

Denmark - the Refugee Appeals Board's decision of 17 May 2018

Country of Decision:

Denmark

Country of Applicant:

Uganda

Date of Decision:

17-05-2018

Court Name:

The Refugee Appeals Board

Keywords:

Discrimination

Membership of a particular social group

Refugee Status

Relevant Facts

Sexual orientation

Well-founded fear

Headnote:

The applicant, an ethnic Samia and Christian Protestant from Mukono, Uganda, became aware of his sexual orientation when he was between 7 and 9 years old and has had several both short and longer relations with men.

The Refugee Appeals Board accepted the applicants account which included imprisonment and physical and sexual abuse as well as harassment by village locals. Consequently, the Board found that the applicant was at risk of persecution by his family and locals against which no protection by the authorities could be obtained. Therefore, the applicant was granted refugee status under the Danish Aliens Act Art. 7 (1).

Facts:

The applicant, born in 1986, is an ethnic Samia and Christian Protestant from Mukono, Uganda. He entered Denmark in April 2015 and applied for refugee status in November 2015. He stated that he feared if he returned to Uganda he would be killed by the Ugandan authorities, by his

family, by his former colleagues or the young people in his village because he was a homosexual.

In support of his application the applicant stated that he became aware of this sexual orientation when he was between 7 and 9 years old. In the period until 21 years of age he had short relations with four different men. Then a relation of four years with the same man and after that until 2013 short relations with 30 to 40 men. In 2013 he began a relation with A. In June 2014 an electronic message to A was intercepted by his mother and he was submitted to physical abuse by his two stepbrothers and the police. Shortly after he was detained for one week in the police station. In September 2014 he was again detained when police found him in a hostel with A in a hostel. The applicant then spent 3½ months in prison where he was sexually abused. In Denmark the applicant has participated in Copenhagen Pride and has become a member of LGBTI Asylum Denmark.

The Danish Immigration Service rejected the asylum application in April 2017.

Decision & Reasoning:

The account of the applicant has been established by the Refugee Appeals Board.

The Board accepted that the applicant is a homosexual and was twice assaulted and detained because of his sexual orientation. The Board further accepted that he had been exposed to physical abuse by his brothers, the police and fellow prisoners and that the prison personnel contributed to the abuse. Finally, the Board accepted that following his release from the police station he was verbally abused and spit on by locals as they were aware of his homosexuality.

Hereafter, the Board found that if the applicant returned to Uganda he would be at risk of persecution from his family and locals and that he would not be able to obtain protection from the authorities. Consequently, the Board granted the applicant refugee status under the Danish Aliens Act Art. 7 (1).

Outcome:

The applicant was granted refugee status under the Danish Aliens Act Art. 7 (1).

National / Other Legislative Provisions:

[Denmark - The Danish Aliens Act Art. 7 \(1\) \[1\]](#)

Links:

[1] <https://www.asylumlawdatabase.eu/en/national-and-other-legislation/denmark-danish-aliens-act-art-7-1>