



POLICY BRIEF

***FOR POLICYMAKERS AND
ENFORCERS:***

***INTERROGATING
POLICY-BASED STIGMA
AND DISCRIMINATION
TOWARDS THE LGBTQ+
COMMUNITY IN UGANDA***

Introduction

Uganda's policies, which include laws and practice define or prescribe a course or method of action selected from among alternatives and in light of given conditions to regulate, guide the community, as well as determine decisions. These policies may also impose sanctions for failure to comply with them. They are a statement of aspirations, regulate human conduct, perceptions, and attitudes, and they indicate how Uganda's society is organized. They are discussed, agreed, adopted and implemented by Ugandans. It is therefore reasonable to conclude that they often reflect the values of Ugandans.

Executive Summary:

Opponents of same-sex relationships contend that homosexuality is a foreign behaviour that is unacceptable in Uganda and the broader African culture, and it is also condemned by religion.¹

A survey conducted in 2023 revealed that Uganda is a continental extreme in rejecting people in same-sex relationships.²

Perceptions of the LGBTQ+ community are reflected in social attitudes and policies that stigmatize and discriminate against LGBTQ+ persons in Uganda. These perceptions reinforce human rights violations and hinder access to essential services, including education, healthcare and economic opportunities. However, there have been few efforts to interrogate the nexus between religion, policy and culture as they relate to social attitudes towards the LGBTQ+ community.

It is against this background that the Universal Coalition for Affirming Africans - Uganda (UCAA-UG) conducted a study titled "The Root Causes, Manifestations and Impact of Religious, Policy and Culturally Based Stigma and Discrimination Towards the LGBTQ+ Community in Uganda". This study sought to understand the foundations of homophobia and its impact on the LGBTQ+ community in

¹ Makanga Ronald Kakumba, 'Uganda a continental extreme in rejection of people in same-sex relationships', Afrobarometer Dispatch No. 639, 2023.

² *Ibid.*

Uganda. It interrogated the influence of religion on Uganda's culture and policies. It further aimed at identifying the common attitudes, beliefs and myths regarding homosexuality, among other issues. This research conducted a desk review of the related publications. Also, 151 respondents, including religious and cultural leaders, LGBTQ+ individuals, policy makers and enforcers, influencers or opinion leaders, civil society workers and other members of the general members of the public were interviewed. These respondents were recruited from across the country to reflect the diverse nature of Uganda's community. The report from this study is available at <https://ucaaug.org/>.

This policy brief contains some of the extracts from the interviews with the respondents. It summarizes the findings and recommendations from this study. The aim is to guide policy advocacy to confront stigma and discrimination towards Uganda's LGBTQ+ community.

Key Findings

A policymaker, Munyankole of the Anglican faith, stated that: *"When they do it to inconvenience others, or you suspect them, arrest them immediately!..... The law represents our values"*.

- 1) Respondents overwhelmingly supported AHA, 2023, noting that this law enforces religious and cultural values.
- 2) There is acceptance among all tribes about the existence of LGBTQ+ persons in precolonial Uganda and variance in attitudes towards homosexuals. This contradicts the common belief that same sex relations are foreign behaviour

An Acholi cultural leader and a Christian reported that: *"God created man for recreation. We believe that God created man for woman to multiply and fill the world. I personally do not accept them (LGBTQ+ persons). We need the next generation to grow my tribe. This won't happen if we allow this behaviour. I support the law (AHA, 2023) in the strongest way possible"*.

- 3) The main reason for ostracizing LGBTQ+ individuals is that same-sex relations do not result in procreation, as ordered by religion and desired by tribes.

A gay Mugisu person stated: *"The Anti Homosexuality law (AHA,2023) is a political ideology. I have heard of people who get arrested for being homosexuals, but later get released without serious repercussions, such as sentencing.* While a Muganda and Muslim lesbian claimed: *"People call me and threaten to report me to the police because I am gay unless I give them money. I also know that some people from the community pay money to the police and other people in the community so that they are not arrested.*

- 4) AHA,2023 has been used to harass, intimidate and extort money from perceived and actual LGBTQ+ persons as opposed to criminalizing this community.

LGBTQ+ individual, a Mukiga of the Anglican Faith, stated: *"I would say religious leaders, followed by policy makers, policy enforcers, cultural leaders and influencers are the main cause of stigma and discrimination against us".*

- 5) Religious leaders, policy makers and enforcers, cultural leaders, influencers in this order, are cited as the main drivers of stigma and discrimination towards the LGBTQ+ community

A policy enforcer, Muniyakole of the Catholic faith, stated, *"I think we were using a lot of emotions and charging people wrongly. The problem was how we were interpreting it (AHA,2023)."*

- 6) Some policy enforcers claim that AHA, 2023 has been overzealously enforced to criminalize persons perceived to be in same-sex relationships
- 7) Policy approach towards LGBTQ+ individuals

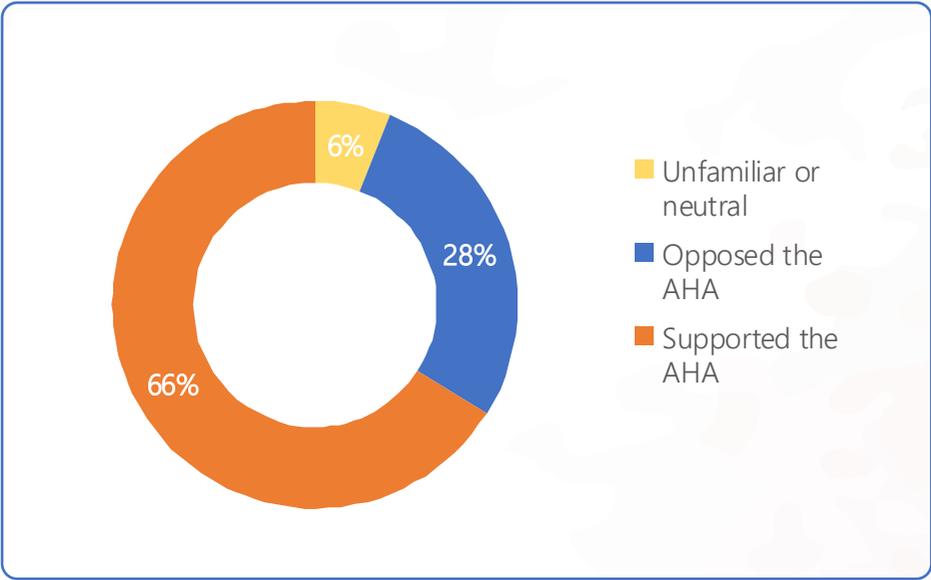


Figure 1: Respondents were broadly in support of policies that stigmatize and discriminate against LGBTQ+ people in particular, AHA, 2023.

Detailed Interpretation

Policymakers, followed by policy enforcers, after religious leaders, are cited as the second most significant drivers of stigma and discrimination towards the LGBTQ+ community. The majority of respondents expressed their support for policies that stigmatize and discriminate against LGBTQ+ persons, for instance, AHA, 2023. Only a minority of the respondents either criticized AHA, 2023, are neutral or not aware of the law. There are calls among all respondent groups for interventions such as evidence-based research to inform policy, as well as enforcement of the AHA, 2023. Some policy enforcers claim that AHA, 2023, has been overzealously enforced to criminalize persons perceived to be in same-sex relationships. LGBTQ+ persons reported that AHA, 2023, is used to harass, intimidate, blackmail and extort money from perceived and actual members of the community as opposed to ending same-sex relationships, and the number of

actual LGBTQ+ persons that have been caught by the law is few. This puts in question the efficacy of the law in ending same-sex relationships. Unaccepting respondents conceive AHA, 2023, and the Penal Code Act as necessary coercive policies for enforcing religious and cultural values that promote procreation. Uganda's LGBTQ+ community is invisible in national laws and policies for the purposes of development, protecting rights, planning, including improving health and education, reducing inequality, and spurring economic growth. The National Housing and Population Census Report, 2024, considered as the basis on which Uganda's policies, including public services, are planned, and the 1995 Constitution, perceived as the official policy of the country, are reflective of the dominance of religion and tribe perceptions in shaping Uganda's policy. Evidence from elsewhere in Africa indicates that countries with inclusive majorities have decriminalized homosexuality. This may reflect policy reforms responding to public opinion,³ or public opinion responding to policy reforms or both. Uganda Human Rights Commission (UHRC) has called on the government to decriminalize homosexuality. This call presents an opportunity for policymakers to rethink national policies that stigmatize and discriminate against the LGBTQ+ community

8) Community by Attitudes Towards the LGBTQ+ Community

³ Rhonda Gibson and Bob Hester, *'Effects of Sources in Coverage of Same-Sex Marriage'*, Sage Journals, 2007.

Uganda's community attitudes toward LGBTQ+ community



RELUCTANTLY ACCEPTING

A larger minority tolerates LGBTQ+ individuals, emphasizing personal beliefs, while still influenced by cultural and religious norms.

INCLUSIVE

A smaller segment openly supports LGBTQ+ rights, motivated by personal conviction, love for humanity and respect for individual dignity.



Figure 2: Uganda's Community attitudes towards the LGBTQ+ community can be divided into the unaccepting. Reluctantly accepting and accepting.

Detailed interpretation

Uganda's community attitudes towards the LGBTQ+ community can be grouped into three broad categories. The first category is the majority that are unaccepting. These cite religion, culture and the law in this hierarchy as the basis for this position. The second and third categories are the minorities in Uganda. The second category comprises the larger minority group who don't mind the LGBTQ+ individuals, provided they do not display their sexual orientation in their presence or impose their sexual orientation on them. We can refer to this group as the reluctantly accepting minorities. It also represents a community that is evolving towards accepting the LGBTQ+ community. This group also references religion, culture, the law and personal conviction in this grading as the basis for their persuasion. The third category is the second smallest group among the minorities, the inclusive minority. For this latter group, personal conviction, love for humanity, and respect for the dignity of individuals in this order are the basis for their persuasion.

9) Impact of policy-based stigma on LGBTQ+ individuals

As a result of policy -based stigma and discrimination, the LGBTQ+ community in Uganda has suffered the following:

- 1) Policies have been passed that stigmatize and discriminate against persons in same sex relationships.
- 2) Harassment, intimidation, extortion, blackmail and imprisonment, which have affected their mental health
- 3) Some have been excluded from schools and dismissed from work.
- 4) Some have engaged in heterosexual relationships to hide their sexual orientation.
- 5) Feel alienated from the broader Ugandan community.
- 6) Some are reluctant to access sexual health services, thus leading to an increase in the number of persons in the community suffering from sexually transmitted diseases.
- 7) Survive in a broader Ugandan community in which the majority demonize and ostracize them.
- 8) Face persecution.
- 9) Are misrepresented, misunderstood and villainized by myths and stereotypes.

- 10) Are not protected by the law against discrimination, and the law does not allow them to form consensual relationships.
- 11) Are not included in development and planning policies.
- 12) Are not reflected in national policies.

Common Myths, Stereotypes, Misinformation and Disinformation about the LGBTQ+ Community

Uganda's community opinions about the LGBTQ+ community are influenced by myths, stereotypes, misinformation and disinformation. The main ones include:

Myth(a): Homosexuality is a foreign behaviour.

Reality: Same-sex relationships existed in Uganda before foreigners came to Uganda.

Myth (b): Uganda's culture condemns homosexuality.

Reality: It is Uganda's religions that ostracize homosexuality. The various tribes of Uganda were both unaccepting and reluctantly accepting of homosexual relationships before religion was introduced.

Myth (c): Gender is assigned at birth. It is also how other people perceive one's gender.

Reality: Gender identity is personal; it is how one experiences gender internally and thinks about oneself. Biological gender is a social construct.

Myth (d): LGBTQ+ individuals have strayed. They need either divine intervention, counselling/therapy, or to be punished by the law to return to the correct or normal way of life.

Reality: Homosexuality is not a deviant behaviour; it is how one was born. Prayers, therapy or legal punishment cannot change a person's sexuality.

Myth (e): Homosexuality is funded by Western societies to curb the growth of populations.

Reality: Like any funding for noble causes such as ending poverty and gender-based violence, funding for the LGBTQ+ community seeks to protect this group from harm that includes discrimination, stigma and marginalization.

Myth (f): Gay men love to dress like women because they secretly wish that they were women.

Reality: Being gay does not mean that the person identifies as a member of the opposite gender. Sexuality is different from gender identity, and they do not have a correlation with each other.

Myth (g): LGBTQ+ persons spread HIV/AIDS.

Reality: HIV is transmitted through specific contact with body fluids. This includes unprotected sex among homosexuals and heterosexuals, blood contact, sharing needles and mother-to-child transmissions.

Myth (h): A person whose biological sex is female but feels male inside is still female.

Reality: A person's experiences of their gender identity should be accepted and respected without judgment or stereotype. Regardless of what genders they were assigned at birth.

Recommendations and Future Actions

Challenges to LGBTQ+ equality are deeply rooted in religious, policy and cultural stigmatization and discrimination. The following recommendations to policymakers and enforcers are aimed at guiding policy-based advocacy.

To Policymakers

- 1) Instruct the Uganda Law Reform Commission (ULRC) to review AHA,2023, with a view to reconsidering its efficacy.
- 2) Remove language from colonial-era laws that continue to be used to stigmatize and discriminate against LGBTQI+ people.

- 3) Enact legislation to protect people against hate crime including on the basis of sexual orientation.
- 4) Foster inclusive spaces that create opportunities for gender diverse voices to be heard and to collaborate on matters related to national policies.
- 5) Create a platform for engaging with minority groups on issues related to diversity, equity and inclusion. This will promote a better understanding of different perspectives related to social justice.
- 6) Public opinion commonly conforms to policy reforms or often vice versa, ensuring that national policies are inclusive of Uganda's gender diversity.
- 7) Support policy reforms that protect all citizens equally, regardless of orientation or identity.
- 8) Ensure meaningful consultation of the relevant stakeholders in policymaking processes.

To Policy Enforcers

- 1) Ensure lawful policy enforcement.
- 2) Office of the Director of Public Prosecutions (ODPP) should develop guidelines for enforcing AHA, 2023, to supplement the Decision to Charge Guidelines and make these available to stakeholders for comments before disseminating them among law enforcement agencies.
- 3) Establish channels for stakeholders to provide feedback and raise concerns about policy enforcement issues that affect the LGBTQ+ community.
- 4) Ensure that overzealous and errant policy enforcers are held accountable.

About the Universal Coalition of Affirming Africans -Uganda.

Established in 2017, UCAAA-UG was the first faith-based organization that advocates for the inclusion of the most marginalized groups of people in Uganda using faith-based approaches. This was after the realization that marginalized groups are deprived of their human rights and treated unfairly in our communities, using religion as a justification.



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