

Blind Alleys

PART II *Country Findings: Uganda*

February 2013

The Unseen Struggles
of Lesbian, Gay, Bisexual,
Transgender and Intersex
Urban Refugees in Mexico,
Uganda and South Africa



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Cover art is by **Marconi Calindas**, an accomplished Filipino artist based in San Francisco. His paintings use vibrant colors and lines to express social and environmental concerns. The cover art, “To Carry You,” emphasizes the support that LGBTI refugees desperately need on the complex path to safety. More information about the artist is available at www.marconicalindas.com.

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SIGRID RAUSING TRUST



Blind Alleys

The Unseen Struggles of Lesbian, Gay, Bisexual, Transgender and Intersex Urban Refugees in Mexico, Uganda and South Africa

PART II

Country Findings: Uganda

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY	1
II. INTRODUCTION	2
III. METHODOLOGY	2
IV. THE ASYLUM CONTEXT: GAPS IN PROCESSING PROCEDURES	4
V. THE LGBTI CONTEXT: ABUSE OF SGN INDIVIDUALS IN UGANDA	5
VI. FINDINGS	7
A. Violence and Discrimination by Police.....	7
i. Arrest	7
ii. Extortion.....	8
iii. Threats of Arrest and Prosecution	8
iv. Physical Violence and Rape	8
B. Violent Targeting and Harassment by Local Populations and Other Refugees.....	9
C. Lack of Police Protection.....	11
D. Barriers to Forming Partnership, Family Relationships & Community	12
E. Workplace Discrimination and Unemployment.....	13
F. Precarious Housing	14
G. Barriers to Social Assistance.....	14
H. Relocation, Relocation, Relocation	15
I. Inadequate Health Care	16
1. Medical Care.....	16
2. Mental Health	16
J. Agency in Social Networks & Access to Information Systems.....	17
VII. STRATEGIES FOR NARROWING THE PROTECTION GAPS	18
VIII. DISCUSSION AND CONCLUSIONS	19
IX. RECOMMENDATIONS TO REFUGEE STAKEHOLDERS IN UGANDA	20

Glossary of Terms

SEXUAL ORIENTATION AND GENDER IDENTITY

Bisexual refers to an individual who has the capacity for profound emotional, affectional, and/or sexual attraction to and/or intimate and sexual relations with people regardless of their gender or sex.¹

Gender Identity is each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth.²

Gay refers to a self-identifying man who has the capacity for profound emotional, affectional and/or sexual attraction to and/or intimate sexual relations primarily with other men.³

Homophobia refers to a hatred or fear of homosexuals – that is, lesbians and gay men – sometimes leading to acts of violence and expressions of hostility.⁴

Intersex refers to a person who is born with reproductive or sexual anatomy and/or chromosome patterns that do not fit typical definitions of male or female.⁵

Lesbian refers to a self-identifying woman who has the capacity for profound emotional, affectional, and/or sexual attraction to and/or intimate and sexual relations primarily with other women.⁶

LGBTI is the acronym for “lesbian, gay, bisexual, transgender, and/or intersex.”

Sexual Orientation refers to a person's capacity for profound emotional, affectional, and/or sexual attraction to and/or intimate and sexual relations with individuals of a different gender, the same gender, or more than one gender.⁷

Sexually and Gender Non-conforming (SGN) is an umbrella term used to refer to individuals whose sexual practices, attractions, and/or gender expression are different from the societal expectations based on their assigned sex at birth.⁸

Transgender is “[a]n umbrella term for people whose gender identity, expression, or behavior is different from those typically associated with their assigned sex at birth.”⁹

A **transgender woman** is a person who was assigned male at birth but identifies as a woman.¹⁰

A **transgender man** is a person who was assigned female at birth but identifies as a man.¹¹

Transphobia refers to negative attitudes and feelings toward transgender people. Transgender people feel that their gender identity (self-identification) does not correspond to one's assigned sex (identification by others as male or female based on genetic sex).¹²

REFUGEES AND ASYLUM

An **asylum seeker** is someone who has applied for or is in the process of seeking asylum from the government of the country of asylum, but who has not yet been granted that status.

Information Systems refer to the combination of people, processes, data, and technology. A website with job postings is an example of an information system.

Persecution, for the purposes of this report, refers to serious harm or threats of harm perpetrated on account of race, religion, nationality, political opinion, or membership of a particular social group. There is no universally accepted definition of “persecution.” Threats to life or freedom and/or other serious human rights abuses always amount to persecution; however, lesser harms or threats may cumulatively constitute persecution. Adjudicators should generally apply a totality-of-the-circumstances test to assess persecution.¹³

A **refugee** is a person “who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”¹⁴

Refugee Status Determination (RSD) is the process through which state officials in the country of asylum or UNHCR determine if an asylum seeker is a refugee based on “eligibility criteria under international or regional refugee instruments, national legislation or UNHCR's mandate.”¹⁵

Social Network refers to a group of individuals who share a commonality. The common element of the social networks discussed in this report is the bond between refugees based on their common SGN status.

ACRONYMS

AHB	Anti-Homosexuality Bill
AIDS	Acquired Immunodeficiency Syndrome
CSCHRCL	Civil Society Coalition on Human Rights & Constitutional Law
HIV	Human Immunodeficiency Virus
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersex
NGO	Non-Governmental Organization
OAU	Organization of African Unity
OPM	Office of the Prime Minister
ORAM	Organization for Refuge, Asylum & Migration
PRM	U.S. Department of State's Bureau of Population, Refugees, and Migration
REC	Refugee Eligibility Committee
RLP	Refugee Law Project
RSD	Refugee Status Determination
SGN	Sexually and Gender Nonconforming
SGBV/P	Sex and Gender Based Violence or Persecution
UNHCR	United Nations High Commissioner for Refugee

¹ See *Media Reference Guide – Transgender Glossary of Terms*, GAY & LESBIAN ALLIANCE AGAINST DEFAMATION (GLAAD), [hereinafter *GLAAD Guide*] <http://www.glaad.org/reference/lgb> (last visited Nov. 5, 2012).

² INT'L COMM'N OF JURISTS, THE YOGYAKARTA PRINCIPLES: PRINCIPLES ON THE APPLICATION OF INTERNATIONAL HUMAN RIGHTS LAW IN RELATION TO SEXUAL ORIENTATION AND GENDER IDENTITY 6 n.2 (2007), available at http://yogyakartaprinciples.org/principles_en.pdf (last visited Nov. 5, 2012).

³ *GLAAD Guide*, *supra* note 1.

⁴ *Homophobia*, ANTI-DEFAMATION LEAGUE, <http://www.adl.org/hatepatrol/homophobia.asp>

⁵ *FAQ*, ADVOCATES FOR INFORMED CHOICE, <http://aiclegal.org/faq> (last visited June 6, 2012)

⁶ *GLAAD Guide*, *supra* note 1.

⁷ INT'L COMM'N OF JURISTS, THE YOGYAKARTA PRINCIPLES: PRINCIPLES ON THE APPLICATION OF INTERNATIONAL HUMAN RIGHTS LAW IN RELATION TO SEXUAL ORIENTATION AND GENDER IDENTITY 6 n.1 (2007), available at http://yogyakartaprinciples.org/principles_en.pdf.

⁸ See *Trans Basics: Glossary of Terms*, GENDER IDENTITY PROJECT OF THE LESBIAN, GAY, BISEXUAL, & TRANSGENDER COMMUNITY CENTER, <http://www.gaycenter.org/gip/transbasics/glossary> (last visited Nov. 5, 2012).

⁹ NAT'L CTR. FOR TRANSGENDER EQUAL., TRANSGENDER TERMINOLOGY 1 (2009), available at http://transequality.org/Resources/NCTE_Trans-Terminology.pdf.

¹⁰ *Id.* at 1.

¹¹ *Id.*

¹² *GLAAD Guide*, *supra* note 1.

¹³ UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, ¶ 51, U.N. Doc. HCR/IP/4/Eng/REV.1 (1992).

¹⁴ Convention Relating to the Status of Refugees art. 1 § 2, July 28, 1951, 189 U.N.T.S. 150.

¹⁵ UNHCR, Self-Study Module on Refugee Status Determination 2 (Sept. 1, 2005), <http://www.unhcr.org/refworld/pdfid/43141f5d4.pdf>.

I. Executive Summary

This report seeks to inform international agencies, governments and non-governmental organizations (NGOs) as they work to improve the protection of sexually and gender non-conforming (SGN¹⁶) refugees in Uganda. The report is based on extensive field and desk research conducted over the course of a year. We interviewed thirty-seven SGN refugees and stakeholders working with them, including representatives of refugee-serving NGOs, LGBTI organizations, and UNHCR field officers. Our findings reveal serious and dangerous gaps in their protection.

Refugees interviewed report that, on account of being SGN, they experience harassment, discrimination, arbitrary arrest, extortion, physical and verbal abuse, and rape. This is at the hands of Ugandan civilians, fellow refugees, and Ugandan police alike. Eight out of the eleven male SGN refugees we interviewed had been raped. All but two of the SGN women had experienced some form of sexual violence. Only a few said they could practically or safely cohabitate with their partner. Most emphasized they had to keep their identities hidden from neighbors and landlords. Many report that only if they hide being SGN will they remain accepted in faith-based communities.

SGN refugees who manage to find work are often sexually abused by their employers and discriminated against by their fellow employees. Many are so heavily stigmatized by community members that they are too afraid to go looking for work. Legitimate employment opportunities for refugees in Uganda are rare; for SGN refugees they are almost non-existent, and many have had to resort to sex work in order to survive. Given the high percentage of SGN refugees involved in survival sex, and serious obstacles in accessing health care, HIV/AIDS prevention and care is a significant health issue. Pregnancies resulting from rape create a need for safe abortion options in a country where abortion remains illegal. Despite health needs, most SGN refugees avoid hospitals for fear of discrimination and mistreatment.

SGN refugees in Uganda report feeling that they can go nowhere to seek help, and convey resultant feelings of helplessness and diminished will to live. Isolated from local Ugandan society and ostracized by the wider refugee community, they commonly rely on each other for emotional support and to acquire the skills necessary to survive in a country that is largely hostile towards them.



Photo by Nao Iizuka www.flickr.com/photos/iizukanao/2373864615/

This publication introduces the term “sexually and gender nonconforming” (“SGN”) to refer to refugees of variant sexual orientations and gender identities. “SGN” is offered as an alternative to the prevalent Western agglomeration “LGBTI” (Lesbian, Gay, Bisexual, Transgender, and Intersex). While the LGBTI rubric has been adopted in many communities worldwide, most members of sexual and gender minorities are either unaware of the terminology or actively avoid such self-identification. “SGN” is an attempt to encompass all sexual and gender minority refugees, including those who do not conform to Western constructs.

¹⁶ The acronym “LGBTI” is used increasingly in the refugee field to refer collectively to individuals of variant sexual orientations or gender identities. See, e.g., U.N. High Comm’r for Refugees, Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, U.N. Doc. HCR/GIP/12/01 (Oct. 23, 2012), available at <http://www.unhcr.org/refworld/docid/50348afc2.html>. The “LGBTI” agglomeration is based on modern Western constructs which are unknown or are avoided in many areas of the world. “LGBTI” further presumes that members of its constituent groups identify within the fixed categories of “lesbian,” “gay,” “bisexual,” “transgender,” and “intersex.” In actuality, SGN persons worldwide are largely unfamiliar with or decline to adopt these identities. When refugee adjudicators and others require conformance to these narrow categories in order to qualify applicants as “members of a particular social group,” those who do not conform may be excluded from protection. See Laurie Berg & Jenni Millbank, Constructing the Personal Narratives of Lesbian, Gay and Bisexual Asylum Claimants, 22 J. REFUGEE STUD. 195 (2009).

II. Introduction



SGN refugees are among the world's most vulnerable individuals. Most flee the persecution of their home countries alone, without the support of their families or communities. Many have endured abuse, violence, rape, and torture, which have damaged their physical and psychological health. In countries of first asylum, such as Uganda, their SGN identity, combined with their status as refugees, often result in a double-marginalization that entails social exclusion, severe discrimination, and active persecution at the hands of the local community, authorities, and fellow refugees.

Despite these extreme vulnerabilities, SGN individuals are only now beginning to be noticed by institutions charged with refugee protection. There is a great need for information to support the survival strategies of these refugees as well as the organizations that work with them in countries of first asylum. This is particularly true in Uganda, where homosexuality is criminalized, and where attempts are being made to further restrict or eliminate space for SGN persons and those seeking to assist them.

By looking at these refugees' experiences, this report highlights existing protection gaps, investigates effective strategies for narrowing those gaps, and informs the conversation about creating safer spaces and greater protection for SGN refugees who flee to Uganda. Within this goal, the report also seeks to identify social and communication networks and support systems that increase access to existing services in any urban environment. The ultimate objective of this report is to enhance the protection of these vulnerable refugees worldwide by creating needed field tools.

III. Methodology



Photo by Paul Scott www.flickr.com/photos/paulscott56/2309238501/

This research was a collaborative effort of ORAM – Organization for Refuge, Asylum & Migration and the Refugee Law Project at the School of Law, Makerere University. ORAM conducted desk research identifying key protection gaps for SGN refugees in Uganda and background country condition information, further supplemented by RLP's extensive experience in working directly with LGBTI clients and as a member of Uganda's Civil Society Coalition on Human Rights & Constitutional Law (CSHRCL).¹⁷

For the field-based research, a comprehensive interview guide, as well as a list of key informants, was drawn up by RLP in discussion with ORAM. Data collection was conducted in Kampala from March to June, 2012. Interviews were conducted by RLP and ORAM staff, with video documentation conducted by the RLP's video advocacy unit, and interpretation provided by RLP's community interpreters, or by fellow refugees identified by the respondents.¹⁸

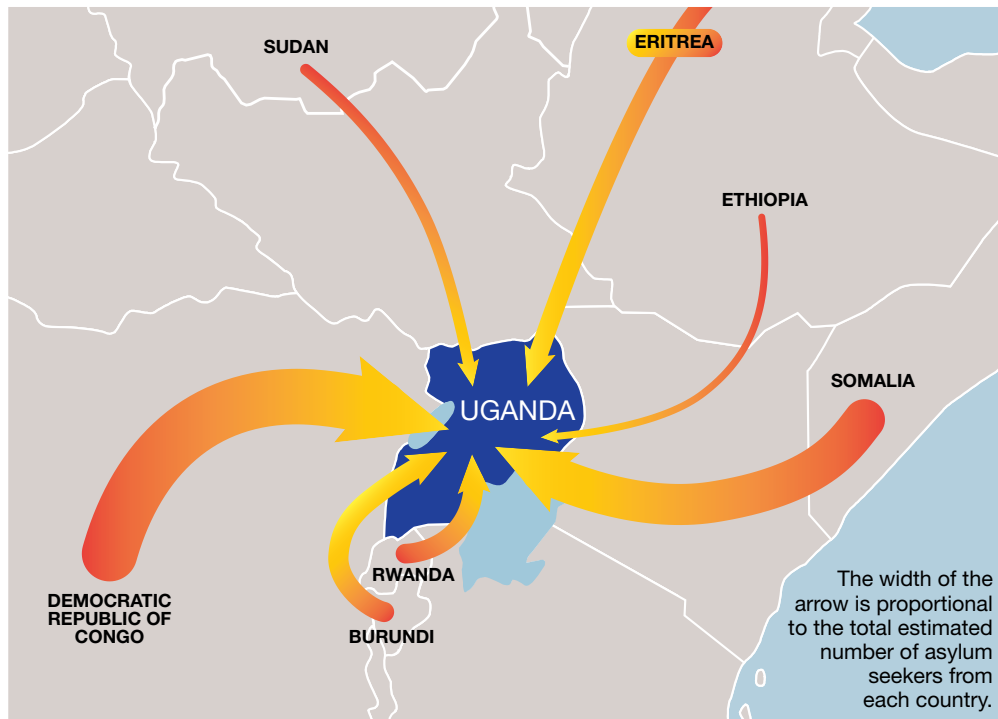
A total of thirty-seven key informant interviews were conducted. This included twenty-five SGN refugees (nine gay, nine lesbian, three transgender women, three transgender men, one mother to an intersex child¹⁹) and twelve stakeholders (seven with staff of six local NGOs, four

¹⁷ www.ugandans4rights.org

¹⁸ Interviews cited in this report are coded in the following way: Country abbreviation – Interviewee identity abbreviation & Number interview with that particular identity within that country. For example: MX - G1 means the interview is from Mexico and it is the first interview with a gay refugee. The following country abbreviations are used in this report: South Africa = SA; Uganda = UG; and Mexico = MX. The following identity abbreviations are used in this report: G = gay; L = lesbian; TW = transgender woman; TM = transgender man; and S = stakeholder.

¹⁹ Many of the SGN individuals did not necessarily identify as gay, lesbian, or transgender. Their categorization as such is done to convey a sense of their sexual or gender nonconformity to the reader rather than to state their identities in absolute terms.

ASYLUM SEEKERS ENTERING UGANDA



Source: UNHCR Statistical Online Population Database.
All figures based on average number of asylum seekers entering Uganda annually between 2008 and 2011.

In countries of first asylum, such as Uganda, their SGN identity, combined with their status as refugees, often results in a double-marginalization that entails social exclusion, severe discrimination, and active persecution at the hands of the local community, authorities, and fellow refugees.

with staff of three international NGOs, one with staff of UNHCR). We were unable to obtain interviews with government officials, despite repeated attempts.

All interviews were audio and video recorded with participants' permission. The strictest standards of confidentiality were observed in the documentation and collection of the interviews. Interviews followed thematic questions set out in the survey tool and were conducted in the preferred language of the participant, using interpreters where necessary. All of the interviews with non-refugee stakeholders were conducted in English. Of the interviews with refugees, nine were in Kiswahili, five were in French, two were in Luganda, and nine were in English. All Kiswahili and Luganda interviews were transcribed and translated into English by RLP. All English and French interviews were transcribed and where necessary²⁰ translated by ORAM.

Once interviews were completed, all data collected were compiled for analysis. Working with country research interns, transcripts were compiled to compare responses, determine patterns in protection gaps, and identify best practices. Information gathered during interviews was coded by thematic protection area in a database identifying name, nationality, languages, gender, gender identity, sexual orientation, asylum access, deportation experience, detention experience, immigration status, police protection, violence from non-state actors (from locals or other refugees), housing, medical care, mental health care, employment, sex work, legal and social service provision, religious or communal organizational support, and social networking information. These themes form the "roadmap" for the findings and recommendations of this report.

²⁰ Interviews originally conducted in French were transcribed in French and then translated to English for the purposes of analysis and quotation.

IV. The Asylum Context: Gaps in Processing Procedures



Photo by Sarah McCans www.flickr.com/photos/sarah_mccans/2293982781/

Uganda is a State Party to the 1951 Refugee Convention and its 1967 Protocol, as well as to the 1969 OAU (Organization of African Unity) Convention Governing the Specific Aspects of Refugee Problems in Africa.²¹ It hosts large numbers of refugees from neighboring countries. According to the UNHCR, it was working with 194,000 persons of concern (excluding IDPs) by late 2012. Refugees came from Burundi, the Democratic Republic of Congo, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, Sudan and South Sudan.²² The majority of these refugees live in eight settlements in the north and southwest of the country, while 40,000 live in urban areas, with the largest concentration in Kampala.²³

In situations of mass influx, Uganda grants refugee status on a *prima facie* basis. At all other times, it conducts individual refugee status determination via the Refugee Eligibility Committee (REC), on which the UNHCR maintains an advisory/monitoring role.²⁴

Refugees in urban areas continue to face many substantive and procedural barriers to obtaining refugee status and successfully integrating into local communities. The UNHCR has expressed serious concern about the role of the Crime Intelligence Office in the RSD process in particular.²⁵ Denied claims cannot be fully appealed, as there is no independent appellate board to review RSD decisions. Although Uganda's 2010 regulations provide for judicial review, that process has yet to be implemented.²⁶

Processing delays and backlogs are a significant problem, with refugees waiting as long as two years for a decision.²⁷ In 2010, Uganda rejected 581 applications and granted 5,655. Nearly 21,000 applications remained pending at the end of that year.²⁸ At the same time, serious procedural concerns were raised regarding the process. Among these, "lack of standard official procedures and misunderstandings relating to international obligations can lead to delays, unwarranted rejection of refugee status and general confusion among asylum seekers."²⁹

Once an applicant has been granted refugee status, the government policy is to provide refugees with land for farming, within gazetted rural refugee settlements. Refugees who take up this option are given basic assistance with housing materials, primary education, and basic health care.

Although under the Uganda Refugees Act of 2006, which entered into force in 2008 and for which new regulations were established in 2010, refugees are in principle entitled to many important rights, including freedom of movement and the right to work,³⁰ refugees who choose to move to urban centers rather than remaining in rural settlements are not eligible for practical assistance. This policy framework creates serious hurdles for SGN refugees; refugee settlements offer no escape from persecution by fellow refugees, while urban centers offer no practical assistance.

²¹ See United Nations Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 150; United Nations Protocol Relating to the Status of Refugees, Jan. 31, 1967, 606 U.N.T.S. 267; Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa, Sept. 10, 1969, 1001 U.N.T.S. 45.

²² UNHCR, 2012 COUNTRY OPERATIONS PROFILE UGANDA (2012), available at <http://www.unhcr.org/pages/49e483c06.html>.

²³ *Id.*

²⁴ HUMAN RIGHTS WATCH, HIDDEN IN PLAIN VIEW: REFUGEES LIVING WITHOUT PROTECTION IN NAIROBI AND KAMPALA 21, 112 (2002).

²⁵ UNHCR, UNHCR GLOBAL REPORT 2010: UGANDA 103 (2010), available at <http://www.unhcr.org/gr10/index.html#home>.

²⁶ REFUGEE STUDIES CENTRE, REFUGEE STATUS DETERMINATION AND RIGHTS IN SOUTHERN AND EAST AFRICA: INTERNATIONAL WORKSHOP REPORT 4 (Dec. 2010), available at <http://www.rsc.ox.ac.uk/pdfs/workshop-conference-research-reports/RSDinAfricaWorkshopReport.pdf>. [hereinafter RSC WORKSHOP REPORT]

²⁷ *Id.*

²⁸ UNHCR, STATISTICAL ONLINE POPULATION DATABASE, <http://apps.who.int/globalatlas/default.asp> (last visited Nov. 5, 2012).

²⁹ REFUGEE LAW PROJECT, LEGAL AND PSYCHOSOCIAL DEPARTMENT, http://www.refugeelawproject.org/legal_aid.php (last visited Aug. 6, 2012).

³⁰ RSC WORKSHOP REPORT, *supra* note 9, at 3.

v. *The LGBTI Context: Abuse of SGN Individuals in Uganda*

The Ugandan Penal Code criminalizes consensual same-sex sexual activity between adults, whether or not it is conducted in private.³¹ Marriage is explicitly restricted to heterosexual relationships. While the law itself does not criminalize non-conforming *identities*, few people distinguish between sexual practice and identity. Thus, people are treated as criminals by virtue of their identity, without any attempt made to prove that they engaged in proscribed behaviors. At the same time, individuals can also be criminalized for their behavior, regardless of how they identify.

The notorious Anti-Homosexuality Bill (AHB), which was originally introduced in 2009, proposes a number of additional penalties for same sex conduct. This so-called “Kill the Gays Bill” would introduce the death penalty in some cases, impose heavy penalties on individuals who fail to report LGBTI people to the police, and would introduce penalties for what is described as promotion of homosexuality. The latter provision would criminalize any person or organization “who acts as an accomplice or attempts to promote or in any way abets homosexuality and related practices.”³² When the eighth Parliament closed in early 2011 without having passed the Bill, there was some optimism that it had been permanently shelved, but in late 2012, the AHB was re-introduced. While its author, Member of Parliament David Bahati, claimed that the proposed death penalty provision had been dropped, copies of the Bill obtained from Parliament contained no such omission.³³ Although the Bill was not passed in 2012, it is widely expected that further attempts will be made to enact some form of the AHB into law.³⁴

While it is clear that the AHB would criminalize some refugee protection activities which are currently permitted under Ugandan law, the contours and extent of this newly created liability are uncertain. For example, under the AHB, one commits the offense of “homosexuality” only if one engages in a prohibited same-sex act. However, the bill also prohibits the “promotion” of homosexuality and related practices. The latter provision leaves in question whether individuals and organizations could effectively be convicted for conducting advocacy on SGN identity or SGN refugee protection. Examples of such activities include locating safe housing for LGBTI refugees, educating refugees on prevention of HIV/AIDS through safe sex, training NGOs on protection gaps affecting SGN refugees, and representing individual asylum seekers who have escaped persecution based on their sexual orientation and/or gender identity.

The AHB also does not specify the mental state or intention which must be proven in connection with the accused’s “promotion” of homosexuality. For example, could a service provid-



31 Sections 145 through 148 of the Penal Code Act of 1950 (“Penal Code”), commonly referred to as the “sodomy” laws, are Uganda’s primary effective provisions criminalizing same-sex conduct, including consensual acts. Section 145 prohibits “unnatural offences” (defined as “carnal knowledge of another person against the order of nature”) and imposes a penalty of life in prison. Any “attempt to commit” an unnatural offence (Section 146), or any “act of gross indecency” or “attempt to procure” such an act, whether conducted in public or in private (Section 148), entails a punishment of seven years in prison. Section 147 imposes a penalty of fourteen years in prison for anyone who “unlawfully and indecently assaults a boy” less than eighteen years old, which effectively includes consensual same-sex acts between teenage boys. Penal Code Act of 1950, as amended, §§145-48, LAWS OF UGANDA Cap. 120 (Rev. ed. 2000) [hereinafter 1950 Penal Code], as amended, Penal Code (Amendment) Act of 2007 [hereinafter Penal Code Amend. 2007] [together hereinafter Penal Code]. Sections 145 through 148 are enumerated under Division III (“Offences Injurious to the Public in General”), Chapter XIV (“Offences Against Morality”), which includes provisions criminalizing rape, prostitution, abduction for human trafficking, incest, sexual assaults and “defilements” of women, among other acts. These sections pre-date Ugandan independence, having been established during the colonial period under the British Empire; they were reinstituted when the modern Penal Code was enacted in 1950, and retained after Ugandan independence was achieved in 1962. See HUMAN RIGHTS WATCH, THIS ALIEN LEGACY: THE ORIGINS OF “SODOMY” LAWS IN BRITISH COLONIALISM 3 (2008). Note the numbering of these sections has changed several times over the years (many sources refer to sections 140 through 143 rather than to sections 145 through 148, respectively), and as of the date of this publication it is unclear exactly when and how these changes occurred. However, the numbering in this publication is consistent with High Court decisions referencing the Penal Code as of January 2011.

32 Anti-Homosexuality Bill, 2009, Parl. Bill [18] cl. 13(1)(e) (Ug.).

33 Rodney Muhumuza, *Uganda’s Anti-Gay Bill Won’t Contain Death Penalty*, MAIL & GUARDIAN (Nov. 30, 2012), <http://mg.co.za/article/2012-11-30-ugandas-anti-gay-bill-wont-contain-death-penalty>; Rachel Adams, *I Spoke to the Author of Uganda’s Anti-Homosexuality Bill*, VICE (Dec. 13, 2012), <http://www.vice.com/read/an-interview-with-the-author-of-ugandas-anti-homosexuality-bill>.

34 Parliament adjourned in 2012 without bringing the bill up for debate. The AHB appeared as agenda item number seven on the final Parliamentary Order Paper of the session, dated December 14, 2012. See Order Paper: *Notice of Business to Follow*, 9th Parl. 3d sess. (Dec. 14, 2012) at 7.

In day-to-day life, SGN Ugandans are frequently denied rights to free speech, assembly, privacy, and personal dignity, among others. They are also denied access to police protection and often suffer harassment, arbitrary arrest, incarceration without conviction, and torture at the hands of law enforcement authorities.

er be held strictly liable for any assistance to a gay or lesbian person, or would some level of knowledge or specific intent to “promote homosexuality” be required? In addition, the AHB omits reference to transgender or intersex people in its defined offenses. At the same time, the drafters demonstrate an awareness of these groups by indicating that none of the definitions should be interpreted “in anyway [*sic*] to legitimize ...gender identity disorders.”³⁵ This leaves an open question of whether transgender and intersex people fall outside the scope of the proposed legislation.

It is also unclear whether individuals with competing confidentiality obligations such as clergy, medical caregivers, or lawyers would be held liable for failure to disclose their knowledge of a person’s homosexuality. As the AHB does not contain any exemptions for these individuals, its passage may make criminals of medical and other caregivers who counsel, educate, or assist gay and lesbian individuals in accordance with their sworn obligations. In particular, the AHB criminalizes for any “person in authority” the “failure to disclose the offence” of homosexuality within twenty-four hours of discovery.³⁶ Since the AHB defines “person in authority” as anyone who exercises “religious, political, economic or social authority,”³⁷ this reporting requirement seems so broad that it could be interpreted to encompass virtually any service available to refugees. What appears certain is that if the bill does pass, it will likely have a chilling effect on communication between SGN individuals and the service providers who help them, as the mere threat of prosecution could silence many individuals or organizations. According to some medical professionals, the impact of the AHB on Uganda’s ability to address sexual and reproductive health issues, including HIV/AIDS, will be “disastrous.”³⁸

At a practical level, the criminalization of same-sex relations severely limits the ability to intervene effectively on behalf of SGN persons, as their human rights are violated both by the law and by common misinterpretations of the law.³⁹ In day-to-day life, SGN Ugandans are frequently denied rights to free speech, assembly, privacy, and personal dignity, among others.⁴⁰ They are also denied access to police protection and often suffer harassment, arbitrary arrest, incarceration without conviction, and torture at the hands of law enforcement authorities.⁴¹

SGN Ugandans are frequently taunted, and at times assaulted and raped. Non-state actors act with impunity knowing that law enforcement authorities are unlikely to protect SGN people or to prosecute aggressors. SGN persons in Uganda suffer pervasive discrimination in education and employment. They are often expelled from their homes, schools and jobs merely for being SGN or for having an outward gender expression that does not conform to accepted gender norms. Many are thus unable to acquire sustainable employment and are left homeless or forced into sex work. SGN persons in Uganda are also denied access to medical care, and often suffer medical problems for which non-SGN persons are able to access treatment.

Asylum seekers and refugees are subjected to the same violations and abuses, but their vulnerability is aggravated by their precarious legal status. Recent experience suggests that the homophobia structured into Uganda’s existing and proposed legislation is also influencing decisions made by the Refugee Eligibility Committee, and resulting in denial of status to asylum seekers who are known to be SGN.

35 Anti-Homosexuality Bill, 2009, Parl. Bill [18] cl. 18(2) (Ug.).

36 Anti-Homosexuality Bill, 2009, Parl. Bill [18] cl. 14 (Ug.).

37 Anti-Homosexuality Bill, 2009, Parl. Bill [18] cl. 1 (Ug.).

38 Alvaro Bermejo, *Ugandan Anti-Homosexuality Bill Will Have Disastrous Impact on HIV Response*, HUFFINGTON POST (Nov. 26, 2012), http://www.huffingtonpost.co.uk/dr-alvaro-bermejo/ugandan-antihomosexuality-bill_b_2177639.html.

39 U.S. DEP’T OF STATE, 2009 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES: UGANDA (2010), available at <http://www.state.gov/j/drl/rls/hrrpt/2009/af/135982.htm>

40 Maria Burnett, *Uganda Making Life Tough for NGOs, LGBT Rights*, HUMAN RIGHTS WATCH (Aug. 30, 2012), <http://www.hrw.org/news/2012/08/30/uganda-making-life-tough-ngos-lgbt-rights>

41 AMNESTY INTERNATIONAL, ANNUAL REPORT 2011: UGANDA (2011), available at <http://www.amnesty.org/en/region/uganda/report-2011>

VI. Findings

This restrictive legal and social environment in Uganda results in a number of dangerous gaps for SGN refugees seeking international protection. These include abuses perpetrated by state and non-state actors, barriers to accessing important services, and societal discrimination, exclusion, and marginalization. Fear of exposure to further harm drives SGN refugees into hiding, preventing them from forming social and community bonds and resulting in severe isolation. The following section details these barriers and reveals the ways in which protection gaps exclude SGN refugees from accessing meaningful protection.

A. VIOLENCE AND DISCRIMINATION BY POLICE

Twenty SGN refugees out of twenty-four interviewees reported various types of negative contact with police either at the border or during the course of their lives in Uganda. All of the SGN interviewees who are known in their communities to have nonconforming sexual orientations or gender identities have been arrested and experienced abuse by Ugandan police, often on multiple occasions. Even the few SGN refugees whose identities are not completely exposed have been reported to police by suspicious neighbors, or arrested for other reasons such as sex work or lack of immigration documents. While a small number of SGN refugees reported discriminatory practices by chairmen of the Local Council, the principal perpetrator identified by SGN refugees in Uganda was the police.

SGN refugees, particularly those who are visible as such, experience violence perpetrated by police outside the police station as well as in detention. One Congolese refugee who was known to be gay was beaten by policemen on the street before he was eventually taken to prison.⁴² The police threatened him by saying, “If you don’t go back to Congo, we are going to kill you ...Go tell your group.”⁴³ He recalls, “They were also policemen ...he had a hammer ...he had a gun.” Another self-identified gay refugee reported that after he was serious-

ly beaten, a police officer took money from the assailant in return for letting him go.⁴⁴

i. Arrest

All the interviewed refugees who live in Uganda with openly nonconforming sexual orientations and gender identities reported arrests and abuse by police on account of their SGN identity. Once the police in the community recognize certain refugees as SGN, then the frequency of arrests tends to increase. A self-identified gay refugee from Congo “saw two police cars and police grabbed [him].”⁴⁵ While the apparent reason for the arrest was his not carrying a legitimate ID card, officers already knew his sexual orientation and intended to abuse him, as “they removed [his] clothes” as soon as he was put in the police car.⁴⁶ They also said, “You are Congolese. You come to do things here. Here there is no homosexuality... we are going to burn you.”⁴⁷

Even when ostensibly arrested for not having refugee status or adequate documents, SGN individuals experience increased abuse by the police once their SGN identity is revealed. After the arresting officer discovered one interviewee was gay, the intake police officer at the station “did not take time to listen,” and “he simply said, ‘put him inside.’ They started beating before even entering. One of them brought water and poured [it] on me. It was police beating me.”⁴⁸

⁴⁴ Interview with UG – G5.

⁴⁵ Interview with UG – G4.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*



A self-identified gay refugee from Congo “saw two police cars and police grabbed [him].” While the apparent reason for the arrest was his not carrying a legitimate ID card, officers already knew his sexual orientation and intended to abuse him, as “they removed [his] clothes” as soon as he was put in the police car.

“If someone is arrested off the streets and is taken into police custody and we don’t know anything about it, in most cases they get tortured [Some of the Rwandan refugees] were tortured when they were arrested and we had to give them treatment, counseling and support.”

Once arrested, SGN refugees are often kept in detention for extended periods of time without commencement of formal hearings or prosecutorial proceedings. Furthermore, while in detention they suffer a number of abuses at the hands of the police. They are often paraded before inmates as “demonic” and accused of spoiling the Ugandan community. Many reported being tortured and gang raped several times by inmates, occasionally with police only feet away.

ii. Extortion

Refugees who are known to be SGN report being targeted on the street by police, who demand money with threats of arrest. Because almost all of the interviewees had experienced police arrests, they tended to succumb to the demands in order to avoid any further trouble with police. A refugee advocate in Uganda tells of an SGN refugee “who was blackmailed three times with the police at night and the police was playing around and informing other police officers that ‘this person is not a Ugandan and he is gay, he is a refugee and if you go to him, he will give you money’ – and they were given money.”⁴⁹ The interviewee added, “When the police know where [SGN refugees] live, they will harass them constantly. When they are blackmailed by police, they have to give in for survival.”⁵⁰ Some police demand sex in exchange for releasing lesbians.

iii. Threats of Arrest and Prosecution

While no interviewee had been prosecuted under the Ugandan sodomy laws or other anti-homosexuality statutes, SGN refugees often experience intimidation and threats from police. An advocate at Sexual Minorities Uganda reports, “Once you get to police, and you are arrested, you get a lot of intimidation because the police tells you... that you are going to get a death penalty or you are going to be sent to jail for life.”⁵¹

⁴⁹ Interview with UG – S5.

⁵⁰ *Id.*

⁵¹ *Id.*

iv. Physical Violence and Rape

SGN refugees report many incidents of physical and sexual violence following arrest and detention. A self-identified gay refugee from Congo testifies, “Once they arrest you, the first thing they can do is to beat you up, and say you are the one spoiling the country and spoiling Africa. You know the law does not like this.”⁵² An advocate supported this by stating, “If someone is arrested off the streets and [i]s taken into police custody and we don’t know anything about it, in most cases they get tortured [Some of the Rwandan refugees] were tortured when they were arrested and we had to give them treatment, counseling and support.”⁵³

While many SGN refugees report sexual violence from other inmates while in prison, prison officers themselves are sometimes the perpetrators. A lesbian refugee reports, “Police mistreat us, beat, take our money, rape us.”⁵⁴ A gay refugee and a refugee transgender woman were both raped while in detention. A lesbian refugee from Congo escaped rape twice by claiming to be HIV positive. She says, “That policeman was afraid. But the way he was treating me, he was going to rape, and he did not have a condom at that time.” When she was arrested again by another policeman who said, “If you do not have money, you have at least something to offer,” she adopted the same strategy of claiming to be HIV positive. He then “let [her] go, but the intention was to sleep with [her] at the police station.”

All of the SGN refugees who are or once were known as nonconforming in their communities reported being arrested, beaten, or raped by police officers. In contrast, none of the closeted⁵⁵ refugees reported arbitrary arrests except for incidents related to sex work.

SGN refugees who have experienced mistreatment at the hands of state officials experience a heightened sense of physical

⁵² Interview with UG – G4.

⁵³ Interview with UG – S5.

⁵⁴ Interview with UG – L8.

⁵⁵ For the purposes of this report, the term “closeted” refers to a sexually or gender nonconforming individual who lives in a state or condition of secrecy or carefully guarded privacy with regards to their nonconformity.

insecurity in their lives. A gay refugee who is out⁵⁶ and has been arrested several times says, “The most difficult... we don’t have enough security.”⁵⁷ A lesbian refugee who is out and has been beaten and raped by police adds, “We don’t have security because it’s illegal. If it was legal we would have security; we are requesting for security at least at the police.”⁵⁸ One gay refugee, whose friends were all arrested because they refused to reveal his whereabouts to police, had to run away and hide in unfamiliar places, exposing himself to additional physical insecurity.⁵⁹

SGN refugees who have been abused by state authorities report feeling that they can go nowhere to seek help. This contributes to feelings of helplessness and a loss of motivation to live. Their testimonies regarding lack of emotional wellbeing reveal that their lives in exile are as unhappy as they were in the country of origin. A gay refugee testifies, “I do not have anywhere to run for help. I’m living like I do not exist. For other people, they wake up in the morning planning for the day, but for me there is no plan anymore.”⁶⁰ A gay man who was detained for a month by police says, “I feel lonely because I am not free ...I don’t have joy.” A transgender male interviewee who was not only arrested by police but also rejected by fellow refugees who “hate [him] in the name of being called a gay” says, “In one word, my life is not good.”

Refugees who successfully keep their SGN identity to themselves tend to experience less violence, harassment, and extortion by the state authorities. One transgender male, for example, reports not revealing his identity to his family and says, “I will be open to them ...but now where I am living, they don’t know about it ...every time when I get a problem I just keep it to myself ...I can’t tell them who I am.”⁶¹ A lesbian refugee reported that she hid

her identity from her neighbors.⁶² Yet another lesbian refugee narrated that she has not experienced any official mistreatment, perhaps because she followed her mother’s advice that “since it is illegal here [she has] to avoid people and just keep a low profile.”⁶³

B. VIOLENT TARGETING AND HARASSMENT BY LOCAL POPULATIONS AND OTHER REFUGEES

In addition to harm experienced at the hands of Ugandan police, SGN refugees experienced widespread violence from local Ugandans and other refugees: many interviewees reported that they fear being victims of violence and discrimination by family members, landlords, neighbors, and others. Common forms of physical violence include rape, beatings, stoning, and robbery. Eight of the eleven male SGN refugees interviewed had been raped, most notably among those who had been put in prison. Violence against male SGN refugees is often accompanied by threats and insults, not least the threat of burning. One consequence of the violence against SGN refugees is the persistent fear of discovery of their sexual orientation, which not only results in the loss of physical security, but also of housing, employment, money and possessions.

SGN refugees are exposed to violence at the hands of Ugandans when their sexual orientation is discovered or imputed. On different occasions when a transgender woman has gone out in public, she has been beaten by local Ugandan thugs, and has had stones thrown at her when she tries to get a *bodaboda* (motorcycle taxi).⁶⁴ A gay refugee reported that, after hotel security staff observed him hugging and drinking with a white man at the hotel bar, they grabbed him as he left the hotel and accused him of being gay.⁶⁵ They told him that Uganda does not allow homosexuality, saying, “we shall get fuel and we [shall] burn you people.”⁶⁶

“I do not have anywhere to run for help. I’m living like I do not exist. For other people, they wake up in the morning planning for the day, but for me there is no plan anymore.”

⁵⁶ For the purposes of this report, the term “out” refers to a sexually or gender nonconforming individual whose identity as such has been made known to others.

⁵⁷ Interview with UG – G8.

⁵⁸ Interview with UG – L8.

⁵⁹ Interview with UG – G5.

⁶⁰ *Id.*

⁶¹ Interview with UG – TM1.

⁶² Interview with UG – L5.

⁶³ Interview with UG – L3.

⁶⁴ Interview with UG – TW3.

⁶⁵ Interview with UG – G4.

⁶⁶ *Id.*



Photo by Sanne Roemen www.flickr.com/photos/sanroemen/42957190431/

All but two of the lesbian refugees in Uganda related sobering accounts of sexual violence. They were raped in various contexts, by Ugandans and foreigners alike. One revealed that she had been raped in a refugee settlement. Another was kidnapped and raped by two men. A third described how motorcycle taxi drivers had extorted sex from her. Gang rapes were also reported.

*The neighbors are the ones complaining, even when you are walking on the street people point fingers at you and say: "Look at that one, she does this and that!". Other times you can be walking on the street and you find someone grabbing you on the neck; he does not want money, all that person wants is just to rape you.*⁶⁷

For several lesbian respondents, rape has resulted in unwanted pregnancies, in a country where abortions are illegal and correspondingly scarce and unsafe. Rape also increases exposure to contracting HIV/AIDS, particularly given problems accessing Post-Exposure Prophylaxis.

While they can be attacked on the street while interacting with strangers, many SGN refugees are at their most vulnerable when they are at "home." When one gay interview-

⁶⁷ Interview with UG – L1.

ee's sexual orientation was discovered, his neighbors told him that they would burn him and his friend if he stayed in his house, saying: "Here in Uganda, [homosexuality] is not accepted and it cannot happen even for a single day, because that is ruining [Uganda]."⁶⁸ Outside, a crowd of people would not let him leave, shouting "Let's burn them!"⁶⁹ The local council chairman intervened to get them out of the house, but told him that he had to look for another place to stay.⁷⁰ The chairman explained that if he called the police, he would be the one who was arrested.⁷¹

In addition to being subjected to violence from Ugandans, SGN refugees also experience rejection and violence from refugee communities. One stakeholder interviewee working in an NGO argued that transgender clients have the biggest problems, stating that "even walking around within their own refugee communities, they're always abused."⁷² A gay refugee interviewee stated that if a Congolese refugee "discovers that you're gay, then he immediately stops the relationship with you."⁷³

SGN individuals try to avoid staying in the refugee camps. One refugee explained that he does not stay in a refugee camp because there is nowhere to run in the camp.⁷⁴ Another refugee reported that he has continued to stay in his refugee camp, which includes Rwandans, Congolese, Somalis, Ethiopians and Burundians, despite the fact that he was beaten badly by fellow refugees on the day he arrived.⁷⁵ After that, he tried to disguise himself and formed a self-help group with other gay men.⁷⁶ Even so, he was beaten again and raped, as a result of which he became infected with an STI.⁷⁷ On one occasion, he was grabbed by men in the camp, beaten

⁶⁸ Interview with UG – G5.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² Interview with UG – S6.

⁷³ Interview with UG – G1.

⁷⁴ Interview with UG – G2.

⁷⁵ Interview with UG – G9.

⁷⁶ *Id.*

⁷⁷ *Id.*

up, and taken to the police, who did nothing to protect him, but imprisoned him instead.⁷⁸

Outside the refugee camps, SGN refugees also experience violence and discrimination from other refugees. For example, a Congolese gay man who was attacked by other refugees said, “You will see other refugees aggressing us, [threatening to] kill us.”⁷⁹ He recounted that once when he was walking in an arcade, other refugees ran toward him with oil (probably intending to burn him) and shouting, “There he is!” He was able to take a motorbike and to escape. A week later, his landlord informed him that other refugees wanted to burn down the house. The landlord ordered him to leave immediately even though he had just paid three months of rent. When the interviewee protested, his landlord threw out his belongings and threatened to call the police. He went to a friend’s home. There, the same refugees who had threatened him earlier came with some Ugandans and destroyed all his belongings. When he and a friend took shelter at RLP, the refugees started sending messages to RLP saying they were going to “get” him and his friend and threatening to burn them out.

As a consequence of the pervasive violence against SGN people in Uganda, many of the SGN refugees interviewed fear going out in public. They also feel uncomfortable going to UNHCR offices in case they are recognized as SGN. For example, one interviewee reported that when he goes to UNHCR offices, other refugees point their fingers at him and say “he is a homosexual.”⁸⁰ He fears the stigmatization will lead to further problems and has stopped going there. Another gay interviewee reported the same issue, saying that he cannot go the UNHCR office because that is where other refugees meet, and if someone recognized him and identified him as gay, the information would circulate among other refugees.⁸¹

C. LACK OF POLICE PROTECTION

The willingness and ability of SGN refugees to seek out police protection or obtain justice is impaired by the fact that Ugandan police themselves are known to discriminate against and harm SGN individuals (See section on State Actors above). The vast majority of SGN refugee interviewees stated that they were unwilling and/or unable to seek out protection. As one transgender woman noted, “I have never reported any violations to me to police because I know they hate me. I also fear police for this reason.”⁸²

This pattern is repeated regardless of the identity of the perpetrator; SGN refugees were just as unwilling to go to the police if they had been harmed by a non-state actor as they were in cases of harm by a state actor.

The only recognizable factor that impacted willingness to seek protection was the degree to which the refugee was open about his or her identity. Lesbians who were better able to hide their sexual orientation felt slightly more able to go to the police for protection than their “out” gay and transgender counterparts, who felt that going to the police would result in further harm. When explaining why he never reported abuse to the police, one gay refugee remarked, “It’s like you are taking yourself to jail.”⁸³

On the rare occasion that a SGN refugee was able to report abuse to the police, most felt that their complaint was ignored and that the police failed to investigate or provide any form of protection from future abuse. “We reported those issues to [the] police but they didn’t do anything. Police is just there to arrest. There is no way police will assist you, because they will not change how I am. Police will simply say ‘this one is doing bad things’ and detain you. The work of police is simply to come and arrest us.”⁸⁴

When explaining why he never reported abuse to the police, one gay refugee remarked, “It’s like you are taking yourself to jail.”

⁷⁸ *Id.*

⁷⁹ Interview with UG – G2.

⁸⁰ Interview with UG – G5.

⁸¹ Interview with UG – G1.

⁸² Interview with UG – TW2.

⁸³ Interview with UG – G2.

⁸⁴ Interview with UG – L1.

“When he told the pastor that he was an LGBTI, the pastor told him to never come in that church again and he doesn’t want to see him anymore because he is a demon.”

D. BARRIERS TO FORMING PARTNERSHIP, FAMILY RELATIONSHIPS & COMMUNITY

Most SGN refugees find it difficult to be in meaningful sexual or emotional relationships while in Uganda. Some refugees reported that, in general, it can be difficult to meet other SGN people, either as romantic partners or as friends facing similar issues. This perpetuates their experience in their countries of origin, as described by one respondent:

You see in Congo, if you are there as a gay, you may want someone to be your friend. If that one is not like that, he will think that you are forcing him, so he can get angry with you -- those are the problems we faced there.⁸⁵

Of the interview respondents who maintained intimate relationships while in Uganda only a small percentage reported that they could practically or safely cohabitate. Fear of being exposed to neighbors, landlords, or family members were the primary reasons that refugees reported they could not live with a same-sex partner. Six refugees who were in relationships reported that they could not safely live with their partners. One refugee recounted:

One night when I was at home, I heard some people coming and they treated me badly by saying, “Here he is, let us burn him!”, and that night the landlord walked around and asked what was happening. Then they told him that I was not the right person to live in that house. I opened the window, looked outside and I closed immediately, but those people kept on knocking on the door. At that time, I had a visitor in our house whom we used to go out with. That time I had to help him to escape because they wanted to burn the innocent friend because of me. I opened the door gently for him to escape, and

when he was trying to escape they caught him as I was trying to close the door. They then entered the house. When they got inside the house, they stabbed me with a knife and I still have the scar on my body.⁸⁶

Some refugees report concealing their sexual orientation or gender identity from their families for fear that the family will withdraw financial help, housing, and emotional support. One refugee reported that in order to receive support from her sisters, she had to swear to them that she was not a lesbian.⁸⁷

Many interviewees report positive relations with faith-based communities, but say these relationships will remain positive only if their SGN identities remain hidden. One refugee conveyed:

[S]ome church[es] don’t allow transgenders to enter ...[saying] that “you are going to spoil others.” That is why they do not allow us, they saw us like sinners and that we are not people like others; that we are demons – that is how some pastors calls us ...This friend of mine was a transgender and could go to church every Sunday but one day the pastor called him, the pastor asked him some information about himself and when he told the pastor that he was an LGBTI, the pastor told him to never come in that church again and he doesn’t want to see him anymore because he is a demon That is it. Even for now when I’m going to church I don’t tell the pastor who I am.⁸⁸

Many reported negative relations with their communities of national origin in Uganda. In all cases, this was related to their SGN identity. For example, one gay interviewee recounted: “The moment people came to know that we were gays and were doing those things of having sex a male with another male, they started discriminating [against] us, and they wanted to remove me from the Congolese

⁸⁵ Interview with UG – G4.

⁸⁶ Interview with UG – TW1.

⁸⁷ Interview with UG – L2.

⁸⁸ Interview with UG – TM2.

community.”⁸⁹ To avoid repeated exposure to this discrimination and rejection, the vast majority of interviewees reported that, apart from fellow SGN refugees, they avoid interacting with members of their communities of national origin.

E. WORKPLACE DISCRIMINATION AND UNEMPLOYMENT

Compared even to other refugees in Uganda, SGN refugees face extreme hardships finding work. Those who have started their own small-scale income generating activities, such as hair dressing, selling pancakes, and bricklaying, find themselves so heavily discriminated against that their entrepreneurial ventures often prove fruitless. The few SGN refugees and asylum seekers who manage to secure jobs are often sexually abused by their supervisors and discriminated against by fellow employees. In some cases, refugees reported that their salaries were withheld and that when they tried to demand payment, they were threatened with being taken to the police.

Many are so heavily discriminated against by community members that they are too afraid to look for work. The research suggested that most SGN refugees are unemployed and cannot seek work because they must stay in hiding. One refugee stated, “[t]his problem is [happening] because we are LGBTI. Other refugees are free: they work, [they] move, but us, the LGBTI, we do not work, we do not have freedom and we do not survive.”⁹⁰

With legitimate employment opportunities for LGBTI refugees virtually non-existent, many resort to sex work. Interviewees reported:

“[W]e used to move at night because we sell ourselves in order to get at least some little money to help us [survive] ...I have no one to assist me, I pay [my own] money for renting where I stay.”⁹¹

“There are times when I feel that I can just do anything to survive so I tried to start survival sex, at least just to get something small or to be able to support my family.”⁹²

“It was not easy, but since I had problems and needed money, I had nothing else to do, so I was obliged to do that.”⁹³

While none of the interviewees provided specific details about their manner of sex work, most indicated that they find clients at bars or on the streets.⁹⁴ Female and male sex workers alike reported being beaten, gang raped and blackmailed in the course of their work. Moreover, SGN refugee sex workers on the street are easy targets for harassment by police. One interviewee tried to report a rape to the police, but they knew she was a lesbian sex worker, “...and they told me that ...you are a lesbian and you are spoiling our culture; if you don’t stop this work we will kill you and your sisters.”

Being a sex worker further marginalizes LGBTI refugees from Ugandan society.

[E]ven if you rush to a hospital, they are like, “this is a prostitute!”; no one will attend to you. Maybe your fellow prostitute they took you there at night, but you reach morning, no one cares for you, there are no doctors here, until [eventually] you go home with your problem [unresolved].⁹⁵

Some interviewees felt that they could not refuse clients’ requests. One interviewee reports, “...you don’t have a choice, you have to accept, you don’t have a choice. Even if you say, ‘I don’t want this,’ he just [says] ‘shut up, I give you my money’ ...you don’t have any right. You can’t say, ‘I don’t like this’.”⁹⁶ Employment as a sex worker holds many risks for LGBTI refugees, as they face violence and abuse from clients, community members,

The few SGN refugees and asylum seekers who manage to secure jobs are often sexually abused by their supervisors and discriminated against by fellow employees. In some cases, refugees reported that their salaries were withheld and that when they tried to demand payment, they were threatened with being taken to the police.

⁸⁹ Interview with UG – G9.

⁹⁰ Interview with UG – G2.

⁹¹ Interview with UG – L1.

⁹² Interview with UG – L3.

⁹³ Interview with UG – L7.

⁹⁴ For further exploration of the experiences of a gay refugee engaging in sex work, see RLP’s video documentary ‘Getting Out’ (2011)

⁹⁵ Interview with UG – L6.

⁹⁶ Interview with UG – L7.



Photo by Jocelyn Saurini www.flickr.com/photos/jnissa/148753859/

SGN refugees can be evicted at a moment's notice upon a neighbor's complaint or if the landlord becomes aware of their identity, even if they have already paid rent.

and Ugandan authorities. Violence and kidnapping are major problems. "Diseases are there, risks are there, you meet people and kidnappings are there ...I was kidnapped for three days."⁹⁷

Though many of the interviewees expressed concerns over contracting HIV in the course of sex work, some felt they have no choice but to engage in unprotected sex. Those who refuse it are sometimes forced or tricked into doing so. One refugee recounted that when she refused to have unprotected sex with a customer, "[h]e removed a pistol and [said], I have killed many prostitutes here in Kabalagala.⁹⁸ I will not fail to kill you as well and if you refuse I will harm you."⁹⁹

F. PRECARIOUS HOUSING

SGN refugees in Uganda are often unable to meet their subsistence and housing needs. Even those who have secured somewhat steady housing are often not secure there: They are still vulnerable to attacks and discrimination by neighbors, other refugees, and landlords.

SGN refugees can be evicted at a moment's notice upon a neighbor's complaint or if the landlord becomes aware of their identity, even if they have already paid rent. Landlords also may discriminate against refugees based on their sex work. It was relative-

ly common among the "out" LGBTI refugees interviewed to move around to new homes because of problems with their neighbors or landlords. Some individuals have relocated as many as twenty times since arriving in Kampala: "I am always shifting, I can spend one or two months and then I shift. People don't want me, they say I am showing bad manners to our children because I make love with my fellow girls."¹⁰⁰

G. BARRIERS TO SOCIAL ASSISTANCE

From the study, it was clear that many SGN refugees and asylum seekers are aware of the range of services available and designed to help refugees in general. However, virtually none of these services are specifically tailored to help meet the specific needs of SGN refugees. Many interviewees complained that when they try to access existing services, they face xenophobia, transphobia, homophobia, stigma, discrimination, and marginalization. Indeed, both service provider and SGN refugee respondents acknowledged that SGN refugees and asylum seekers need safer spaces to address their challenges.

The interaction gap between many service providers and SGN refugees is wide. Language barriers were reported by the SGN migrants, refugee serving organizations, and LGBTI-serving agencies as a major challenge. The majority of refugees, regardless of national origin, sexual orientation, or gender identity, face communication challenges. However, these communication barriers affect the provision of services to SGN refugees in particular ways. For example, the use of interpreters can present unique problems to SGN refugees who are not confident that the interpreters who are meant to help them will adhere to norms of confidentiality and impartial representation of facts. This can be aggravated where the interpreter originates from the same community in the refugee's country of origin.

⁹⁷ Interview with UG – L4.

⁹⁸ Kabalagala is one of the main red-light districts of Kampala.

⁹⁹ Interview with UG – L8.

¹⁰⁰ Interview with UG – L1.

H. RELOCATION, RELOCATION, RELOCATION

If and when their identity is discovered or exposed, SGN refugees spend a great deal of time and energy moving around, often simply looking for a new space where they can be left alone. This internal displacement within the country of first asylum can be extensive.¹⁰¹ The motivations behind the movements include the search for housing that will accept SGN people, at least for a time; need for medical services; language learning; social interaction; legal assistance; and the ability to go about their daily lives in safety.

Many refugees spoke in their interviews about the barriers they face in finding safe locations in which to live. Refugees find themselves trapped in their temporary hiding places, fearful that moving will only result in discovery and further abuse.¹⁰² One refugee recounted: “How will you move? Everywhere you may go they know you, they abuse you, they arrest, beat, and want to kill you, like me I was almost to be burnt out; they came with acid and petrol to burn me up, so how will I move? Tell me!”¹⁰³ Another talked about how photographs of LGBTI people were put up so that community members could recognize them.¹⁰⁴

Given the nature of communications within refugee communities, information and disinformation about any perceived or actual SGN person is disseminated rapidly and widely. SGN refugees do not have an opportunity to start with a fresh slate in the country of first asylum, particularly because they are only one part of a larger exodus from the country of origin. Shaming and harassment follows them, carried along with the country’s other refugees. For example, one Congolese respondent said that many community spaces with a lot of Congolese refugees were essentially off-limits to him because they would expose his being gay: “If I see that there are a

lot of thirty to forty Congolese ...I can’t go there because I would have many problems. Because everybody will come and ask me the question; ‘People say back there that you’re gay, is that true?’”¹⁰⁵ Not only are SGN refugees deprived of the benefits of support from their compatriots; fellow refugees pose added exposure and peril.

Community enforcement of gender and social norms also makes it difficult for SGN refugees to move around. For example, a person’s shirt will be scrutinized to ensure that the buttons are on the appropriate side for his or her gender. The situation is aggravated outside Kampala, where traditional gender behaviors are even more strictly enforced. For example, in some places in Uganda, women are not able to wear trousers.¹⁰⁶

The dearth of public transportation options compound the difficulties of moving around for SGN refugees. Although motorcycle taxis are among the most convenient means of getting from place to place in Uganda, as they take a passenger door-to-door, the drivers have been known to refuse service to SGN people¹⁰⁷ or to draw public attention to non-standard gender identity expression.¹⁰⁸ In other cases, SGN refugees simply cannot afford basic transportation.¹⁰⁹

SGN refugees have adopted various precautionary measures and avoidance strategies to make movement around their communities safer. Some choose to travel at odd hours to avoid harassment. For example, one refugee discussed how on a daily basis, he would “leave the house at 8 a.m., [and] come back maybe at 9 p.m., midnight, 1 am.”¹¹⁰ Others may travel farther than they need or want to,¹¹¹ or do their best to hide their sexual orientation or gender identity.¹¹²

Refugees find themselves trapped in their temporary hiding places, fearful that moving will only result in discovery and further abuse. One refugee recounted: “How will you move? Everywhere you may go they know you, they abuse you, they arrest, beat, and want to kill you... so how will I move? Tell me!”

101 Interviews with UG – G2; UG – TW2; UG – G8; UG – L6.

102 Interviews with UG – S12; UG – TW1; UG – TM2; UG – G5.

103 Interviews with UG – G2; UG – L1; UG – G7; UG – L7.

104 Interview with UG – G8.

105 Interview with UG – G1.

106 Interview with UG – S6.

107 Interview with UG – TW1.

108 Interview with UG – S6.

109 Interview with UG – S8.

110 Interviews with UG – G1; UG – G9.

111 Interviews with UG – G1; UG – L5.

112 Interviews with UG – G4; UG – TM1.

A large number of the SGN refugees interviewed indicated physical health complications as a result of having been raped. Several female refugees reported becoming pregnant after rape. One interviewee recounted how she was raped by three or four men while she was pregnant; she lost the pregnancy, and had to rely on the Refugee Law Project to help her pay the hospital bill while she recovered from the miscarriage.

I. INADEQUATE HEALTH CARE

Interviewees revealed that SGN refugees in Uganda face a number of serious barriers to adequate medical care. In many instances, treatment for medical conditions significant to SGN individuals is practically unavailable. In other cases, SGN refugees do not seek out medical care for fear of exposing themselves to abuse.

1. Medical Care

Fear of approaching hospitals for medical help was common among the self-identified SGN refugees interviewed.¹¹³ One refugee stated: “[D]octors may even poison you to death because people don’t want us here in Uganda.”¹¹⁴ As an alternative to hospitals, some refugees resort to herbalists,¹¹⁵ other traditional medicine¹¹⁶ or self-medication.¹¹⁷ One self-identified gay refugee reported self-medicating for a genital condition to avoid invasive questioning at the hospital.¹¹⁸

Given the high percentage of SGN refugees involved in sex work, HIV/AIDS prevention and care is a significant health issue. Although some refugees are able to find locations where they can be tested, the testimonies of several SGN refugees indicate that information and treatment are hard to come by. For example when one interviewee learned that his sexual partner had tested HIV positive, he deliberately chose not to get tested, stating, “I don’t want to know.”¹¹⁹ When asked why, he explained that there is no HIV medication and therefore he feels that it will not be worth telling anyone or finding out whether he is in fact infected.¹²⁰

A large number of the SGN refugees interviewed indicated physical health complications as a result of having been raped. Several female refugees reported becoming pregnant

after rape. One interviewee recounted how she was raped by three or four men while she was pregnant; she lost the pregnancy, and had to rely on the Refugee Law Project to help her pay the hospital bill while she recovered from the miscarriage. Many lesbian refugees opt to abort pregnancies resulting from rape, but, given that abortion is illegal in Uganda, they risk their lives in the process by self-medicating or accessing the services of unqualified doctors.

Transgender and intersex refugees are also often unable to access appropriate medical care. Gender reassignment hormonal therapy and surgery are not available. As one medical practitioner noted:

*[A] lot of trial and error [surgeries are] done basically because of lack of equipment, lack of specialty and our position is these kinds of surgeries are often not necessary so they should not happen but the problem is there has been lack of dialogue on intersex issues.*¹²¹

2. Mental Health

The study revealed that a large number of SGN refugees and asylum seekers try to take their own lives. Many struggle with self-acceptance. Those who seek solace and emotional support in churches and mosques face rejection if their identity is unveiled. Pervasive abuse and discrimination leave many with feelings of hopelessness and despair that can lead to suicide.

Another common theme among the refugees interviewed was fear leading to loneliness and self-isolating behavior. Refugees may choose to remain isolated and closeted in order to protect themselves. However, this technique of self-preservation is not without its costs. An “in” gay male revealed, “I don’t go out, so ...I’m like someone who is in prison.” This self-imprisonment can affect a refugee’s mental health and eventually lead to depression or thoughts of suicide.

¹¹³ Interviews with UG – G2; UG – TW2; UG – TM1; UG – G6; UG – L3; UG – G8.

¹¹⁴ Interview with UG – G2.

¹¹⁵ Interview with UG – G2.

¹¹⁶ Interview with UG – TM1.

¹¹⁷ Interview with UG – G1.

¹¹⁸ Interview with UG – G6.

¹¹⁹ *Id.*

¹²⁰ For many refugees, it is possible to access ARVs, but not the nutritional support required to be able to take them regularly and maximise their effectiveness – personal communication, RLP staff member

¹²¹ Interview with UG – S8.

A closeted lesbian who has been repeatedly raped and suffered a miscarriage as a result of a gang rape now lives in isolation. In her own words: “With those incidents I get, I don’t move. I even don’t go out. I am just at home; from home I go to church.”¹²² Self-isolating tendencies were a problem not only among closeted SGN refugees but also with those who are “out.” One of the “out” gay male refugees said, “I feel lonely because I am not free.”¹²³ Another openly identified transgender refugee said, “I really walk in fear ...I am not secure.”¹²⁴ For that reason, they choose to live in isolation: “I live alone because I do not trust anyone.”¹²⁵

Many refugees spend a period of time being “out” and then, in response to incidents of persecution, return to being closeted and isolating themselves. After being evicted multiple times simply because of his identity as a transgender man, one interviewee said he kept to himself in his new home to avoid problems with neighbors: “I just feel [I] want to stay home.” An out gay man demonstrated a similar pattern of behavior. He was forced to move several times, and now demonstrates self-isolating tendencies: “If I have [a] place to sleep I will spend the whole day sleeping in my room even if I am not able to get food ... at least I have a place to sleep [so] there is not much problem.”¹²⁶

Another form of isolation is for SGN refugees to stay away from home in order to avoid problematic encounters with neighbors, housemates, and landlords. One gay man reported, “There are days when I come back home in the night to avoid people seeing me. Other times I reach home when they have locked me out. I then have to go back and sleep on the street because I have nowhere else to sleep.”¹²⁷

J. AGENCY IN SOCIAL NETWORKS & ACCESS TO INFORMATION SYSTEMS

Isolated from Ugandan society and ostracized by the wider refugee community, SGN refugees commonly rely on each other for emotional support and to learn survival skills:

I would request other gay refugees to support one another because ...there is nothing else we could do apart from supporting one another and not get lost, be together, talk to one another using computers, on phone, and know what is going on. While in Nakivale, I met with people who were going to play football with my friends, we used to play basketball and I met with friends who were also gay persons. We formed a group and said that we should be meeting ...to console ourselves.¹²⁸

Many SGN refugees find others like themselves from their home country fortuitously. Most information is exchanged by word-of-mouth. Through these exchanges, SGN refugees get advice about the refugee status determination process, where to obtain assistance from NGOs, and dangers of which to be aware.

Because discretion is paramount to the safety of SGN refugees, it is often difficult for them to find each other.

In the area where I’m staying I do not know people and I do not know that there is refugees or Ugandan LGBT because I do not know people around and [I’m] not used to them as I’m still new in the area – and I do not want to approach them because all the time when I’m [moving] from one place to another, people always come looking for me ...I do not want to approach anyone because I fear that they may go and report me to police and that is how I can be arrested and enter in jail.¹²⁹

“In the area where I’m staying I do not know people and I do not know that there is refugees or Ugandan LGBT because I do not know people around and [I’m] not used to them as I’m still new in the area...I do not want to approach anyone because I fear that they may go and report me to police and that is how I can be arrested and enter in jail.”

¹²² Interview with UG - L7.

¹²³ Interview with UG - G3.

¹²⁴ Interview with UG - TW2.

¹²⁵ *Id.*

¹²⁶ Interview with UG - G5.

¹²⁷ Interview with UG - G9.

¹²⁸ *Id.*

¹²⁹ Interview by ORAM with UG - G5.

From this study it was clear that most SGN refugees have telephones. However, these are often in their hands for a short period of time. Those interviewees who could afford to keep telephones often chose not to because they feared being harassed on the phone or having it stolen.

Though modern technology can be a powerful information tool for SGN refugees, the high cost of access prevents most of them from being able to use computers on a regular basis.

Though some internet access is provided by NGOs, none of the interviewees appeared to use the computer as a primary form of communication. While some interviewees reported having email accounts and Facebook, they see these largely novelties rather than as a survival tools. In addition to accessibility, operating knowledge presents another significant challenge for the use of technology within the refugee community: only a small number of the SGN refugees interviewed reported computer literacy.

VII. *Strategies for Narrowing the Protection Gaps*



Photo by Michelle Zappa
www.flickr.com/photos/michellezappa/2136887822/

The challenges facing SGN refugees in Uganda also extend to organizations seeking to provide refugee support and protection. Passage of the AHB would create an environment in which support for SGN refugee rights or SGN individuals could potentially be depicted as “promotion of homosexuality,” a criminal offense.¹³⁰ As discussed above, the AHB also criminalizes for any “person in authority” the “failure to disclose the offence” of homosexuality within twenty-four hours of discovery.¹³¹ Service providers could thus be made to choose between becoming criminals or renouncing their SGN clients to the authorities. Given this terrible choice, many will likely opt to avoid topics which could yield incriminating information. This will in turn create an environment of silence, fear, and denial across a variety of service sectors. While it is unclear what the full scope of the legislation will be, the chilling effect of the bill on service providers could be significant. If the AHB is passed into law with this provision intact, assisting SGN refugees in Uganda to overcome existing protection gaps will become significantly more difficult, as some of the activities recommended in this report could be criminalized.

Even without a law criminalizing such “promotion,” the stigmatization of SGN refugees often extends to persons working with them. In Refugee Law Project’s own experience, refugees and staff who have worked with SGN refugee clients have been exposed to verbal abuse. In some instances they have been marginalized by their own friends and family, and in other cases have been confronted with physical threats and actual attacks. As such, working on SGN issues can heighten security risks for refugee agencies and their staff. It can also create tensions with governmental and multi-lateral agencies which do not wish to be seen as supporting SGN persons.

To mitigate these phenomena, it is important to develop staff awareness and attitudes through workshops and training exercises. In particular, it is important to situate the exclusion of SGN individuals within a wider range of exclusions which often affect non-SGN persons. It is also important to ensure that issues of sexual and gender non-conformity are mainstreamed into organizational processes, such as recruitment interviews. Employment contracts and anti-discrimination policies offer further opportunities to institutionalize a culture of respect for all. The underpinnings for this environment of universal respect lie in emphasizing the indivisibility of human rights. To maintain its legitimacy, an institution based on protecting basic human rights cannot defend the basic rights of some while dismissing those of others.

¹³⁰ See Uganda: ‘Anti-Homosexuality’ Bill Threatens Liberties and Human Rights Defenders, HUMAN RIGHTS WATCH (Oct. 15, 2009), <http://www.hrw.org/en/news/2009/10/15/uganda-anti-homosexuality-bill-threatens-liberties-and-human-rights-defenders>

¹³¹ Anti-Homosexuality Bill, 2009, Parl. Bill [18] cl. 14 (Ug.).

VIII. *Discussion and Conclusions*

In Uganda, criminalization of same-sex acts, official hostility and vilification of SGN individuals, and widespread homophobia in local and refugee communities, combine to subject SGN individuals to an intensely persecutory, often violent environment. SGN refugees in Uganda are ostracized, not only as foreigners but also as SGN persons. This “double marginalization” reflects barriers and protection gaps specific to these refugees’ identities. The refugees and stakeholders interviewed for this report recounted common experiences of victimization, exclusion, and isolation imposed by the State, service providers, and local and refugee communities alike.

Despite these challenges, a concerted effort to address protection gaps for SGN refugees can significantly improve these individuals’ ability to access meaningful protection in Uganda. RLP and ORAM have developed a set of recommendations to assist NGO service providers, UNHCR, governments and other stakeholders in this endeavor. Implementing these recommendations will help bring SGN individuals closer into the fold of the international protection community, as it will lower barriers to basic refugee protections, foster integration into Ugandan society, and permit access to survival tools.



Photo by Shack Dwellers International
www.flickr.com/photos/shackdwellersinternational/605550249/

IX. *Recommendations to Refugee Stakeholders in Uganda*

This report offers key recommendations to help narrow protection gaps for SGN refugees in Uganda, emphasizing urban refugees. Our recommendations focus on three principal approaches:

- Training NGO staff and management engaged in refugee protection to be knowledgeable and sensitive about issues specifically related to SGN refugee protection;
- Forming partnerships and coalitions with organizations that are rooted in and/or focused specifically on the SGN community; and
- Utilizing comprehensive advocacy and service efforts that unite legal aid, SGN-specific health care, education and vocational training, partnerships with diverse human rights groups, and refugee support groups.

Our recommendations aim to help refugee-serving institutions and decision makers narrow the protection gaps and empower this particularly marginalized and vulnerable refugee population. Many of these recommendations are modeled after RLP’s comprehensive advocacy program in Uganda, which has succeeded demonstrably in assisting the same population.

We recommend that individuals and organizations serving SGN refugees in Uganda follow the status of the AHB closely to ensure that previously permissible assistance activities are not criminalized under the provisions banning ‘promotion of homosexuality.’ Should the AHB be enacted, new and re-thought approaches will be essential to secure provision of many essential protections to SGN refugees.

To maximize the utility of the findings, our recommendations below are directed separately to each of the stakeholders indicated.



The United Nations High Commissioner for Refugees in Uganda

- Utilize UNHCR's "mandate RSD" authority to recognize and protect SGN refugees who will not be protected by the Ugandan asylum system, or whose well-founded SGN-based claims have been rejected by the Refugee Eligibility Committee.
- Work with local NGOs to monitor SGN cases which are submitted to the Ugandan authorities.
- Collaborate with relevant organizations to create safe zones where asylum seekers and refugees can feel comfortable sharing their LGBTI identity.
- Create modes of direct access to UNHCR by SGN and other extremely vulnerable refugees.
- Develop and distribute training materials regarding claims based on sexual orientation and gender identity.
- Sensitize and train all UNHCR staff to provide sensitive and appropriate services to SGN asylum seekers and refugees. Specifically, make use of the existing *Need to Know Guidance Note 2 on Working with Lesbian, Gay, Bisexual, Transgender & Intersex Persons in Forced Displacement*.¹³²
- Expedite review of particularly vulnerable SGN cases.
- Train adjudication staff in the identification of potential SGN claims and in methods to elicit relevant testimony in a non-threatening manner.
 - Train officers to pose questions that elicit information about the refugee's identity as a SGN person.
 - Train staff on the use of the October 2011 UNHCR Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity.
- After initial trainings, regularly continue to train RSD staff on the use of appropriate interviewing techniques and protection tools.
- Train interpreters on best practices for working with SGN applicants, including issues of confidentiality, impartiality, and respect. Ensure that interpreters are aware of and employ appropriate terminology for use with SGN applicants.
- Ensure that the situation of vulnerable SGN refugees is clearly and timely conveyed to resettlement countries so that they may expedite resettlement processing to the extent possible.
- Revise intake and RSD forms to be SGN inclusive so that claims based on sexual orientation or gender identity are fully elicited and can be fully articulated.
- Mainstream SGN concerns into Protection and Gender Cluster meetings.

¹³² <http://www.unhcr.org/refworld/pdfid/4e607392.pdf>.

Service Providers in Urban Settings, including UNHCR Implementing Partners, Nongovernmental Organizations, and Independent Professionals

- Train staff on the need to provide services and assistance to all asylum seekers and refugees regardless of sexual orientation or gender identity.
- Train staff and management on the special needs and vulnerabilities of SGN refugees.
- Sensitize staff to interact appropriately and respectfully with SGN refugees.
- Implement codes of conduct that prohibit discriminatory conduct.
- Create SGN-inclusive environments by regularizing trainings and encouraging staff-dialogue around SGN issues.
- Employ visual cues that signal acceptance, and employ openly SGN-identified staff and management.
- Build coalitions and networks with other service providers assisting SGN refugees in Uganda to:
 - Strengthen educational and training efforts within local communities;
 - Build organizational capacity and bolster referral pathways; and
 - Present a unified front to government agencies for advocacy efforts.
- Share knowledge and tools with others by conducting external trainings for other service providers, implementing partners, and interested community members.
- Build partnerships with local LGBTI organizations to strengthen knowledge about SGN-friendly educational and employment opportunities, as well as the safety concerns of SGN individuals in the area.
- Build partnerships with SGN-welcoming faith-based communities to access housing, health care, and employment, as well as emotional and spiritual support during the SGN refugees' stay in Uganda.
- Disseminate knowledge about vocational trainings and SGN-friendly employment opportunities to SGN refugees and service providers.
- Conduct targeted outreach to places commonly frequented by SGN refugees to overcome the effects of isolation and fear of discrimination.
- Encourage and support SGN-led peer support groups.

Advocacy and Legal Service Organizations

- Create SGN-safe environments and welcome refugee claims based on sexual orientation and gender identity.
- Organize workshops and education opportunities for SGN refugees to learn about the laws and policies in Uganda that will affect them in while applying for RSD, including Penal Code criminalization provisions of same-sex sexual activity and refugee application procedures.
- Prepare the SGN refugee applicants for the RSD process, to discuss their sexual orientation or gender identity, and to relay their experiences of past persecution in a fluid and comfortable way.
- Teach and provide self-learning guides to appropriate and inoffensive terminology.
- Encourage applicants to be honest and forthcoming during their RSD interview and help them to better articulate their claim.
- Handle appeals for bona fide cases denied in the first instance.
- In the event of arbitrary arrest, help client to post bail.

Health Providers and Service Organizations (based on the activities of RLP's Gender & Sexuality Team)

- Provide medical and mental health services to SGN refugees in an anti-discriminatory manner.
- Train and sensitize staff on the cultural and communication barriers that prevent effective services from reaching SGN refugees.
- Disseminate and make available educational materials on the above listed health concerns in the refugees' languages.
- Offer private home visits for vulnerable SGN refugees who are unable to go to regular medical facilities.
- Provide referrals for SGN-friendly medical and psychological facilities.
- Employ psychology or counseling staff that specialize in assisting patients with PTSD, trauma, torture, and identity issues related to sexual orientation or gender identity.
- Create a safe place where SGN refugees are able to describe their experiences and feel safe pursuing counseling.
- Train health and medical professionals on physical and mental health issue of particular concern to SGN refugees, including, but not limited to:
 - STI, STD, and HIV/AIDS transmission, prevention, and treatment;
 - Emergency medical response to sexual violence, including rape;
 - Safe abortion options; and
 - Psychological effects of SGBV/P and torture.
- Encourage medical professionals to become informed regarding:
 - Hormone treatment and gender transition surgical procedures; and
 - Intersex medical conditions.

Refugee-led SGN Peer Support Groups

- Create a safe and welcoming space as a practical resource for SGN refugees to feel comfortable and secure and to help allay feelings of isolation.
- Provide emotional support and advice on how to survive in Uganda.
- Help members locate SGN-friendly service providers and subsistence assistance.
- Provide vital information about the RSD process, harms to be aware of and ways to integrate into local communities.
- Utilize existing technology and social networks to disseminate information to members, reduce isolation, and increase personal security.

Government of Uganda

- Honor commitments to protect all refugees, including those fleeing persecution due to their sexual orientation and/or gender identity.
- Create an environment that enables protection of SGN refugees by removing exclusionary laws and ensuring that all new laws meet the highest standards of inclusion.
- Work through the police to prevent, stop, and prosecute hate-based violence and abuse.
- Prevent police abuse of all refugees, including SGN persons.

Governments of “Resettlement Countries” (including the United States, Canada and Australia)

- Increase the numbers of SGN refugees accepted for resettlement.
- Implement fast-track processing of individuals who are in danger of imminent targeting or harm.
- Collaborate with local grassroots organizations to create the infrastructure for supporting SGN refugees and asylum seekers.
- Resettle SGN/LGBTI couples together.
- Strive to resettle SGN/LGBTI refugees in locations with established LGBTI communities and in jurisdictions recognizing same-sex partnership.
- Continue to train staff to work appropriately and sensitively with SGN asylum seekers and refugees.
- Where international protection is unavailable or unworkable, accept direct referrals of particularly vulnerable SGN claimants.

ABOUT ORAM

ORAM—Organization for Refuge, Asylum and Migration—is the leading agency advocating for lesbian, gay, bisexual, transgender and intersex (LGBTI) refugees worldwide. Based in San Francisco, United States, ORAM is the only international NGO that focuses exclusively on refugees and asylum seekers fleeing sexual orientation and gender identity-based violence. ORAM works to carry out its worldwide mission on multiple fronts, from direct client assistance and global advocacy to logistical support and training. Among ORAM's many groundbreaking undertakings are its comprehensive and innovative trainings and its work in the assisted resettlement of LGBTI refugees. Through these strategic activities, ORAM is expanding the international humanitarian agenda to include LGBTI persons and to secure LGBTI refugees' safety. Concurrently, ORAM advocates within a broad range of communities to encompass these refugees within their scope of protection. Informed by its intensive legal fieldwork, ORAM conducts international and domestic advocacy to protect LGBTI individuals fleeing persecution worldwide through collaboration with a wide array of NGO partners. ORAM continuously provides educators, community leaders and decision-makers with much-needed information about LGBTI refugees. ORAM's publications meld its unparalleled legal expertise with research-based insights in the social sciences and thorough knowledge of current events. These are informed by ORAM's comprehensive community-based understanding of LGBTI issues. Together these three pillars yield an unsurpassed capacity to bring about real change. As a steward and educator on LGBTI refugee issues, ORAM develops and provides targeted, culturally competent trainings for refugee protection professionals, adjudicators, and other stakeholders worldwide. This report is intended to inform such trainings.



Learn more about ORAM's life-saving work at www.oraminternational.org

ABOUT REFUGEE LAW PROJECT

The Refugee Law Project (RLP) seeks to empower asylum seekers, refugees, deportees, IDPs and host communities to enjoy their human rights and lead dignified lives. Based in Uganda, at the heart of the Great Lakes region, RLP provides legal aid and psychosocial support to a host of refugees from across the region, as well as the Horn of Africa. In addition to its day-to-day work with unaccompanied minors, survivors of torture, refugees with disabilities, and women victims of Sexual and Gender Based Violence, RLP is currently one of the only African organizations working explicitly on LGBTI asylum issues, as well as one of the first in the world to work with and widely advocate for men and boy victims of sexual violence in conflict and asylum settings. RLP achieves both domestic and global impact through combining its practical experience of working with refugees with extensive training of duty bearers, and innovative research and advocacy. Since 2009 it has built a reputation for its cutting-edge video work, which is used for mobilizing debate at community level, challenging thinking in policy debates, and informing the training of a wide range of refugee stakeholders. Major examples include the award winning 'Gender Against Men' (2009), 'Getting Out' – a key documentary on LGBTI asylum launched in 2011, 'Untreated Wounds', and 'They Slept With Me'. RLP's Director, Dr. Chris Dolan, has worked closely with SGN refugees living in Uganda since 2001, and has been closely involved in Uganda's Civil Society Coalition on Human Rights and Constitutional Law since its inception in 2009.



Learn more about how RLP changes thinking at www.refugeelawproject.org