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Re-Thinking Protection for LGBTI Refugees in Kampala, Uganda: A Relational, Trust-Based Approach

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ABSTRACT

This article problematises protection for lesbian, gay, bisexual, transgender, and intersex (LGBTI) refugees in contexts of state-condoned persecution against this group. Based on ethnographic evidence from Kampala, Uganda, we draw attention to the homogenising tendencies of centralised protection systems in cities in the global south, which are primarily centred on nationality-based communities. We examine the processes of social exclusion that limit the involvement of LGBTI refugees from the Great Lakes Region in such communities, de facto placing them outside the parameters of institutional refugee protection. We then focus on their relational experiences of protection and safety within the office of an LGBTI support group in Kampala and argue for a micro-level approach that considers how LGBTI refugee protection is grounded in the geopolitics of the everyday. Our findings underscore the limitations of institutional policy and practice, which continues to overlook the protection gap that exists for LGBTI persons within the refugee population in Uganda. In order to remedy this protection gap, we suggest that a critical reconsideration is needed of the participatory spaces and cooperation between LGBTI refugee-led advocates and refugee serving institutions and decision-makers.

KEYWORDS: refugees, protection, humanitarianism, trust, cities, LGBTI

1. INTRODUCTION

Over 67 countries worldwide criminalise same-sex sexual activity or "promotion" of such activity.[1] Within these countries, there are differences not only in the provision of effective institutional protection against LGBTI-based persecution, but also in the willingness and ability to provide asylum to lesbian, gay, bisexual, transgender, and intersex

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1 International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State-Sponsored Homophobia 2020: Global Legislation Overview Update*, Geneva, International Lesbian Gay Bisexual Trans and Intersex Association, 2020.

(LGBTI) persons.[2] However, despite the close connection between the criminalisation of LGBTI persons and the opportunities afforded to them as asylum seekers, the experiences of LGBTI refugees in contexts of state-condoned persecution remain underresearched.

In this article, we use the term LGBTI as an umbrella for individuals of non-heterosexual orientations (lesbian, gay, bi-sexual) and non-conforming gender identities (trans or intersex). This choice is justified by our interlocutors referring to themselves as either LGBT or LGBTI. We problematise international refugee protection, with its institutional and legal basis in the 1951 United Nations Convention Relating to the Status of Refugees, and international human rights law, for LGBTI refugees in Uganda. Our findings build upon earlier research and are especially inspired by a special issue of this journal devoted to the anomalous classes of non-nationals who are deemed "undesirable" by host states, whilst also being "unreturnable."[3] Evidence from Australia,[4] Canada,[5] France,[6] Greece,[7] India,[8] the Netherlands,[9] Turkey,[10] and the United Kingdom[11] illustrates a variety of reasons for which refugees may be criminalised or deemed as posing a threat to public policy, *de facto* becoming barred from the rule of law. While these case studies deal predominantly with social and political exclusion of refugee sub-groups in the global north, we draw attention to the severity of similar situations in the global south. Specifically, we explore the thorny question of LGBTI refugees, and the inability of the United Nations High Commissioner for Refugees (UNHCR) to implement a protection strategy for LGBTI refugees in contexts of state-condoned LGBTI-based persecution.

Our article draws on ethnographic research carried out between January and March 2020 in the capital city of Uganda, Kampala. We examine the understandings and experiences that members of a Kampala-based refugee-led support group for LGBTI persons have of protection. We take an emic approach to LGBTI refugee protection that grasps how discriminatory macro-level socio-political processes influence protection for this sub-group at the micro level of quotidian life in a city of the

2 A. Vitikainen, "LGBT Rights and Refugees: A Case for Prioritizing LGBT Status in Refugee Admissions", *Ethics & Global Politics*, 13(1), 2020, 64–78.

3 D. J. Cantor, J. van Wijk, S. Singer & M. P. Bolhuis, "The Emperor's New Clothing: National Responses to 'Undesirable and Unreturnable' Aliens Under Asylum and Immigration Law", *Refugee Survey Quarterly*, 36, 2017, 1–8.

4 S. Juss, "Detention and Delusion in Australia's Kafkaesque Refugee Law", *Refugee Survey Quarterly*, 36, 2017, 146–167.

5 J. Bond, "Unwanted but Unremovable: Canada's Treatment of 'Criminal' Migrants Who Cannot be Removed", *Refugee Survey Quarterly*, 36, 2017, 168–186.

6 C. Peyronnet, "Undesirable and Unreturnable Migrants under French Law: Between Legal Uncertainty and Legal Limbo", *Refugee Survey Quarterly*, 36, 2017, 35–60.

7 E. Koutsouraki, "The Indefinite Detention of Undesirable and Unreturnable Third-Country Nationals in Greece", *Refugee Survey Quarterly*, 36, 2017, 85–106.

8 S. P. Kodiyath & S. P. Veetil, "Invisible People: Suspected LTTE Members in the Special Refugee Camps of Tamil Nadu", *Refugee Survey Quarterly*, 36, 2017, 126–145.

9 M. P. Bolhuis, H. Battjes & J. van Wijk, "Undesirable but Unreturnable Migrants in the Netherlands", *Refugee Survey Quarterly*, 36, 2017, 61–84.

10 D. Doğar, "Against All Odds: Turkey's Response to 'Undesirable but Unreturnable' Asylum-Seekers", *Refugee Survey Quarterly*, 36, 2017, 107–125.

11 S. Singer, "'Undesirable but Unreturnable' in the United Kingdom", *Refugee Survey Quarterly*, 36, 2017, 9–34.

global south. We draw attention to the significance of social and institutional mistrust among LGBTI refugees in Kampala and argue for a relational approach to the protection of this particular sub-group that is centred on the role of (mis)trust in the establishment of meaningful community structures where members experience a sense of protection and security.

Our analysis proceeds in stages. In the next section, we provide some background information that underscores the significance of urban refugees in the global south as a case study. In these contexts, we argue, the risks of exclusion from the rule of law for certain groups – as the case of LGBTI refugees shows – is particularly exacerbated and an approach based on trust and mis-trust is especially beneficial to understand the mechanisms leading to these exclusions as well as the strategies used by individuals to deal with them in the everyday. We then provide an overview of the methodological approach of the study, including the data collection methods used, the positionality of the researcher, and important ethical considerations. In Section 4, against refugees' tendency to spontaneously organise themselves along the lines of nationality-based communities in Kampala, we examine LGBTI refugees' mistrust of these communities and the processes of social exclusion limiting their access to protection that membership in them supposedly provides. In Section 5, we highlight the homogenising tendencies of centralised protection systems, often based on nationality-based communities, and we examine how macro socio-political forces end up placing LGBTI refugees outside the parameters of institutional refugee protection. In Section 6, we examine how protection is constructed by LGBTI refugees at the micro level in the shared office space of the support group. Here, relational experiences of protection and safety are defined on the one hand by risk, and on the other hand by trust.

2. BACKGROUND

The Ugandan Anti-Homosexuality Bill (AHB), first introduced to the Ugandan parliament in 2009 and eventually struck down by the constitutional court in 2014, caused international controversy and "set new precedents and institutionalised new forms of global governmentality in relation to LGBTI rights."[12]

The AHB attempted to intensify and expand on prohibitions established under Sections 145 and 146 of the Uganda Penal Code Act 1950, much of which is an inheritance of colonial-era anti-sodomy laws. Following the passage of the AHB, which gave a "green light for discrimination and abuse," thousands of LGBTI Ugandan's sought safety and asylum in neighbouring East African countries – in particular Kenya – putting pressure on international donors, local organisations, and refugee service providers to respond to their vulnerabilities and needs.[13]

Humanitarian responses to LGBTI forced migration in East Africa are however complicated by the fact that there is not only an outflow of LGBTI refugees from Uganda; there is also an inflow from other countries in the Great Lakes Region. In Burundi, same-sex sexual acts are also illegal, and in the DRC and Rwanda, although

12 R. Rahul, *Out of Time: The Queer Politics of Postcoloniality*, Oxford, Oxford University Press, 2020, 10.

13 G. Zomorodi, "Responding to LGBT Forced Migration in East Africa", *Forced Migration Review*, 52, 2016, 91–93.

same-sex sexual acts have never been criminalised, there is no constitutional protection for LGBTI persons, or protection against discrimination in employment, hate crimes, and incitement.[14] Similar to LGBTI Ugandans, LGBTI persons from the DRC, Burundi, and Rwanda experience severe societal discrimination which leads them to seek refuge elsewhere.

The presence of LGBTI refugees from the Great Lakes Region in Uganda, given the active criminalisation of LGBTI people and the varying levels of social exclusion and physical threat facing LGBTI persons, is therefore a particularity of the country and forms the background for this article. Very few countries like Uganda are both refugee producing and refugee receiving for the same population group.

The restrictive legal and social environment in Uganda engenders a dangerous protection gap for LGBTI refugees seeking international protection under the auspices of the UNHCR. Although the Uganda Refugees Act of 2006 provides refugees who choose to move to urban areas rather than remaining in rural settlements with the right to freedom of movement and work, they are not eligible for practical assistance and are expected to be self-reliant.[15] For LGBTI refugees, many of whom are forced to leave the Ugandan settlements to escape from persecution by other refugees, urban centres not only lack practical assistance, but also involve a risk of abuses by state and non-state actors, barriers to accessing important services, and societal discrimination, exclusion, and marginalisation.

This article seeks to expand current knowledge about LGBTI refugees living in cities in three ways. First, while programmes in cities differ in focus, protection is conceived, planned, and implemented institutionally. Centred on the role of humanitarian actors, institutional conceptualisations exclude the perspectives of affected populations.[16] Focusing on conceptualisations of protection as proposed by refugees in their discourses and everyday practices "means recognising refugees not as passive receivers of protection, but rather as active providers and theorists of it."[17] Refugees are resilient and protection activities should be designed with them not on their behalf.[18] Incorporating their perspectives, priorities, and realities allows for this participation, and protection should be defined not only in terms of safety, dignity, integrity, and rights, but also through empowerment.[19]

Secondly, there is a need to better understand how urban environments in the global south especially exacerbate vulnerabilities for different groups and, particularly, how institutional concepts like protection, self-reliance, and resilience are challenged

14 International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State-Sponsored Homophobia 2020: Global Legislation Overview Update.*

15 Organisation for Refuge, Asylum and Migration (ORAM), *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*, Minneapolis, ORAM, 2013, 4.

16 S. Addison, *Protecting People in Conflict and Crisis: Responding to the Challenges of a Changing World*, Oxford, Refugee Studies Centre, 2009, available at: https://www.rsc.ox.ac.uk/files/files-1/er-protecting-people-conflict-2009.pdf (last visited 21 Mar. 2021).

17 E. Lyytinen, *Spaces of Trust and Mistrust: Congolese Refugees, Institutions and Protection in Kampala, Uganda*, PhD Diss., Oxford, University of Oxford, 2013, 48.

18 *Ibid.*, 48.

19 H. Slim & A. Bonwick, *Protection. An ALNAP Guide for Humanitarian Agencies*, London, Overseas Development Institute, 2005.

by the constitution of urban space and associated power relations.[20] Disparities in the provision of protection and assistance between groups are intertwined with legal, economic, and social concerns that interact with the spatial dynamics of a city. Recent work in political geography has shown how undesirable populations are policed[21] and how politics of identity drives practices of spatial exclusion for refugees and impoverished migrants.[22]

Thirdly, from the above, we derive a need for multi-scalar approaches to refugees' experiences of urban space, and particularly for micro-scale analysis.[23] For instance, Nah[24] highlights different urban locations in Kuala Lumpur, the Klang Valley, and Penang that are sites of particular activities for refugees and that they thus imbue with meaning. In Uganda, Sandvik[25] examines the spatial aspect of refugee protection, finding "refugees' experiences of rejection and mistreatment as physical mappings of Kampala, in which the creation and closure of urban spaces give meaning to the idea of 'protection space' and urban refugeehood." Lyytinen[26] shows how Congolese refugees' sense of place in Kampala is characterised by insecurity and social mistrust of the Ugandan Other, which manifests at the micro level (in shelters and neighbourhoods), and at the meso level (outside the city's residential areas).

Drawing from these pieces, we suggest that a "micro-scale" analysis provides a more nuanced understanding of the concept of protection. We explore how protection for LGBTI refugees is grounded in the geopolitics of the everyday, examining the significance of specific urban locations for this group and how they attach meaning to space, and transform 'space' into 'place' – a locality imbued with emotional attachment.[27] We focus on the office of the support group, a *de facto* shelter for otherwise homeless LGBTI refugees, and an important social space for LGBTI community members in Kampala.

We are inspired by a framework developed by Jabareen and Carmon[28] in the context of Gaza, where they define a *community of trust* as "a socio spatial setting in which substantial relationships of trust among people exist, and in which people feel sheltered and safe because they do not perceive other community members as posing them a risk." We apply this framework to study the dialectical relationship between the risks faced by LGBTI refugees in Kampala, and the trust-based relationships they establish when socialising or living within the support group office.

20 *Ibid.*, 169.

21 A. Prakash, "The Capital City: Discursive Dissonance of Law and Policy", in A. Prakash, I. Dey & M. Kumar (eds.), *Rural Migrants and the Urban Poor-III: Migration and the Urban Question in Delhi*, Calcutta, Mahanirban Calcutta Research Group, 2016, 1–20.

22 Field, Dutt Tiwar & Mookherjee, "Self-reliance as a Concept and a Spatial Practice for Urban Refugees", *Journal of Refugee Studies*, 33, 2019, 169.

23 A. Nah, "Refugees and Space in Urban Areas in Malaysia", *Forced Migration Review*, 34, 2010, 29–31; Sandvik, "Negotiating the Humanitarian Past", *Refugee Survey Quarterly*, 31, 2012, 108–122; Lyytinen, *Spaces of Trust and Mistrust*, 181.

24 A. Nah, "Refugees and Space in Urban Areas in Malaysia".

25 Sandvik, "Negotiating the Humanitarian Past", 108.

26 Lyytinen, *Spaces of Trust and Mistrust*, 181.

27 S.M. Low & D. Lawrence-Zuniga, *The Anthropology of Space and Place. Locating Culture*, Oxford, Blackwell Publishing, 2003, 13.

28 Y. Jabareen & N. Carmon, "Community of Trust: A Socio-Cultural Approach for Community Planning and the Case of Gaza", *Habitat International*, 34(4), 2010, 446–453.

Our analysis includes particularised social trust among networks of LGBTI refugees characterised by interdependency and mutual loyalty (intra-community), generalised social (mis)trust between refugees unfamiliar with one another and with Ugandans (inter-community), and institutional (mis)trust between refugee communities and protection institutions, as well as the Ugandan authorities.[29] We suggest the dynamic relationship between macro scales of social systems and structures, meso scales of communities and organisations, and micro scales of individual actions, each of which we explore separately in the sections that follow, are central to LGBTI refugees' lived experiences of protection in Kampala.

3. METHODOLOGY

This article draws on ethnographic data collected for a master's thesis by David between January and March 2020 in the capital city of Uganda, Kampala, and discussions with Giulia about the contributions these data bring to the field of refugee studies.

Primary data was collected from LGBTI refugees associated with the LGBTI refugee community in Kampala, as well as from refugees associated with nationality-based refugee communities in Kampala, including the DRC, Burundi, Somalia, Sudan, South Sudan, and Eritrea. The LGBTI refugees involved in this study originate from the Great Lakes Region, primarily the DRC, but also Burundi and Rwanda, and include thirteen men and one woman aged 18–35. A snowballing sampling method was used via a "gatekeeper" who lived at the office of the Kampala-based refugee-led support group for LGBTI persons.

Multiple data collection methods were employed, including semi-structured interviews, focus group discussions, and observations. The design aimed for understandings to emerge interactively through generating the questions and data together with an analysis of the findings. Working with different community members allowed for an understanding of a range of individual journeys as well as the dynamics of the group. Key questions and concepts for exploration were developed according to the perspectives of LGBTI community members, and transcripts from the individual interviews and focus group discussions were cross-checked with the interviewer's fieldwork notes and coded for analysis.

Individual interviews and focus group discussions required the assistance of a bilingual community member who translated from English to Kiswahili and vice versa. The individual interviews centred on narratives of flight, travel, and arrival to Kampala; experiences of discrimination living in the city, from Ugandan authorities, other refugees, and the host population; and the importance of inter-personal relationships between community members. The focus group discussions elaborated on many of the issues emerging from the analysis of the individual interviews, for instance, the communal understandings LGBTI refugees have of their own and other communities. Observations of events, as well as within shelters and neighbourhoods,

29 F. Welter & A. Nadezhda, "Researching Trust in Different Cultures", in G. Möllering, F. Lyon & M. Saunders (eds.), *Handbook of Research Methods on Trust*, Cheltenham, Edward Elgar Publishing, 2012, 50–60.

provided data on the nature and significance of everyday life in communities, particularly the embedding of social relations within particular places.

During the research process, the first author's situated knowledge as a white British, cis-gendered heterosexual male became increasingly apparent.[30] Given the politics of gender and sexuality in Europe, caution was necessary when interpreting LGBTI narratives in Uganda. As Marnell, Oliveira, and Hoosain Khan[31] highlight, the influence of ethnocentric and highly privileged definitions of sexual orientation and gendered identity mean "researchers risk reinforcing hegemonic narratives of 'freedom' and 'liberation', or reducing individuals with complex lives to stock characters." An awareness of this situatedness was crucial to the research process, allowing for a greater understanding of interlocutors' experiences as LGBTI refugees without the imposition of taken-for-granted assumptions.

Ethical considerations were also important whenever there was some level of enquiry into painful experiences, particularly the retelling of persecution and (sexual) violence. When discussing traumatic subjects or events, it was important to keep the interlocutor's well-being as the primary concern and to avoid causing undue emotional distress. If it was clear that an interlocutor was no longer comfortable with the interview process, or that it was causing them distress, the interview was immediately discontinued. For the most part, although the interviews and focus group discussions often touched upon issues that were very sensitive for interlocutors, giving voice to pain seemed to be a part of overcoming trauma and making sense of their experiences.[32] Obtaining informed consent ensured that only those who believed themselves to be willing and able to participate in the study were interviewed.

Given the precarious legal position of many LGBTI refugees in Uganda, for the sake of anonymity all individuals referred to in this article have been given pseudonyms. While we acknowledge that the research data presented here may contain information that introduces an element of risk for interlocutors, in line with their wishes to have their stories heard we decided to present them in full.

4. RELATIONAL PROTECTION: MESO-LEVEL (MIS)TRUST BETWEEN AND WITHIN COMMUNITIES

For many urban refugees in the global south and, specifically, for many urban refugees in Kampala, hardships are often perceived in both material and social terms. They have difficulties, for instance, finding employment, meeting basic needs, and surviving. Nonetheless, they also experience discrimination from Ugandan nationals, with whom they have an equivocal relationship of mistrust. Shared perceptions of discrimination from Ugandans due to being Congolese, Somali, or Sudanese, etc. are

30 D. Haraway, "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective", *Feminist Studies*, 14(3), 1988, 575–599.

31 J. Marnell, E. Oliveira & G. Hoosain Khan, "'It's About Being Safe and Free To Be Who You Are': Exploring the Lived Experiences of Queer Migrants, Refugees and Asylum Seekers in South Africa", *Sexualities*, 24(1–2), 2020, 86–110.

32 C. Coulter, *Bush Wives and Girl Soldiers: Women's Lives Through War and Peace in Sierra Leone*, London, Cornell University Press, 2009.

why refugees establish and join communities. Shared perceptions of discrimination unify members, encouraging trust-based relationships.[33]

The communities that refugees form in Kampala are often defined by shared nationality, a characteristic of community networks based on bonding social capital.[34] Participation in nationality-based communities provides valuable access to resources, acting as "informal safety nets that draw support from kinship, neighbors and friends, based on reciprocity and solidarity, and include material and emotional support."[35] Building relationships with the host community in the city is however also necessary for refugees to get ahead. Bridging social capital – which allows urban refugees to surpass boundaries formed by ethnicity, nationality, or religion – is crucial for long-term economic advancement.[36]

Why refugees choose to join or not to join communities, and time spent in communities during daily life, are indicative of the importance of informal protection received through social relations and group membership. Daily life practices include the "everyday behaviour and interaction, such as shared leisure activities or the mutual provision of assistance to others in the same local space."[37] It cannot be assumed, however, that having a supportive community is achievable for all refugees, or that members of different communities have a homogenous experience of what belonging to a community means. Daily life practices and the significance of communities vary according to refugees' living situation, marital status, employment, gender and/or sexuality, length of stay in Kampala, reasons for flight, and their consequent sense of social trust.[38]

LGBTI refugees originating from the Great Lakes Region, namely Francophone countries like the DRC, Burundi, and Rwanda, perceive sexuality and gender identity to be a significant social boundary separating them from refugee communities over and above ethnicity, physical appearance, language, or place of origin.[39] The ostracism that LGBTI refugees from these countries commonly perceive is intertwined with a sense of being Othered. Feelings of being discriminated against increase their level of mistrust of refugee communities. This mistrust is central in the physical and psychological insecurity that characterises the experiences of protection of LGBTI refugees in Kampala. The following fieldnotes excerpt about Mwikiza, an LGBTI refugee and member of the support group, is exemplary of how social exclusions and resulting differences in individual and collective community affiliations take place in everyday life:

> I run into Mwikiza at the Congolese Refugee Community in Uganda Women's Day event in Nsambya. Mwikiza is doing media for the event, recording the

33 Jabareen & Carmon, "Community of Trust", 448.

34 E. Lyytinen & J. Kullenberg, *Urban Refugee Research and Social Capital: A Roundtable Report and Literature Review*, New York, International Rescue Committee/Women's Refugee Commission, 2013.

35 *Ibid.*, 21.

36 *Ibid.*, 22.

37 Jabareen & Carmon, "Community of Trust", 448.

38 Lyytinen, *Spaces of Trust and Mistrust*, 282.

39 R. Lemarchand, "The Geopolitics of the Great Lakes Crisis", in F. Reyntjens & S. Marysse (eds.), *L'Afrique des Grands Lacs: Dix Ans de Transitions Conflictuelles, Annuaire 2005-2006*, Oxford, Oxford University Press, 2006, 25–46.

> music, dance and drama performances with his Congolese friend and colleague Meshack. Unable to hear each other over the loudspeaker, we go to a quieter area to the side of the main office building. With Meshack translating, Mwikiza describes "two communities", saying that "this is for all people, the one for [LGBTI persons] is particular". He tells me that he "don't feel comfortable among these kind of people [...] there are people that will disturb you". Mwikiza refers to Meshack trustingly as his "bodyguard". In turn, Meshack tells me "I'm really close to him, I don't mind about that", and describes his family's qualms with their friendship, contrasting their beliefs with his own. "Even my relatives they say at home, 'why are you walking with this guy?' I think different, I take him as a person, as a human being". Mwikiza, who used to live in the office of the support group but has since left, tells me that he visits the office regularly to socialise with other LGBTI persons and reduce "stress". *Stress* is a metaphor among LGBTI community members for the pervasive experiences of discrimination that are central to their experiences of everyday life in Kampala. As he later narrates referring to today's event, "when I started passing, getting in, people asking each other, is this a trans, is this a woman, or a boy behave like a woman".

Mwikiza shows how for LGBTI refugees involved in this study, "being recognisably homosexual ... is often framed by heteronormative assumptions of wanting to be a woman or of being not a boy but looking like a girl, of being not a man and therefore less than a man but never actually being a woman."[40] Heteronormative assumptions based on social appearance are a central element in "prediscursive and nonverbal interaction."[41] People use visual cues to determine the identities of LGBTI persons "before any words are spoken."[42]

The recognition of LGBTI persons by other refugees allows for naming, which marks that person as unwelcome or out of place and results in their marginalisation.[43] A further consequence of this hyper-visibility "is that once the distance from the norm ... becomes notable in hostile environments, the individuals identified as deviant become vulnerable to different forms of violence"[44] This includes overt harassment, verbal abuse, and even physical violence.

To cope with an often-overwhelming sense of fear and mistrust of the refugee Other, many LGBTI refugees dissociate from fellow nationals and reduce the frequency of situations involving persons from these communities. These strategies of self-exclusion show how, besides using the physicality of the city, they attempt to navigate social spaces of mistrust within everyday life in Kampala.

40 B. Camminga, *Transgender Refugees and the Imagined South Africa: Bodies over Borders and Borders over Bodies*, London, Palgrave MacMillan, 2019, 139.

41 D. Hutson, "Standing OUT/Fitting IN: Identity, Appearance, and Authenticity in Gay and Lesbian Communities", *Symbolic Interaction*, 33(2), 2010, 214.

42 *Ibid.*, 214.

43 Camminga, *Transgender Refugees and the Imagined South Africa: Bodies over Borders and Borders over Bodies*, 137.

44 A. Moreno, "Open Space: The Politics of Visibility GLTTTBI Movement in Argentina", *Feminist Review*, 89(4), 2008, 138–143.

For LGBTI refugees from the DRC, Burundi, and Rwanda, personal relationships and social networks of particularised trust are often limited to those who share their sexuality or gender orientation. However, LGBTI identity-based solidarity is not unbounded, and the absence of LGBTI refugees from Sudan, South Sudan, Somalia, Ethiopia, or Eritrea in the LGBTI refugee community in Kampala indicates that ethnicity, physical appearance, language, and place of origin remain significant factors in determining communal relations for LGBTI persons in exile.

Despite this, LGBTI refugee community members from DRC, Burundi, and Rwanda repeatedly emphasise the inclusiveness of the support group as the only community where they are accepted due to their distinct background, as highlighted by Darifa, a young Burundian woman and vocal member of the LGBTI community:

> What I can tell you, the difference between we and those community, here you find yourself, because we fall in one, because of our sexual orientation, we don't call it tribes, but we call each other the same, because we fall of us in one umbrella of LGBT, rainbow, we don't discriminate these are Burundian, these are Congolese, this no, we are always together.

As the *thick* trust between LGBTI refugees and the *thin* trust with other refugees shows, bonding capital within the LGBTI community is relatively strong, whereas bridging capital is relatively weak.[45] This divide highlights that not all community-driven action is positive: social exclusions and social mistrust draw attention to horizontal inequalities between refugee communities, which prevent marginalised refugees from having access to the same level of social support as members of nationality-based communities.[46]

Against this reality, a singular homogenous exile community continues to be the protection ideal of institutions.[47] In 2020, the UNHCR in Kampala started a new plan for community-based protection based on its Policy on Refugee Protection and Solutions in Urban Areas.[48] This involved reaching out to refugees' community structures in the city, particularly communities based on shared nationality, supposedly to get them more involved in issues affecting their lives. Information sharing sessions were carried out between institutional representatives and members of refugee communities.

The 2009 Urban Refugee Policy has been praised for its extensive definition of diversity,[49] as it "recognizes that the different groups to be found within any refugee population have varying interests, needs, capacities and vulnerabilities, and seeks to ensure that these are taken into full account in the design of UNHCR

45 Lyytinen & Kullenberg, *Urban Refugee Research and Social Capital*, 20.

46 Women's Refugee Commission (WRC), *No Place to Go but Up: Urban Refugees in Johannesburg, South Africa*, New York, WRC, 2011.

47 United Nations High Commissioner for Refugees (UNHCR), *A Community-Based Approach in UNHCR Operations*, Geneva, UNHCR, 2008.

48 United Nations High Commissioner for Refugees (UNHCR), *UNHCR Policy on Refugee Protection and Solutions in Urban Areas*, Geneva, UNHCR, 2009.

49 C. Dolan, "Letting Go of the Gender Binary: Charting New Pathways for Humanitarian Interventions on Gender-Based Violence", *International Review of the Red Cross*, 96(894), 2014, 485–501.

programmes."[50] In Uganda, the UNHCR has shown an increasing concern with how gender and diversity considerations impact on refugee protection in the country. For instance, the UNHCR's 2019–2020 Uganda Country Refugee Response Plan[51] highlights prevention and response to sexual and gender-based violence (SGBV) as a priority outcome for its refugee protection planning and programming. However, despite these intentions, it is clear that in practice community-based protection programming in cities centres on humanitarian actors reaching out to nationality-based communities, which implicitly excludes communities defined by other characteristics and exacerbates disparities in protection for LGBTI persons within the refugee population.

The Organisation for Refuge, Asylum and Migration (ORAM)'s 'Blind Alleys' report[52] on sexually and gender non-conforming (SGN) refugees in Uganda, has highlighted how "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." One of the specific recommendations ORAM make is the creation of modes of direct access to UNHCR by LGBTI and other extremely vulnerable refugees. This includes, for instance, targeted outreach to places commonly frequented by LGBTI refugees, "to overcome the effects of isolation and fear of discrimination."[53] However, according to LGBTI refugee community members in Kampala, their main contact with the UNHCR occurs only once a year in the form of a visitation to the support group office by an institutional representative. It is therefore unclear what the UNHCR has done since this report was published to significantly improve direct access for LGBTI refugee community members in Kampala. In this section, we have provided an example of how LGBTI refugees originating from the Great Lakes Region experience various forms of everyday exclusion that hinder their access to the support provided by membership in nationality-based communities. Understanding these dynamics is important, as the way in which they are experienced by LGBTI refugees questions the value, for them, of community-based protection on which institutional interventions in cities are commonly based. We argue that to ensure more adequate and inclusive policy and practice and meet its own stated objectives, the UNHCR needs to update its protection programming in cities so that it encourages and supports LGBTI refugees residing in these environments better than it has done previously. LGBTI refugees' exclusion from nationality-based communities also sets the basis for understanding how social and institutional discrimination, which we discuss next, shapes collective narratives within the LGBTI refugee community in Kampala.

50 United Nations High Commissioner for Refugees (UNHCR), *UNHCR Policy on Refugee Protection and Solutions in Urban Areas*, 7.

51 United Nations High Commissioner for Refugees (UNHCR), *Uganda Country Refugee Response Plan: The Integrated Response Plan for Refugees from South Sudan, Burundi and the Democratic Republic of Congo. January 2019-December 2020*, Geneva, UNHCR, 2020.

52 Organisation for Refuge, Asylum and Migration (ORAM), *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*, 19.

53 Organisation for Refuge Asylum and Migration (ORAM), *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*, 21.

5. SOCIAL AND INSTITUTIONAL DISCRIMINATION AS SOURCES OF MESO AND MACRO SCALE MISTRUST

Individually experienced persecution not only occurs during LGBTI refugees' everyday lives in Kampala but is also apparent in the evolving contexts of flight and in their travel stories. Embedded in life experiences, difficulties in trusting others manifest as an assemblage of *relational trends* that stretch across the exilic journey.[54] A hostile societal and cultural context provides the setting for flight, and discriminatory beliefs and attitudes are often experienced from childhood. One young Congolese man called Mamadou described flight from the Congo as a "war of being discriminated." For Mamadou, the deterioration of parental relationships and a rift in the family preceded ostracism from the community. His flight from Goma across the border into Uganda was driven by a scale of insecurity that was intertwined with particularised social mistrust in family and community members.

Similar to the other LGBTI refugees involved in this study, Mamadou's decision to come to Uganda was one of pragmatism and necessity. The border between the DRC and Uganda offered the prospect of an escape from ongoing persecution in Goma. Mamadou seems to have had little idea of what his prospects would be as an LGBTI refugee in Uganda. His traumatic testimony, alongside the testimonies of other LGBTI refugees in Uganda, shows that oppression is embodied in experience and rooted in the precarious geographies that LGBTI refugees occupy, with the threat of violence and discrimination following them across borders. This is vividly illustrated by Mamadou, Krava, Yvan, and Dieudonne's story of being subjected to secondary displacement from Nakivale refugee settlement in southwest Uganda. After they became known as LGBTI persons to the refugee community there, or in Krava's case after their mere affiliation with LGBTI persons became known, they were forced to flee and sought shelter at the support group office in Kampala.

> Sat in a small passage *cum* lounge area in the office, I first hear from Mamadou, Dieudonne, Krava and Yvan the full story of their displacement from Nakivale. With a certain urgency characteristic of one telling a story that they feel needs to be heard, Mamadou recounts the consequences of the High Imam's public declaration of their sexual orientations to the refugee community in the camp, which was done by microphone and during prayer time at the mosque. "They came at that night, coming trying to come to kill us, that's how we came to run. So we are staying together. And then they wanted also to kill us saying that she's (Krava) the one keeping the homosexual, she's protecting homosexual people, promoting homosexual in the camp. And also they reported to the police, telling them that there is homosexuals in the camp. By the time they came to look for us, the house they've burned so, we had to run, with her [indicating Krava] and with the others [Dieudonne and Yvan], that's how we came to come up to Kampala."

54 Marnell, Oliveira & Hoosain Khan, "'It's About Being Safe and Free to Be Who You Are': Exploring the Lived Experiences of Queer Migrants, Refugees and Asylum Seekers in South Africa", *Sexualities*, 86–110.

As can be seen, it is not just the case that LGBTI refugees are prevented from having the benefits of their compatriot's support; other refugees also represent additional risk to their safety. The nature of communications within refugee communities means that "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 asylum, particularly because they are only one part of a larger exodus from the country of origin. Shaming and harassment follow them, carried along with the countries other refugees."[55]

Mamadou also produced an official letter signed by the High Imam and addressed to the local police station, the Hijra, the UNHCR, the President of Nakivale camp and all Nakivale mosques, and the Commandant and Deputy Commandant of the settlement, who represent the Office of the Prime Minister within the Ugandan government. In the letter, the High Imam declares:

> We are here by telling you that these people mentioned above are put away and eliminated to pray in all mosques, to the ground of Idil and for whatever kind of Islam ceremony. The behavior of being lesbian and gay is not allowed in our religion reason why we remove them from all Islamic affairs. Whenever we meet with them don't greet them and don't respond their greetings. They will handle themselves their problems. For the good of ALLAH we have to discriminated them from our Muslim members.

This letter was kept by Mamadou as material evidence of the perceived injustice of their experiences. The letter serves as a manifestation of *voice*, or more accurately of *voicelessness* and marginality. Along with other material evidence the first author was shown, which included a photograph of Krava's house after it had been destroyed, these items have a purposive function in creating a case with refugee serving institutions, or indeed any external actor, for a special victimhood which deserves attention over and above other refugees.

While LGBTI refugees come to Kampala to be inconspicuous, the city is by no means safer or less precarious. As another community member and former resident of the Nakivale settlement named Egbeble stated, "the situation is the same as in the camp." Although LGBTI community members avoid contact with other refugees as much as possible, significant hazards remain in their everyday lives. Many of these hazards, which affect relations with the host population and Ugandan authorities, are related to the (il)legality of homosexuality in Uganda and hostile cultural beliefs towards LGBTI persons and affect LGBTI Ugandan's as well. The socio-political climate in Uganda contributes to the low status of all LGBTI persons within society and to their low social capital.[56]

Importantly, however, although LGBTI Ugandan's are subject to the same violations and abuses as LGBTI refugees, the vulnerability of LGBTI refugees is further

55 Organisation for Refuge, Asylum and Migration (ORAM), *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*, 15.

56 Women's Refugee Commission (WRC), *Bright Lights, Big City. Urban Refugees Struggle to Make a Living in New Delhi*, New York, WRC, 2011.

aggravated by the precarity of their legal status. The illegality of homosexuality and the politics of LGBTI identity prevents LGBTI refugees from obtaining refugee status because their narrative of persecution due to gender identity and/or sexual orientation is rendered obsolete by Ugandan law. For example, Dieudonne has been denied refugee status ever since his arrival in the city, despite the intervention of a protection officer from the UNHCR on his behalf. With anguish he recounts the discrimination he experienced from police officers at Old Kampala police station, where he went to begin the Refugee Status Determination (RSD) process after his arrival:

> They abused me in public. They are like "are you a boy or a girl?" And then I told them that "I am a boy; I am a boy". Then they are like "why do you wear all this? Why do you want to look like girls?" I told them the story what happened, the reason why I moved from my country, the reason why I moved to Congo, coming this way, I gave them the reason, then they are like, "hey, these are the people we don't know yet."

Dieudonne's experiences show how personal challenges with gender identity and/or sexual orientation intersect with discrimination experienced due to ethnic and refugee status to multiply the sense of exclusion and precariousness in Kampala. The frequency with which refugee status is denied for LGBTI asylum seekers is in line with past research which has found that homophobia structured into Uganda's existing and proposed legislation is influencing decisions made by the refugee eligibility committee.[57] The exclusionary effect of these top-down practices is direct and intended, underscoring LGBTI refugees as an undesirable population.[58]

The denial of refugee status for LGBTI refugees curtails their institutional protection, removing access to basic rights and safeguard against refoulement, as well as limiting the identification of urgent and specific needs and the pursuit of durable solutions.[59] Such incidents therefore highlight the dissonance between the possibilities theoretically afforded to refugees under international human rights law, and the pervasive social logic or politics of binary sex/gender in Uganda.

The denial of refugee status for LGBTI refugees represents a point of potential friction between the Ugandan government and the UNHCR, which maintains an advisory and monitoring role. Although the Ugandan state has the primary responsibility to determine whether a person seeking international protection is a refugee under international or national law, the UNHCR can also conduct RSD under its mandate in a situation where the state does not have a 'fair' national asylum system in place. However, as previous incidents have shown, such as the discussions in 2010 between the UNHCR and the Ugandan government over the role of the Crime Intelligence

57 Organisation for Refuge, Asylum and Migration (ORAM), *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*, 6.

58 Field, Dutt Tiwar & Mookherjee, "Self-reliance as a Concept and a Spatial Practice for Urban Refugees", 169.

59 United Nations High Commissioner for Refugees (UNHCR), *UNHCR Policy on Refugee Protection and Solutions in Urban Areas*, 9.

Office in the RSD process, the concerns of the former are not always heeded by the latter.[60]

As political climate currently stands, many LGBTI refugee community members perceive that to receive assistance from Ugandan authorities such as the police, or health services, it is necessary to conceal their sexuality. Discriminatory experiences of the RSD process, alongside intimidation and surveillance from the police, have engendered a strong institutional mistrust, among LGBTI refugees, of Ugandan authorities. Institutional mistrust combines with mistrust for the Ugandan community at large, who members view as a threat to their physical security and safety. Incidents of SGBV are coupled with active exclusion by the state and occur regularly across the city and in the neighbourhood around the compound. Sustained experiences of discrimination and intimidation from the authorities and the population "effectively produce experiences of confinement for the urban poor, limiting their mobility and disciplining their lives."[61] As Darifa explains: "We have that scare in us, thinking anytime they can come back for us. Still, we do fear movement, because neighbours, already, they know that we are here, in this place around, and anything can happen."

Beyond social isolation and its negative consequences for well-being, social cleavages between LGBTI refugee community members and the Ugandan population also have consequences for members' prospects of building sustainable lives in the city. Weak bridging capital with the host population curtails possibilities for economic advancement, limiting access to job opportunities and markets.[62] Socio-economic inequalities are entrenched as LGBTI refugees become a subaltern group within Ugandan society. Most community members are simply getting by; many are forced into sex work as an improvisation in the face of destitution. The lack of agency that many community members perceive is epitomised by Darifa when she exclaims that "we don't have a choice!" Turning to Grindr – a social networking app for gay, bisexual, trans, and queer people – to find potential customers, respondents face limited security, as illustrated by Mamadou's traumatic account.

> Because I saw that I can't continue living here just sitting here without doing anything, without getting what can support me or what can be feeding myself, I decided to do the sex working. I got someone; we are chatting on the phone. What happened my dear, until now it has affected me. I went to meet the person, and then I met the person, and then the person had other people, four people, there were five in the house. And one of them he pressed the knife on my neck, saying "if you don't allow to sleep with you, we shall kill you."

After the gang rape, Mamadou tested positive for Hepatitis B. Unfortunately, he cannot afford the cost of medication and risks serious long-term health problems.

60 Organisation for Refuge, Asylum and Migration (ORAM), *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*, 4.

61 S. Pasquetti & G. Picker, "Urban Informality and Confinement: Toward a Relational Framework", *International Sociology*, 32(4), 2017, 533.

62 Women's Refugee Commission (WRC), *No Place to Go but Up*, 11.

His experiences, from the Nakivale settlement to sex work in Kampala, demonstrate the "mechanisms through which large-scale social forces crystallize into the sharp, hard surfaces of individual suffering."[63] When sexual violence occurs, there is no option for the victim to seek legal justice. The targeted use of sexualised power is therefore "further legitimized and reinforced by laws that define and criminalize involvement in same-sex sexual acts without regard to issues of consent or coercion."[64]

The individual experiences of community members can be further contextualised if we take into account the vicissitudes in the relationship between the LGBTI refugee-led support group, on the one hand, and refugee serving institutions and the Ugandan authorities on the other, including the significant influence of political and legal developments on these relationships over time.

There are several key protect institutions involved in the formal refugee protection in Kampala. These include the police, the Department of Refugees/OPM, UNHCR, and its implementing partners the Norwegian Refugee Council (NRC), African Humanitarian Action, and Care and Assistance for Forced Migrants (CAFOMI). The UNHCR's main counterpart in Uganda is the government, and programming can only be implemented through agreements with the OPM and district authorities. In using implementing partners like NRC, African Humanitarian Action, and CAFOMI, the UNHCR has increasingly outsourced its direct interaction with its clients and the enactment of its programming. The UNHCR's operational partners in Kampala, who work more independently from the UNHCR to support refugee protection, include among others, the Jesuit Refugee Service, Amnesty International Uganda, and the Refugee Law Project (RLP).

Of these institutions and organisations, the RLP has been the most instrumental in assisting members of the LGBTI refugee-led support group. The RLP is a Ugandan refugee rights organisation founded by refugee scholar Barbara Harrell-Bond in 1999, and functions under the government's auspices as a community outreach project of the School of Law, Makerere University. After the support group first began to advocate for LGBTI refugees, RLP allowed them to organise their activities at the office, ensured there was no discrimination from lawyers in the organisation and sent individual testimonies to the UNHCR headquarters in Geneva. The position of the RLP is summed up by its current director, Dolan,[65] also a refugee scholar: "why would we fail to recognize repeated evictions from accommodation and work, as well as denial of access to basic health education services, and resultant exclusion and structural disadvantage, as forms of gender-based violence that are highly prevalent against LGBTI persons."

While the efforts above ensured that despite the Ugandan government's official stance, the UNHCR could independently work with LGBTI refugees, Lyytinen[66] reports several incidents occurring in 2012, when both the RLP and the support group were under threat of being closed down because of increased government

63 P. Farmer, "On Suffering and Structural Violence: A View from below", in A. Kleinman, V. Daas & M. Lock (eds.), *Social Suffering*, Berkeley, University of California Press, 1997, 291.

64 Erdstrom & Dolan, "Breaking the Spell of Silence", 177.

65 Dolan, "Letting Go of the Gender Binary", 493.

66 Lyytinen, *Spaces of Trust and Mistrust*, 333.

restrictions on promoting LGBTI issues in Uganda. During this period, an international seminar to discuss LGBTI rights was dispersed by police and participating LGBTI refugee community members received death threats, were attacked and arrested, with the offices of the organisation also raided.[67]

Following the Anti-Homosexuality Act (AHA), which became law in 2014, governmental threats were realised. For 1 year, the RLP was prevented from doing any kind of direct service work with refugees, and after the organisation re-opened it was only allowed to provide medical and language assistance to LGBTI. The office of the support group was also shut down, and only re-opened after its official function changed to sexual health issues – specifically HIV – as a move to reduce the visibility of the organisation.

Although the AHA was eventually struck down by the Constitutional Court, political homophobia remains crucial in shaping LGBTI interactions with humanitarian organisations. As a senior representative from one humanitarian organisation in Kampala highlights, the criminalisation of same-sex sexual relations curtails the assistance that can be provided to LGBTI refugees. In the interview excerpt below, he points out how strategies or activities orientated towards the specific needs of the group are framed as *promotion*:

> With the government, it was about I think promotion. So, I think this is where they have an issue. In a sense like, you're trying to seek attention and you need this special support, and you consider yourself vulnerable, I think this is where the issue is. That's what I think within the government of Uganda, they are very much trying to avoid. So ok yes you are [LGBTI], but don't try to influence another person to live like that.

Clearly, the stigmatisation of LGBTI refugees extends to those working with them. ORAM's report,[68] which was designed and constructed collaboratively with the RLP, states that not only do refugee agencies and staff who wish to work on LGBTI issues risk potentially creating tensions with government agencies who want to avoid being seen as supporting LGBTI persons, but such activities can also increase security risks for the staff concerned.

As a result, the interaction gap between refugee-serving institutions and organisations and LGBTI refugees is great. While LGBTI refugees are cognisant of the different services available to refugees in general, none of these services are specifically designed to cater for their needs. Many LGBTI refugees state that when they attempt to access existing services, oftentimes they experience homophobia, stigma, discrimination, and marginalisation. As such, there is clearly a need for service providers to work with LGBTI refugees to create safer spaces to address their challenges.

When mapped onto urban space, individual and collective narratives of mistreatment and violence create what Sandvik[69] refers to as a *shadowgraphy* of Kampala, in

67 *Ibid.*, 334.

68 Organisation for Refuge, Asylum and Migration (ORAM), *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*, 18.

69 Sandvik, "Negotiating the Humanitarian Past", 111.

which an illegitimate and invisible community of LGBTI refugees live. Through shared memory within this community, the sufferings of compatriots or friends come to constitute the collective experience, and subsequently give meaning to perceptions of how LGBTI refugees are treated, allowing respondents to vocalise their mistrust of other refugees, the Ugandan authorities, and the host population.[70]

The significance of memory lies not in its factuality but in its actuality. As such, LGBTI refugees' testimonies "present a measure of possibility, not only for autonomy, but also for subversion of the dominant order."[71] Outside the parameters of legal refugee protection, their narratives of discrimination and powerlessness implicitly resist the homogenising tendencies of centralised protection systems in Kampala, which "produce the refugee as one with a fixed, timeless and universally homogenous identity."[72] Drawing attention to a structural lack of accountability and a politics of exclusion that preclude any meaningful engagement in protection activities, their experiences highlight the failure of rights-based humanitarianism.

In this section, we have highlighted the homogenising tendencies of centralised protection systems and examined how individual and collective narratives of persecution are influenced by large-scale socio-political forces that place LGBTI refugees outside the parameters of legal refugee protection. We have also shown how sustained experiences of social and institutional discrimination are the source of macroscale mistrust of Ugandan authorities and mesoscale mistrust of the host population and other refugee communities. The significant challenges which LGBTI refugees in Kampala face, characterised by cumulative trauma and adversity, societal stigma, and discrimination, contrast with the absence of a coherent protection strategy for LGBTI refugees in Uganda at an institutional level, and draw attention to their unique and unmet protection needs. We argue that this "protection gap" indicates that the provision of assistance to LGBTI refugees in Uganda requires more consideration by practitioners and policymakers. Our analysis in this section also sets the basis for understanding the dialectical relationship between the substantial risks faced by LGBTI refugees due to the illegality of homosexuality in Uganda, and the establishment of relationships of particularised trust within the shared space of the support group office, which we discuss in the next session. As we will show, particularised trust is particularly important for members' well-being and allows for a spatialised sense of safety or protection.

6. MICRO-SCALE TRUST: AN OFFICE AS A SOURCE OF INFORMAL PROTECTION

Given the lack of access to other community centres, the support group office has a central importance for those living inside and outside the compound. It not only provides physical security from outside risks but it is also a place of meaningful activity and concentrated sociality. Within the office, members experience a spatialised sense of safety which is crucial for their well-being and their efforts at making a home in

70 *Ibid.*, 115.

71 *Ibid.*, 115.

72 S. Shakhsari, "The Queer Time of Death: Temporality, Geopolitics, and Refugee Rights", *Sexualities*, 17(8), 2014, 1002.

Kampala. As a physical manifestation of the LGBTI community, members have feelings, emotions, and attachments to the office, which in turn are related to social and spatial boundaries that define who belongs there.[73] Thus, feelings of belonging within the organisation's office are intricately related to community members' sense of identity as LGBTI refugees.[74]

> On Fridays, LGBTI refugees come to the office to make trinkets to sell at the Namuwongo arts and crafts market, under the tutorship of "the teacher", an older refugee with a knack for intricate designs. There is a communal atmosphere as people participate in the therapeutic activity of threading plastic cord through small coloured beads, while talking relaxedly with one another. At certain moments, the space really comes alive with social activity that is condensed into certain areas, like the courtyard, the lounge area, the inner courtyard, and the "bedroom". Laughter and chatter resound throughout the building, and the presence of certain characters creates a sociable atmosphere. Such characters include "the joker", a Guinness drinking cigarette smoking Congolese man who speaks English to me in an ironic way with an American accent. Or the vivacious and charismatic Darifa, who wearing multi coloured, horn rimmed sunglasses, enters each room with a flourish and greets everyone with a kiss on the cheek. What members seem to enjoy most when they are inside the compound is the freedom to behave as they wish, in comparison to the necessity of exercising self-control and hiding oneself when outside. Beyond a certain extraversion and garrulousness, this freedom of behaviour is manifested more subtly in a coquettish rub of the bottom against the crotch, or in an intimate embrace. As Mamadou explains, "when we are here inside, we feel the little freedom, because you can do anything you want" and, with humour, he adds "you can cross dress for ladies."

Social interactions within the office are an important source of peer support for individuals who experience continuous structural and inter-personal discrimination. Discussing shared experiences in a supportive social context not only allows for group and individual healing, but also involves collective mobilisation against exclusion and marginalisation.[75] As Darifa explains:

> We accept each other here inside, because outside they call us names, like demons and so on. So like, you feel when you are inside, that someone's problem, like Alain's problem or someone else's problem, when the problem comes, to the person, when you are here, you feel the problem all of us, it touch us the problems. So that's how we are united and call ourselves a family.

73 L. McDowell, *Gender, Identity and Place: Understanding Feminist Geographies*, Cambridge, Polity Press, 1999.

74 D. Philips, C. Davis & P. Radcliffe, "British Asian Narratives of Urban Space", *Transactions of the Institution of British Geographers*, 32(2), 2007, 217–234.

75 A. Ramadan, "Spatializing the Refugee Camp", *Transactions of the Institutions of British Geographers*, 39(1), 2012, 65–77.

In this positive and supportive social context, the personal well-being of community members is intertwined with their social well-being.[76] While their sufferings are often highly personal, their recovery is relational. Healing takes place through social interaction and sharing; it helps community members break out of their isolation.

The nurturing aspect of peer support within the group is also political. It confronts the origins of marginalisation and builds a shared, critical consciousness of its injustice. As members empower themselves and each other to take an active role in responding to their plight, they tacitly acknowledge that they have a stake in addressing structural discrimination, and that they are unwilling to simply be dominated and abused. This political agency is apparent as a promotion of self-affirmation, dignity, and equality of the LGBTI community, otherwise known as *pride*.

Community members also come to rely on each other for survival skills. As discretion is so important for the safety of LGBTI refugees, finding others like themselves from their home country is often difficult, particularly for those who are new to the city, and the office of the support group plays a key role in helping LGBTI refugees in this respect. Information is often passed between individuals by word of mouth, and through these interactions, LGBTI refugees obtain advice about the RSD process, how and where to get assistance from NGOs, and dangers they need to be aware of.

The highly social nature of the office space, and the clear benefits social interactions have in providing members with emotional and practical support, as well as communal agency, are however counterpointed by the spatial restrictions of the compound. While the building provides a place to live for LGBTI refugees who lack alternatives, members repeatedly emphasise that it is an office and not a shelter. This contradiction in the function of the space is directly connected to shared perceptions of risk within the community, as Dieudonne highlights:

> We are always thinking that we can bring danger to this office, because of keeping us here, because it's a office it's not a shelter. We try to give a little happiness but we live without happiness because we know anytime we can go away from here, or anytime something can happen here.

For those who live at the office, a sense of urban confinement and insecurity is produced from residents' social isolation within the compound's spatial demarcations. Residents refer to attacks on members in the surrounding area, for example, when they go up the road to use the petrol station Wi-Fi. They also mention an incident in which police visited the compound after hostile residents of the overlooking apartment block falsely reported them for using drugs. These experiences show two things. First, the visibility of the group within the immediate residential area and their concomitant vulnerability to violence. Secondly, the importance of particularised (intra-community) trust relationships within the compound for community members' well-being, considering their generalised social (inter-community) mistrust

76 S. Mead, D. Hilton & L. Curtis, "Peer Support: A Theoretical Perspective", *Psychiatric Rehabilitation Journal*, 25(2), 2001, 134–141.

of the Ugandan Other, not just at the meso level (in areas of the city outside residential areas), but also at the micro level (within their neighbourhood).

This sense of confinement is also a direct result of the compound's spatial restrictions and the sheer number of people who live in the small space, which have profound implications for the lives of residents and prevent any kind of normalcy. At the time of fieldwork, 12 people lived in the office and slept in a makeshift bedroom consisting of a small, carpeted space with a single foam mattress on the floor, no more than a few square meters in size.

Community members perceive the resulting lack of privacy as unhealthy, or not the way a normal person is "supposed to live." Nonetheless, they see no alternatives. At times frustrations and resentments between members seem to be exacerbated by the lack of privacy and boil over in heated arguments, showing cracks in the sense of social cohesion and solidarity between community members. The deleterious effects of these living circumstances on well-being are most clearly illustrated in this field diary excerpt about Robert, a young Congolese man who left the office after his mental health deteriorated:

> Robert describes in a subdued tone the effect of the recent death of his mother in the DRC, his last connection with family back home. "I was mental disturbed because when I sit here and then I start seeing visions of things, I see that I am sitting near my mum is around me, so I used to get scared, and then I was disturbed, my head was disturbed, so, they told me to do the counselling. Because when I was in this place, I used to get these attacks, like getting dreams, people running after me". Although Robert says that living outside the office with another community member has helped, his state of mind is still very troubled. As he talks about the treatment he currently receives, I am struck by the mistrust that characterises his relationship with the therapist. "I'm scared to be open to tell him the story what I'm passing through, because thinking that anytime he can say it outside". Assessing his current situation, Robert perceives a hopelessness, which is rooted in the precarious geographies he is forced to occupy as an LGBTI refugee. "I haven't seen any light of continuing having the life, because when I see here, this Africa, it means there is nothing" he says sorrowfully. "It will be good when I leave this country. [. . .] Yes because of the country we are living in, I don't know where our lives are going, we don't know where we are going". As tears stream down his face, Darifa reaches out to hold his hand. "If you couldn't be here people – Robert declares – you people who are close to me, by now I would be dead".

Robert's experiences are exemplative of the highly debilitating mental health and psycho-social impacts resulting from perceptions of constant surveillance and heightened visibility, an absence of wider community support, and different forms of tacit state-sanctioned violence. Robert's feelings of stigma and isolation highlight how the disabling effects of cumulative trauma couple with social processes of oppression and marginalisation to undermine LGBTI refugees' efforts at achieving a sense of normalcy.

To the extent that trust-based social networks are important resources for refugees and a remedy for social exclusion in the host country, generalised social mistrust, and fear of Other refugees and Ugandans, directly impact LGBTI refugees' integration in Ugandan society. Turton[77] writes that "displacement is not just about the loss of place, but also about the struggle to make a place." Accordingly, LGBTI experiences of being *out of place* in Kampala are intertwined with their ongoing persecution in everyday life, their sense of insecurity, and the weak position of the community.

The sense of liminality in Robert's status is reiterated by other community members who repeatedly emphasise the precarity of their circumstances and the uncertainty of their futures. Theirs is an epistemology characterised by a state of deep, incapacitating uncertainty, of being "torn between ways," which draws attention to their difficulties negotiating conflicting cultural representations and social expectations concerning who they are and what they are expected to be.[78]

As Robert emphasises, the support that he derives from his relationship with Darifa is crucial for his well-being, and the trust between them appears as "a mix of feelings and rational thinking."[79] This *emotional trust* stems from a bond based on genuine care and concern for each other's welfare and is characteristic of the strength of personal relationships within the LGBTI refugee community. When considering how LGBTI refugees construct protection daily at the micro level of the support group office, the dialectical relationship between risk and trust becomes clear: on the one hand, the ever-present threat of violence and discrimination that shapes LGBTI refugees exilic experiences in Kampala and, on the other hand, the importance of trusting people and being comfortable in this shared space. Jabareen and Carmon's[80] *community of trust* framework confirms that trust-based relationships established within the office allow community members to feel sheltered and safe precisely because they do not perceive other community members as posing a risk.

In this section, we have shown how, despite difficult living conditions and the persistent pressure of daily external risks, a liveable community and strong trust-based relationships exist within the shared space of the office. The dialectical relationship between the hazards that LGBTI refugees face in Kampala and micro-scale social trust within the office illustrates how trust shapes LGBTI refugees' experiences of protection in urban space. Accordingly, we argue that in contexts of state-condoned persecution against this group, a relational, trust-based approach to urban refugee protection for LGBTI persons is necessary that considers protection as grounded in the geopolitics of the everyday at the micro level of shelters and neighbourhoods.

7. CONCLUSION: PROBLEMATISING THE PROTECTION GAP

Our emic approach to protection for LGBTI refugees centres on the role of trust in the establishment of meaningful community structures where members experience a

77 D. Turton, "The Meaning of Place in a World of Movement: Lessons Learned from Long Term Field Research in Southern Ethiopia", *Journal of Refugee Studies*, 18(3), 2005, 258.

78 G. Anzaldúa, *Borderlands/La Frontera: The New Mestiza*, San Francisco, Aunt Lute Books, 1987, 79.

79 G. Möllering, *Trust: Reason, Routine and Reflexivity*, Bingley, Emerald Group Publishing, 2006.

80 Jabareen & Carmon, "Community of Trust", 447–448.

sense of protection and security. Our findings concur with previous research highlighting the linkages between belonging to communities, establishing trust-based social networks, and feeling protected.[81] We suggest that positive social connections between refugees, underpinned by trust, are an important source of emotional well-being and a key component of cooperation within communities.[82]

As a shared, relational space constructed through iterated interactions between networks of individuals over time, the support group office assists the formation of particularised social trust between LGBTI refugees and a cohesive community.[83] LGBTI refugees' testimonies demonstrate that the protective capacity of trusting others is intertwined with social and spatial boundaries that define who belongs, and a concomitant sense of communal agency. Their experiences within the office are influenced by struggles over agency and power, and the political, social, and physical marginalisation of LGBTI refugees within urban space. Our findings are particularly significant in urban contexts in the global south, where more than elsewhere subgroups such as LGBTI refugees experience systematic social and political exclusion, and where they are stuck in a limbo between being undesirable and unreturnable.[84]

The interdependency and mutual loyalty characterising relationships of particularised (micro) trust between LGBTI community members is reinforced by shared experiences of institutional (macro) and inter-community (meso) mistrust. Given their experiences of structural and interpersonal discrimination, relationships of particularised trust established within the office allow community members to feel sheltered and safe precisely because they do not perceive other community members as posing them a risk.[85] Mistrusting other people outside the community, as well as institutions, is an appropriate and rational response that protects against risk of harm and ensures security.[86]

In this way, social and institutional mistrust is an epiphenomenon of enduring experiences of social and institutional discrimination. Among LGBTI refugees, there are linkages between horizontal inequalities and inter-community mistrust, and a lack of social integration and inter-community mistrust.[87] Pervasive inter-community mistrust highlights the lack of solidarity and cooperation with other refugees and the Ugandan host population, as well as difficulties integrating into Ugandan society.

It is precisely for this reason that inter-personal trust established between community members is so important for the well-being of LGBTI refugees. Given the importance of the support group office as a socio-spatial context for communal relations between LGBTI refugees, future attempts by institutional and civil society actors to protect LGBTI refugees in Kampala and elsewhere should support and build the capacities of refugee-led support groups and, when they are not present,

81 Lyytinen, *Spaces of Trust and Mistrust*, 94.

82 B. Sullivan, M. Snyder & J. Sullivan, "The Centrality of Cooperation in the Functioning of Individuals and Groups", in M. Snyder, B. Sullivan & J. Sullivan (eds.), *Cooperation: The Political Psychology of Effective Human Interaction*, Oxford, Blackwell Publishing, 2008, 1–16.

83 D. Massey, *For Space*, London, Sage Publications, 2005.

84 Cantor, van Wijk, Singer & Bolhuis, "The Emperor's New Clothing".

85 Jabareen & Carmon, "Community of Trust", 447–448.

86 R. Hardin, "Distrust: Manifestations and Management", in R. Hardin (ed.), *Distrust*, New York, Russell Sage Foundation, 2004, 3–33.

87 M. Jasinski, *Social Trust, Anarchy, and International Conflict*, New York, Palgrave Macmillan, 2010.

should encourage their establishment. Encouraging and supporting LGBTI refugee-led support groups is not only an indirect way of contributing to the emotional support and survival skills the group provides members. It also helps community members to empower themselves and each other to take an active role in responding to structural discrimination.

As aforementioned, what is particularly striking in our findings is the gap between LGBTI refugees' own understandings and experiences of protection, which are shaped by cumulative trauma and adversity, societal stigma and discrimination, and the absence of a coherent protection strategy for LGBTI refugees in Uganda at an institutional level. Improving safe shelter options for LGBTI refugees within and outside Ugandan settlements is one important way to close the protection gap we have highlighted. The Inter-Agency Standing Committee's (IASC) 2005 Guidelines for Gender Based Violence Interventions in Humanitarian Settings[88] recommend community-based protection options whenever possible, with short term stays in formal shelter structures as a last resort. However, "the discussion of safe shelter provision in these guidelines is brief and focused only on settlement-based contexts."[89]

As the Human Rights Center's "Safe Haven" report highlights, "literature is largely silent regarding safe shelter options for 'invisible' or particularly marginalised victim groups (e.g., male survivors, LGBT community members, etc) or displaced persons fleeing harm outside a camp context."[90] The challenges facing LGBTI refugee community members concur with this report, which suggests that "members of marginalized victim groups experience extreme difficulty in securing shelter from sexual and gender-based violence."[91]

Although the UNHCR has shown an increasing concern with how gender and diversity considerations impact refugee protection in Uganda, and particularly with prevention and response to SGBV, our findings clearly show a moral quandary concerning humanitarian legitimacy in contexts of state-condoned LGBT-based persecution.[92] The very invisibility and illegitimacy of LGBTI refugees as a group beyond the pale of Ugandan law highlights a geopolitical "inconsistency in the value of the life of different [refugee] populations and their disposability."[93] In as much as the "right to have rights" is contingent on the national origin,[94] construing the structural discrimination visited upon LGBTI refugees by the Ugandan authorities as a violation of human rights draws attention to the "binaries of West/East, freedom/oppression, civilized backward," as geographical tensions inherent in the "spatial designation of rights."[95]

88 Inter-Agency Standing Committee (IASC), *Guidelines for Gender-based Violence Interventions in Humanitarian Settings*, Geneva, IASC, 2005.

89 Human Rights Center, *Safe Haven: Sheltering Displaced Persons from Sexual and Gender Based Violence*, Berkeley, University of California, 2013, 10.

90 *Ibid.*, 49

91 *Ibid.*, 53

92 H. Slim, *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster*, Oxford, Oxford University Press, 2015.

93 Shakhsari, "The Queer Time of Death", 1010.

94 H. Arendt, *The Origins of Totalitarianism*, London, Andre Deutsch, 1986, 279.

95 Shakhsari, "The Queer Time of Death", 1012.

The UNHCR is mandated to provide international protection to any persons in relation to whom the term populations of concern could be used.[96] While this means safeguarding the rights and legitimate interests of LGBTI refugees, "the recognition of an act by the human rights regimes as a violation against a rights bearing individual in the same location is arbitrary. The recognition changes with time and is contingent on the relationship between the state that governs the individual, and the 'liberating' states that weigh heavily on the scale of human rights regimes."[97]

Understanding the possibilities afforded to LGBTI refugees in contexts of state-condoned LGBT-based persecution requires us to unpack "the variegated role of the state and its representatives . . . as the arbiter of both sex and gender and eventually refugee status, and the logic or politics of this."[98] In Uganda, the nuance and history with which sex, gender, sexuality, and the body are formulated is important, because it is within these formulations that LGBTI refugees bring about the regulatory complexity that systems of refugee organisation and administration have difficulty categorising and comprehending.

In order "to help refugee serving institutions and decision makers narrow the protection gaps and empower this particularly marginalised and vulnerable refugee population," ORAM[99] provides an extensive list of recommendations for different stakeholders. These stakeholders include the UNHCR, service providers in urban settings – UNHCR implementing partners, NGOs, and independent professionals – advocacy and legal service organisations, health providers and service organisations, refugee-led LGBTI peer support groups, the government of Uganda, and governments of resettlement countries. These recommendations focus on training NGO staff and management to be knowledgeable and sensitive about issues related to LGBTI refugee protection, creating coalitions and partnerships with human rights groups, refugee support groups, and organisations that are rooted in and/or focused on the LGBTI community, and carrying out advocacy and service efforts that combine legal aid and LGBTI specific health care with educational and vocational training.

Eight years since ORAM's report was published, there is at the time of writing little improvement to the significant challenges with which LGBTI refugees in Uganda are presented. Perhaps the biggest reason for this is that these challenges also apply to those organisations who look to give refugee support and protection. So far, a concerted effort by refugee serving institutions and decision-makers to address the protection gap for LGBTI refugees in Uganda has been pre-empted by a political environment in which support for LGBTI refugee rights or LGBTI persons can potentially be construed as "promotion of homosexuality."

As events following the passage of the AHB/AHA between 2009 and 2014 show, the Ugandan state is arguably the most significant constraining factor currently

96 A. Evans-Barnes, *Realizing Protection Space for Iraqi Refugees: UNHCR in Syria, Jordan and Lebanon*, Geneva, UNHCR, 2009.

97 Shakhsari, "The Queer Time of Death", 1011.

98 Camminga, *Transgender Refugees and the Imagined South Africa*, 4.

99 Organisation for Refuge, Asylum and Migration (ORAM), *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*, 19.

influencing inclusion for LGBTI refugees in Uganda. If the political climate in Uganda continues to be as restrictive as it has been previously, we must therefore look beyond the Ugandan state as a stakeholder in future attempts to improve protection for LGBTI refugees. As such, rather than arguing for a multi-stakeholder approach involving increased dialogue and/or more vertical and horizontal cooperation between different stakeholders, predicated on a change in the political climate that may or may not be forthcoming, we suggest the situation on the ground requires the UNHCR to work more closely and directly with LGBTI refugee-led support groups in Kampala. When considering how exactly the UNHCR can do this, one important area of improvement we have highlighted is for the UNHCR to update its community-based protection programming in cities, which presently excludes and marginalises communities defined by characteristics other than nationality.

An effective humanitarian response to LGBTI forced migration in East Africa must take a broad lens which factors in how the complex geopolitics of the Great Lakes Region and hostile cultural beliefs towards LGBTI persons influence not only the flows of LGBTI refugees across borders, but also how these refugees are received on arrival. The absence of a coherent protection strategy for LGBTI refugees in Uganda at an institutional level suggests refugee serving institutions have struggled to respond to the double movement of LGBTI refugees into and out of Uganda. While the plight of LGBTI Ugandan's seeking asylum in Kenya and elsewhere following the passage of AHB has received a large amount of attention from international donors, local organisations, and refugee serving institutions, policymakers have largely overlooked the flow of LGBTI refugees into Uganda from other countries in the Great Lakes Region. This must change if the protection gap for LGBTI refugees in Uganda is to be addressed.

In this article we have examined the basis and implications of one particular profile of undesirability in contexts of the global south,[100] focusing on the ways in which LGBTI refugees from the Great Lakes Region residing in Uganda's capital city, Kampala, organise themselves when formal protection institutions fall short. Further research is needed to explore the ways in which LGBTI refugee perspectives can be used to inform more adequate and inclusive policy and practice in relation to the South–South migration of LGBTI refugees in cities. This involves a critical reconsideration of the participatory spaces and cooperation between LGBTI refugee-led advocates and refugee serving institutions and decision-makers who often have different positions. Furthermore, it requires us to attend to questions of power in our analysis of the relationships between these groups and stakeholders.

100 Cantor, van Wijk, Singer & Bolhuis, "The Emperor's New Clothing".