fear of being subject to violence, unlawful surveillance, arbitrary arrest and detention. Human rights organizations, especially those providing health services to marginalized groups, also refrain from using social media and digital spaces to advertise their services and reach out to marginalized groups as they are fearful of authorities who can arbitrarily suspend their registration.

In view of the findings outlined in this report, Amnesty International addresses the following recommendations:

TO THE PRESIDENT OF UGANDA:

- Publicly acknowledge and protect the human rights of all individuals without discrimination and refrain from making statements that perpetuate and incite stigma, discrimination and violence against LGBTQ persons;
- Proactively remove structural and systemic barriers to gender equality, including by supporting legislative measures, social policies and educational programmes to eliminate gender stereotypes, negative social norms and discriminatory attitudes against LGBTQ people and create awareness about the phenomenon of TfGBV, its consequences and intersectional harms;
- Support legislative amendments to prohibit advocacy of hatred that constitutes incitement to discrimination, hostility and violence against LGBTQ people both online and offline;

- Establish and enforce codes of conduct on public communications for public officials to ensure state actors do not engage in discriminatory speech, online harassment, including the use of gendered disinformation, against LGBTQ people, HRDs and organizations;
- Support laws and policies, e.g., in the areas of access to remedies, to ensure that LGBTQ people can freely and safely exercise their rights to freedom of expression and association in digitally-mediated spaces, without fear of discrimination, harassment, intimidation and violence, in line with international standards and safeguards.

TO THE PARLIAMENT OF UGANDA:

- Issue a moratorium on any prosecutions under the AHA 2023 until the appeal process against the law is concluded and issue guidance to all state attorneys and judicial officers to desist from holding or prosecuting any individuals under the AHA 2023 or any other law due to their real or perceived status as an LGBTQ person;
- Immediately and unconditionally drop the charges against anyone prosecuted under the AHA 2023 or section 145 of the Penal Code.
- Enact comprehensive legislative and policy measures to recognise, prevent, document, investigate and address all forms of gender-based violence, including TfGBV, and provide redress and support for survivors;
- Repeal or substantially amend Section 24 of the Computer Misuse Act to ensure that it only punishes threats of violence and harassment and not mere forms of expression that, although may be considered as offensive by some, are protected under the right to freedom of expression;
- Amend the Computer Misuse Act and other laws to ensure that the seizure of mobile phones and mobile devices by police is allowed only in instances when there is a reasonable suspicion of the involvement of their owners in an internationally recognized offence, the grounds for seizure do not violate international human rights law and where access to those devices is necessary for the purposes of the investigation;
- Amend the NGO Act 2016 by ensuring that the NGO Bureau can refuse or suspend registration for non-governmental organizations only as a measure of last resort to pursue a legitimate aim under human rights law. Any refusal or suspension of registration should be strictly necessary and proportionate to a legitimate aim pursued and mechanisms of redress should be available including the review of the decision by a court;
- Ensure meaningful consultation with civil society organizations, HRDs and activists working on women's rights, gender and sexuality, SOGIESC issues and feminist approaches to technology, especially those from marginalized communities, in the process of any policy development, and its implementation and monitoring.

TO THE MINISTER OF INTERNAL AFFAIRS AND UGANDA POLICE FORCE:

- End all criminal investigations against people charged on the basis of discriminatory and vague laws, including the AHA 2023 and Section 145 of the Penal Code, and immediately and unconditionally release all people who have been arrested and detained on the basis of those laws;
- Establish an independent mechanism to conduct effective, prompt, impartial, and independent investigations into allegations of TfGBV and other human rights violations by law enforcement officials against LGBTQ people, HRDs and organizations. In instances where the available evidence points to a reasonable suspicion of the involvement of law enforcement officials in TfGBV or other human rights violations, ensure that the Professional Standards Unit of the Police investigate such matters and such officials are brought to trial in proceedings that comply with international human rights standards;
- Provide capacity building and training to all staff within law enforcement agencies, judicial authorities and cybercrime units to ensure they adopt a LGBTQ-responsive, trauma-informed, survivor-centric and intersectional approach to dealing with survivors of TfGBV, and other forms of gender-based violence against LGBTQ people. Law enforcement and regulatory agencies must be provided with

necessary human and financial resources to provide all necessary support to survivors and should be held accountable for any mistreatment of survivors;

- Establish and enforce protocols that facilitate the reporting of instances of TfGBV committed by private individuals to police by addressing the lack of trust of LGBTQ in the police after decades of criminalization. Ensure that any allegations of TfGBV committed by private individuals are effectively, promptly, impartially and independently investigated;
- Establish a system to regularly collect, analyse and publish statistical data on the number of complaints about all forms of GBV, including TfGBV, the number and type of protection orders issued, the rates of dismissal and withdrawal of complaints, prosecution and conviction and the amount of time taken for the disposal of cases. These data should be disaggregated by sexual orientation, gender and gender identity and/or expression, among other relevant characteristics;
- Provide effective remedies to survivors of TfGBV, that are trauma-informed, survivor-centric and adopt an intersectional feminist approach, including by providing LGBTQ-friendly mental health support, shelters, protection orders and helplines specially designed to address TfGBV; guaranteeing equal and effective access to justice; and providing appropriate reparations based on consultations with survivors;
- Create a safe and enabling environment for all HRDs, including those defending the rights of LGBTQ people and other marginalized groups by adopting policies establishing mechanisms through which HRDs can access protection and safety measures when they face threats, harassment and violence.

TO THE DIRECTOR OF PUBLIC PROSECUTION:

- Issue a moratorium on any prosecutions under the AHA 2023 until the appeal process against the law is concluded and issue guidance to all state attorneys and judicial officers to desist from holding or prosecuting any individuals under the AHA 2023 or any other law due to their real or perceived status as an LGBTQ person;
- Immediately and unconditionally drop the charges against anyone prosecuted under the AHA 2023 or section 145 of the Penal Code.

TO THE UGANDA COMMUNICATIONS COMMISSION, NATIONAL INFORMATION TECHNOLOGY AUTHORITY IN UGANDA AND THE DATA PROTECTION OFFICE IN UGANDA:

- Refrain from enacting policies and measures that impose undue restrictions on the rights to freedom of expression and privacy in the digital space guaranteed under international human rights law, and ensure any restrictions are necessary, proportionate, non-discriminatory and serve a legitimate aim;
- Take measures to ensure that the processing of personal data for individual profiling is consistent with relevant human rights standards on the right to privacy and does not lead to discrimination, including on the grounds of sexual orientation, gender identity and/or gender expression. The collection of personal data without consent must not be allowed for preventing, investigating and prosecuting domestic criminal offences that lacks legal clarity, are not internationally recognized and/or are discriminatory and constitute a violation of international human rights law and standards;
- Ensure that existing protections and redress mechanisms in the digital space, as enshrined in different laws, are available to LGBTQ people in Uganda on the basis of equality and non-discrimination.

TO UGANDA LAW REFORM COMMISSION:

- Research and document human rights violations and impacts stemming from the AHA 2023 and other penal laws that criminalize LGBTQ persons such as stated in Section 145, 146, 148, 160, 167, 168 and 389 of the Penal Code and recommend that they be immediately repealed;
- Undertake assessment of gaps in addressing TfGBV, especially against LGBTQ persons, and suggest holistic and comprehensive reforms to existing laws and passage of new laws to address such gaps.

TO THE UGANDA HUMAN RIGHTS COMMISSION:

- Proactively investigate complaints of human rights violations, including instances of TfGBV, experienced by LGBTQ persons and their allies;
- Pass appropriate orders to ensure all survivors have access to remedies, including effective access to justice, legal and medical aid and suitable reparations in a timely fashion;
- Document human rights violations against LGBTQ persons and their allies and include these statistics in UHRC's annual report on the state of human rights in the country;
- Document violations of rights to freedom of expression, peaceful assembly, association, right to health and right to be free from violence being perpetrated by the state authorities, including law enforcement officials, both in the online and offline spaces, and provide concrete recommendations for legal and policy changes to remedy the situation and hold perpetrators to account;
- Strengthen collaboration and partnership with civil society organizations, particularly those working to advance rights of people facing discrimination and violence on the basis of their SOGIESC.

TO THE NGO BUREAU:

- Ensure that refusal or suspension of registrations for non-governmental organizations is only used as a measure of last resort to pursue a legitimate aim under human rights law and is necessary, proportionate and non-discriminatory;
- Ensure that any requirements imposed on NGOs have a proper legal basis and are compatible with safeguarding an environment in which civil society can operate freely;
- Stop discriminatory and excessive monitoring of activities of organizations based on their real or perceived work to uphold the rights of LGBTQ persons as enshrined in international law;
- Publicly acknowledge that NGOs are legally permitted to work on and advocate for the rights of LGBTQ people without threat of deregistration.

TO UN MECHANISMS:

- Continue to monitor and document the impact of laws such as the AHA 2023 on a range of human rights protected under international law;
- Utilize all opportunities to call on the Ugandan government to immediately repeal the AHA 2023 and ensure that LGBTQ people in Uganda live without fear of discrimination and violence, both in online and offline spaces;
- Undertake country visits through the mandate of special rapporteurs and independent experts to document how TfGBV impacts a range of rights of LGBTQ persons, including the rights to privacy, to freedom of expression and association, and to be free from discrimination.

TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS:

- Urge the Ugandan government to prevent, end and punish all acts of violence and abuse against LGBTQ people, whether committed by state or non-state actors, in line with international law and standards and Resolution 275 of the African Commission on Human and Peoples' Rights that calls for the protection of individuals from violence, and other human rights violations based on their real or imputed sexual orientation or gender identity;
- Encourage the Ugandan government to expedite ratification/accession and domestication of the African Union Convention on Cyber Security and Personal Data Protection.

TO UGANDA'S INTERNATIONAL PARTNERS:

- Raise the criminalization of same-sex sexual conduct and the human rights concerns associated with the AHA 2023, especially the death penalty, torture and other-ill treatment, the situation of human rights defenders, and gender-based violence both online and offline, in the context of dialogues with the government of Uganda and raise these concerns in international forums;

- Conduct thorough human rights impact assessments of all new and existing development partnerships, especially identifying potential detrimental impacts on the rights of LGBTQ persons, and ensure any funding does not lead to further solidifying bias, prejudice and discrimination against LGBTQ people in Uganda;
- Monitor the compliance of private organizations who are registered domestically and are engaged in advocacy and promotion of laws and policies that criminalize same-sex sexual conduct and discriminate against LGBTQ people abroad, with their responsibility to protect human rights;
- Take actions to protect the rights of LGBTQ people and abide by human rights foreign policy commitments, including by imposing necessary and proportionate restrictions on private organizations engaged in promoting laws and policies that discriminate against LGBTQ people, for example by restricting access to public funding;
- Support local LGBTQ organizations in Uganda through unrestricted funding and resources to continue their ongoing work and advocacy efforts;
- Ensure outreach to and participation of LGBTQ people from Uganda, especially those from marginalized socio-economic backgrounds, in workshops and trainings on digital security and resilience and ensure training materials account for their needs and concerns;
- Increase investment in the safety, security and psychosocial well-being of LGBTQ persons in Uganda as well as the safety, security and psychosocial well-being of NGO workers and defenders documenting human rights abuses in Uganda;
- Promote public awareness campaigns globally to highlight injustices faced by LGBTI individuals, including TfGBV;
- Ensure access to transparent and accessible asylum processes for LGBTQ Ugandans persecuted on grounds of sexual orientation, gender identity and/or expression.

TO SOCIAL MEDIA PLATFORMS:

- Ensure that content moderation guidelines are based on – and consistent with – international human rights law and standards, including on gender-based violence;
- Ensure that content constituting TfGBV is restricted in line with international human rights law and standards which allows for restrictions of freedom of expression to protect the rights of others, provided that these restrictions are necessary and proportionate to that aim;
- Ensure that reporting mechanisms are adequate, accessible to all users, including in widely spoken languages in Uganda other than English, sufficiently clear, responsive and timely:
 - Notify users promptly upon receipt of notice, and give clear indications of timeframes in which decisions will be taken;
 - Provide detailed explanations to restrict – or not restrict – content on the basis of user notice;
 - Provide mechanisms for independent appeal of decisions to restrict – or not restrict – content on the basis of user notice.
- Expand content moderation capacity to adequately cover all the widely spoken languages other than English in Uganda.

ANNEX 1: META'S RESPONSE



October 2, 2024

Dr Tigere Chagutah
Regional Director
East and Southern African Regional Office
Amnesty International
via email

Dear Dr Chagutah,

Thank you for your letter TC AFR 56/2024.5993 of September 24 on the impact of technology-facilitated gender-based violence on LGBTIQ+ people in Uganda since June 2023.

We indeed work hard on this and related topics, and remain ready to engage with you on these important issues.

We make available information on our responses to Ugandan government requests for user data on a semi-annual basis here:

<https://transparency.meta.com/reports/government-data-requests/country/UG/>

We note Meta's dedicated [LGBTIQ+ safety hub](#) that is available in multiple languages, including in Uganda's two official languages: English and Kiswahili. The hub contains information on resources, tools, partnerships and policies for anyone seeking support for issues related to online safety for the LGBTQ+ community. It was co-developed with nonprofit partners around the world and includes links to helpline partners who offer support resources.

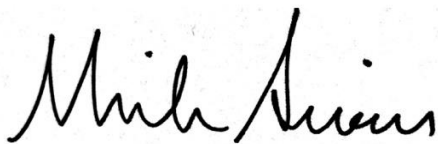
We value consultation with rights holders, and civil society across the board. We design and enforce our policies regardless of religion, region, political outlook, or ideology. We

also develop them in consultation with outside experts from across civil society and academia.

Our concern with the growing trend in regulations criminalizing the LGBTIQ+ community in the region led to several actions from our AMET Community Engagement and Advocacy and Public Policy teams, including the following:

- Direct engagements with LGBTIQ+ civil society and experts on the impacts of the regulation on the community and the resulting online challenges faced. When the 2023 Anti Homosexuality Bill was first introduced, the teams met with several civil society partners based in Uganda; in the diaspora and regional human rights organizations
- In 2023, we launched the SSA LGBTIQ+ Influencer campaign with the aim of raising awareness on the safety resources available for LGBTIQ+ activists in the region, and to highlight Meta's commitment to protecting high-risk users. The campaign aimed to elevate the visibility of the newly revamped LGBTQ+ Safety Center, the StopNCII.org platform, and online digital security training for activists. We collaborated with four prominent LGBTIQ+ activists from African countries, including Uganda, who had been using their social media platforms as a tool for movement-building, social justice campaigning, and spotlighting the injustices faced by their communities. These activists shared their lived experiences, how they use online platforms for their work, and safety tools and resources for other activists that face harassment, targeting, and hate speech online.
- In 2023, we established the Africa Queer Advisory Council to provide guidance on issues affecting the Queer/LGBTIQ+ communities across Africa on Meta's platforms. The council aimed to advise Meta on key trends and issues, provide prominent queer African activists with information on safety, security, content management, and human rights, and design a framework for engaging with Queer/LGBTIQ+ communities in a way that respects their rights.

Yours sincerely,



Miranda Sissons

Director, Human Rights Policy

ANNEX 2: TIKTOK'S RESPONSE



October 4, 2024

Tigere Chagutah
Amnesty International
197 Lenana Place, Ground Floor
Nairobi, Kenya

Dear Mr. Chagutah,

Thank you for your letter dated September 27, 2024, which outlines Amnesty International's findings on technology-facilitated gender-based violence against LGBTQ people in Uganda. We appreciate the opportunity to provide information about the actions TikTok has taken to protect our community and our ongoing commitment to upholding human rights. We would be happy to continue this dialogue as we constantly work to strengthen our policies and practices.

Content Moderation and Preventing the Spread of Harmful Content

TikTok's [Community Guidelines](#) make it clear that there is no place for hateful ideologies or harmful misinformation on our platform. We prohibit hateful behavior, hate speech, and the promotion of hateful ideologies. This includes content that attacks a protected group, whether explicitly or implicitly, including members of the LGBTQ community. We use a combination of technologies and human moderation teams to identify, review and, where appropriate, remove content or accounts that violate our Community Guidelines.

In response to the recent rise in hate speech targeted at LGBTQ people in East Africa, TikTok has mobilized significant resources and personnel to help maintain the safety of the TikTok community and integrity of the TikTok platform. TikTok has more than 40,000 Trust and Safety professionals working to protect our community, and we expect to invest more than two billion dollars in trust and safety efforts in 2024. As part of our efforts, we launched a dedicated task force focused on addressing content that promotes LGBTQ hate in East Africa and have conducted proactive sweeps of our platform to identify and remove videos that violate our guidelines. We have provided our moderators, who moderate content in more than 70 languages, with specialized guidance and keywords that cover many Ugandan local languages, including Luganda. Our teams work to identify and remove content that includes incitement against LGBTQ people, misinformation and dangerous conspiracy campaigns against LGBTQ service providers (hospitals, health centers, etc.), as well as hate speech against LGBTQ people, including religious and political speech.

TikTok's Human Rights Diligence and Collaboration with Civil Society

TikTok is committed to respecting the human rights of all people impacted by our platform, regardless of their ethnicity, orientation, background, or life experience. Our [human rights commitments](#), available on our website, are informed by international human rights frameworks that we have pledged to uphold. These include [UN Guiding Principles on Business and Human](#)

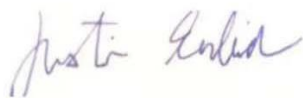
[Rights](#), the [International Bill of Human Rights](#), the [Convention on the Rights of Children](#), and the [Santa Clara Principles](#). Our Community Principles, also available on our [website](#), represent our commitment to human rights.

TikTok consults with a range of stakeholders to inform our human rights due diligence. We have embedded a human rights approach across our Community Guidelines and have advisory councils around the globe. TikTok was the first tech platform in Sub-Saharan Africa to launch an advisory council. [Our Sub-Saharan \(SSA\) Safety Advisory Council](#) brings together experts from across the region with a diverse range of backgrounds to work closely with us on developing policies and processes that tackle today's safety concerns. Several of the experts on our SSA Safety Advisory Council are experts in countering hate speech and gender-based violence.

In addition to our advisory council, TikTok regularly consults with civil society on efforts to safeguard our platform. This includes consultations with NGOs focused on protecting the LGBTQ community in Uganda, which helps us to identify hateful words and keep us informed of emerging trends. Specifically regarding LGBTQ hate in Sub-Saharan Africa, we have consulted with a range of organizations including Human Rights Awareness and Promotion Forum (HRAPF), All Out, Galck, Initiative for Equality and Non-Discrimination (INEND), Article 19, Minority Africa, Queer African Network, Rightify Ghana, and more. Additionally, our global Community Partner Channel provides selected organizations a direct route for reporting content that they believe violates our Community Guidelines so that it can be reviewed by our teams. To date, more than 400 organizations who specialize in a range of safety issues use our Community Partner Channel, including organizations that specialize in protecting the LGBTQ community.

TikTok recognizes that tactics can evolve quickly and will continue monitoring and removing content that promotes hateful ideologies and disinformation. We will also continue to adapt our safeguards to protect our community and uphold our human rights commitments. Thank you again for the opportunity to provide more information around our practices. We welcome a continued dialogue regarding our shared priority of maintaining a safe platform and respecting human rights.

Sincerely,



Justin Erlich
Global Head of Policy Development, Trust and Safety

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IS A GLOBAL MOVEMENT
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WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

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“EVERYBODY HERE IS HAVING TWO LIVES AND PHONES”

THE DEVASTATING IMPACT OF CRIMINALIZATION ON DIGITAL SPACES FOR LGBTQ PEOPLE IN UGANDA

As part of Amnesty International’s global flagship campaign ‘Protect The Protest’, this report documents countless stories of technology-facilitated gender-based violence (TfGBV) against LGBTQ people carried out by state and non-state actors which has increased with the passage of the Anti-Homosexuality Act, 2023 (AHA 2023) in May 2023 as well as the continuous failure of the Ugandan authorities to respect, protect and fulfil the human rights of LGBTQ people. The TfGBV perpetrated against LGBTQ people and organizations has manifested in various ways, such as doxing, outing, accessing data of LGBTQ people and organizations without their consent, trolling, harassment, threats of physical violence and death, blackmail, extortion, disinformation etc. These attacks have been detrimental to people’s everyday life. In many instances, the online threats have translated into offline harms, including both verbal and physical attacks, arbitrary arrests and detentions. They have seriously harmed people’s mental and physical health, their livelihood and housing, social lives, and ability to freely express themselves or engage in activism.