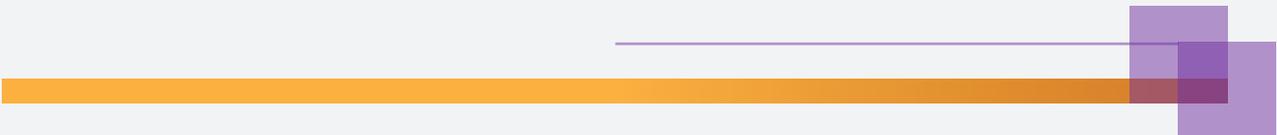




NAVIGATING LAW AND MARGINALITY:
An Afro Feminist Analysis
of Ugandan Womxn's
Interactions with the Law



| August 2025 |



CONTENTS

Acronyms	4
Acknowledgements	5
Abstract	6
I. INTRODUCTION	7
I.1 Background	7
I.2 Data Collection Methods and Analysis	
<i>Research Tools</i>	8
<i>Overview of Analysis</i>	9
I.3 Structure of the Report.....	9
I.4 Non-Conforming Sexualities and Gender Identity in Uganda: A Social History	10
I.5 The Relevant Legal Framework.....	13
<i>Laws that Regulate and Control LBQs</i>	13
<i>Legal Protection of LBQ Persons Against Majoritarianism</i>	15
II. IMPLEMENTING THE ANTI HOMOSEXUALITY ACT UNDER LEGAL PLURALISM.....	17
II.1 Queer Moments in Constitutional Jurisprudence Since 1995.....	17
II.2 The Futility of Enforcing a Victimless Crime.....	21
III. EVERYDAY DISCRIMINATION AND PREJUDICES AGAINST LBQs.....	24
III.1 Language and (In)Visibility	25
III.2 Economic Disempowerment.....	27
III.3 Discrimination in Housing and Health	28
III.4 State and Non-State Violence.....	30
IV. PUSH-BACKS AND SURVIVAL STRATEGIES	35
V. BEST PRACTICES AND RECOMMENDATIONS	40
V.1 Decolonizing Policies and Institutional Practices.....	40
V.2 LBQ Organizing and Movement Building	41
V.3 Research and Accountability	43
V.4 Recommendations for Transformative Change	46
VI. CONCLUSION	49
References.....	50



ACRONYMS

AQNet	Africa Queer Network
CAL	Coalition of African Lesbians
CAP	Chapter
CCR	Centre for Constitutional Rights
EOC	Equal Opportunities Commission
FARUG	Freedom and Roam Uganda
FEMA	Fem Alliance Uganda
FGD	Focus Group Discussion
HRAPF	Human Rights Awareness & Promotion Forum
KI	Key Informant
JLOS	Justice, Law and Order Sector
LBQ	Lesbian, Bisexual and Queer women
LGBTIQ	Lesbians, Gays, Bisexuals, Transgender, Intersex and Queers
M&E	Monitoring and Evaluation
MSM	Men who have sex with men
NGO	Non-Governmental Organization
ODPP	Office of the Directorate of Public Prosecutions
PFLAG	Parents and Friends of Lesbians and Gays
SMUG	Sexual Minorities, Uganda
SOGIE	Sexual Orientation, Gender Identity & Expression
SRHR	Sexual and Reproductive Health Rights
TWISF	Tomorrow Women in Sports Foundation
UFF	Uganda Feminist Forum
UBOS	Uganda Bureau of Statistics
UHRC	Uganda Human Rights Commission
UKPC	Uganda Key Populations Consortium
UWOPA	Uganda Women Parliamentarians Association
WERO	Women's Initiative for Emancipation and Renaissance Organisation
WHO	World Health Organization
WPI	Women's Probono Initiative



ACKNOWLEDGEMENTS

We are deeply grateful to Prof. Sylvia Tamale, the lead consultant, for her exceptional expertise, dedication, and the depth of feminist analysis she brought to this study. Our appreciation also goes to the study participants, LBQ organizations, and their allies for their time, commitment, and enthusiasm.

Special thanks go to Noah Mirembe Gabigogo for providing concise and insightful feedback on the draft, which greatly enriched both the content and structure of the report. We also acknowledge the participants who engaged with the findings during the validation meeting and offered invaluable comments that helped identify gaps and refine the recommendations.

Our sincere thanks to the Women's Probono Initiative (WPI) team, who conceptualized the study, with Primah Kwagala leading the team, and Rose Wakikona, Julia Kemigisha, Tracy Nabbaale, and Rahom Maria Bukirwa coordinating the process.

Finally, we extend our gratitude to UNAIDS for their generous support towards the development of this publication.



ABSTRACT

Employing qualitative data-collection methods and rooted in a decolonial feminist approach, this study set out to examine the lived experiences of Ugandan lesbian, bisexual and queer (LBQ) persons since the coming into force of the Anti-Homosexuality Act, 2023 (AHA); their interaction with the legal justice system since promulgation of the 1995 Constitution; and their active engagement with the oppressive structures of society. The findings reveal that the passing of the AHA significantly exacerbated the situation for LBQ persons who had to contend with a homophobic and transphobic population, struggle to overcome systematic patterns of inequality, derogation, and exclusion, and contend with excessive abuse at the hands of local communities and law enforcement. The law legitimized impunity and created fertile ground for more extreme victimization, stigmatization, and violence against LBQ persons. The complexity of intersectional discrimination faced by LBQ “women” means that they disproportionately experience higher levels of marginalization. But, despite the toll that homophobic policies and sexist practices have taken on them, LBQ persons have exhibited resistance, resilience, and used creative ways of pushing back in order to survive, and even thrive in some cases.

Strategies for transformative justice and community-defined priorities should address diverse issues of homophobia, sexism, classism, ageism and ethnic pluralism. Several recommendations are given, including:

- (i) The repeal of all laws and policies that discriminate against LBQ persons in Uganda;
- (ii) Amendment of existing laws to recognize the rights of LBQ to parenthood, sexual and reproductive health, name change, etc.;
- (iii) Increased solidarity within the LGBTIQ movement and other like-minded movements by revamping activism to counter the narratives of the anti-gender movement;
- (iv) Implement intra-disciplinary training of all the Justice, Law and Order Sector (JLOS) institutions to raise awareness about diversity and inclusivity;
- (v) International partners to support national and regional human rights mechanisms to ensure the inclusiveness of LBQ issues in their protective and promotional mandates; and
- (vi) Best practices to guide stakeholders in leveraging incremental and transformative change in protecting and enhancing the lives of LBQ persons in the country.

INTRODUCTION

1.1 Background

The proposed law should be clear so that what is thought to be criminalised is not the state of one having a deviant proclivity but rather the actions of one acting on that deviancy.

President Yoweri Kaguta Museveni (April 2023)

The quote cited above refers to the Ugandan Anti-Homosexuality Bill, which was eventually passed and came into force in May 2023 following presidential assent. Parliament took President Museveni's advice and removed the clause that criminalized "deviant" identity in the original version of the Bill. However, the president's words are emblematic of how a nation renders an entire minority of its population invisible. The message conveyed by the government is: "we see you but only in a straitjacketed form." The citizenship of these Ugandans is thus relegated to the status of "subordinated other" (Kizito 2017).

In these circumstances, "deviance" or difference becomes a negative status-label for all non-conforming sexualities and gender identities, legitimizing it into the nation's ethical and legal system by those with social and political power. While it recognizes them as human beings, it simultaneously sets out to socially dehumanize them as "disgusting" and "dangerous," attacking their very humanity. Significantly, not all non-conforming social behaviors/practices are labelled "deviant" (e.g., adultery, aggression, and alcoholism), suggesting a political motivation to the label's association with certain sexual and gendered behaviours. Indeed, evidence suggests that the complex institutions of gender and sexuality are heavily embroiled in hierarchical socio-economic and political power structures (Musisi 2014; McClintock 2013; Tamale 2011; Epprecht 2008). This is especially so when one considers that consensual sexual acts that are criminalized as "deviant" are *de facto* victimless.

Among those Ugandans described as sexual and gender deviants are lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons. For the purposes of this study, the term "queer" includes individuals who identify as non-binary and transgender women.¹ Hence, the report mainly focuses on Ugandan LBQ persons because of their complex intersectional experiences of exclusion. In other words, their experiences of marginalization as LBQ persons are continuously intertwined with other systems of oppression, particularly sexism, classism and disability bias. Hence, we can, for instance, speak of gendered dimensions of homophobia/biphobia/transphobia in the different aspects of the lives of LBQ persons.

¹ The category "transgender men" in this study excluded those that have undergone gender-affirming medical interventions such as hormonal treatments and surgical procedures.

Several organizations in Uganda work to promote the rights and dignity of LBQ persons.² The descriptors that make up the LGBTIQ alphabet are closely entangled with Eurocentric experiences that emerged out of colonial histories; they are used here only as adopted by the state under the all-encompassing code word, “homosexuality.” In this report, by contrast, I use the local self-identifying term “*Kuchu*” to reference Ugandan LGBTIQ persons, which is adopted from Kiswahili and used all over East Africa. Variants of the term are adapted depending on the context and whom they are speaking to. Furthermore, the voices of Ugandan LBQ persons are centred and amplified in order to illuminate their multiple realities and to effectively address them; lived experiences help to co-produce knowledge, offering radical epistemic alternatives to existing paradigms (Zambrano and Hong 2025). The report uses the generic term “homosexuality” or the indigenized tag “LaBaQua,” interchangeably with *kuchus*, demonstrating that LBQ persons in Uganda have sought to differentiate themselves from the global alphabet.

The process of legally defining sexual acts or individuals in Uganda as deviant has a history that must be brought to light in order to understand the contemporary status of non-conforming sexualities and identities, including that of LBQ persons. It is particularly important to surface the following questions while unpacking these developments:

- Has the history of Africa been intrinsically heterosexual?
- What forces have influenced and (re)shaped the boundaries of gender and sexuality on the continent? and
- How are such influences reflected in Uganda’s criminal justice system?

1.2 Data Collection Methods and Analysis

Research Tools

The study mainly employed qualitative methods of data collection. In the months of June–July 2025, I conducted in-depth interviews with nine lawyers and three paralegals who work as focal people in the communities, and deal directly with cases involving LBQ persons, either representing them in court or providing legal advice. Additionally, focus-group discussions (FGDs) were organized with four different groups of LBQ persons hailing from all regions of the country. From the FGDs, I identified some individuals with whom I engaged for more in-depth case studies. Key informant interviews were conducted with five leaders of LBQ organizations. I also attended and observed three *kuchu*-organized events. First was the passing-out ceremony of LBQ community paralegals following their intensive three-week training by the Human Rights Awareness and Promotion Forum (HRAPF) held on June 28, 2025. Secondly, I went to the July 4th launch of the Sexual Minorities Uganda (SMUG) report, *How Change Happens: The Case for Alternative Impact Measurement in Uganda’s LGBTIQ+ Movement*. The third event was also a book launch by Freedom and Roam Uganda (FARUG) of their latest publication, *Claiming Dignified Menstruation: An Essential Guide for Lesbian, Bisexual and Queer Womxn* on July 27, 2025. Finally, data was obtained through a desk review of relevant resources and decided cases since the promulgation of the 1995 constitution.

² Such organizations include Freedom and Roam Uganda (FARUG—established in 2003), Fem Alliance Uganda (FEMA—established in 2012); Ubuntu Law and Justice Centre; Mends Initiative, Artivism and Persons Against Inequality, Uganda. There are also a few shelters specific to LBQ persons, e.g., Rella Rehabilitation Centre, Women’s Initiative for Emancipation and Renaissance Organisation (WERO) in Kampala and Rainbow Shadows in Mbarara. They all work closely with pan-African networks like the Africa Queer Network (AQNet) and the coalition of African Lesbian (CAL).

Overview of Analysis

In order to unearth the various ways that LBQ persons navigate the political and legal landscape, I used the inductive thematic analysis method, whereby data collected from the desk review and the field was synthesized to identify patterns, themes and relationships (Boyatzis 1998). It was particularly important to use methods that examine social processes and allow for an exploration of the linkages between the regulatory system and people's lived experiences. From a feminist and decolonial standpoint, this approach aligns well with the principle of epistemic justice, recognizing lived experience as valid knowledge rather than relying solely on institutional or external academic sources (Cummings et al. 2025). Qualitative methods are less prone to hierarchical representations of knowledge about the lived experiences of the people at the centre of analysis.

For the purpose of gleaning more nuanced forms of discrimination against LBQ persons, the analysis adopted Philomena Essed's framework, which connects structural forces of discrimination with routine situations in everyday life (Essed 2001). An intersectional constitutive approach was employed to surface sexist and class-related forms of homophobia, biphobia and transphobia which routinely shape discrimination against LBQ persons. Participants told their stories freely, weaving together their journeys of resilience, survival, and adaptation. I listened to these accounts actively noting non-verbal clues e.g., the silences, body language, facial expressions, etc., in order to make sense of the meanings and significance of what they relayed. To capture the complex interplay between multiple identities, complex power relations and structural arrangements in which they are embedded, I maintained an anti-subordination stance (Strayhorn 2017; May 2015; Crenshaw 1991). Given the criminality associated with the lives of LBQ participants in Uganda, confidentiality and safety were of paramount importance, which means that the interviewees remain anonymous throughout the compendium.

1.3 Structure of the Compendium

This compendium is divided into six sections. Section two deals with the implementation of the AHA against the backdrop of a situation of legal pluralism. Here, some key criminal cases involving LBQ persons since the passing of the 1995 Constitution are examined, highlighting how they navigate the legal landscape as victims, survivors and offenders. The section also highlights the tensions that exist in enforcing the AHA under pluralistic legal systems. The third section delves into everyday experiences and stories of LBQ persons, particularly their interaction with the law and their engagement with the prevailing social conditions. Attention is given to experiences involving language, economic disempowerment, housing and health, as well as violence at the hands of state and non-state actors. Section four documents the survival strategies adopted by LBQ persons living in a hostile environment, spotlighting the agentic possibilities that lie in a restrictive and oppressive socio-legal environment for Ugandan *kuchus*. Section five elaborates some best practices that should be considered key in the realization of justice and equity for LBQ persons in Uganda as well as key recommendations for transformative change. The final section comprises some brief concluding remarks drawn from the study.

The study findings are prefaced by a historical-legal framework. Such a framework provides the politico-economic backdrop against which gender and sexuality are controlled and regulated in Uganda. It is also important to provide the necessary context for understanding the current lived experiences and subcultures of LBQ persons in Uganda.

1.4 Non-Conforming Sexualities and Gender Identity in Uganda:

A Social History

While the act of *sex* is grounded in the functioning of biology *via* the human body, *sexuality* (or the behavioral system surrounding sex and gender) is entirely constructed by cultural, religious and legal forces, often driven by a politico-economic agenda. Of particular importance is the historical construction of sexuality and gender. Such construction is closely linked to the make-up of power and the processes of subjugation. Indeed, how we have sex, with whom, what we desire, how and under what circumstances we express pleasure, are all forms of learned behaviour communicated, *inter alia*, through the institutions of culture, religion and law (Tamale 2014; Dallery 1992). Likewise, gender is socially constructed through the binary roles and activities of males and females and the meanings attached to their interactions. Hence, a culture that insists that sexual intimacy must happen exclusively between individuals of the opposite sex is said to promote compulsory heterosexuality or heteronormativity—normalizing sex between a male and a female. This demonstrates the close link between gender and sexuality.

However, given the nuanced layers within which sexuality is constructed, performed and articulated, it must be understood not as a singular linear process but, rather, in pluralistic contextual terms. The multicultural nature of Uganda means that the knowledge, practice and experience of sexualities of its people are not entirely similar. Discussing the various historical aspects of the sexualities of the sixty-five (65) ethnic groupings in the country is beyond the scope of this compendium. Instead, I focus on how their general conceptualizations and attitudes towards sexual orientation and gender identity have evolved over the years. The lenses of history bring into sharp focus the ideologies and processes that have shaped contemporary understandings, attitudes, and perceptions towards gender and sexuality.

The main institution that has consistently shaped the contours of sexuality under imperialism is gender, particularly as it relates to racial capitalism.³ Our “common sense” understandings of sexuality have largely been captured by coloniality.⁴ In other words, our ways of knowing and thinking about sexuality reflect a Eurocentric worldview imposed through education, religion, laws, and the media. Such worldview about sexuality advances specific political and economic interests. In Europe, sexual repression (e.g., the condemnation of masturbation and other “deviant” practices by religious authority) and the regulation of sexual pleasure peaked during the period of industrialization and the rise of capitalism (Vandermeersch 1990). Emphasis was placed on monogamous heterosexual marriage ties and procreation for boosting the labour force. By contrast, as elsewhere on the continent, most indigenous communities in Uganda practiced polygyny and their sex/gender system was far from the polarized dualisms that we know today. Instead, “queer” individuals and practices were tolerated and heterosexuality was not rigidly mandatory in the same way it is today (Kizito 2017; Blevins 2011; Nannyonga-Tamusuza 2009).

Another important aspect to consider in contextualizing the lived experiences of *kuchus* in Uganda is the relevance of legal pluralism—a concept that not only refers to the multiple legal systems at play in Uganda (imported state law, living customary law and religious), but also to the complex interactive relationship between state law and community norms, which often conflict with each other (Tamale 2020; Engle-Merry 1988). Attention to these overlapping systems of regulation

³ By racial capitalism we refer to processes that date back to the fifteenth century whereby race was instrumentalized to Other, exploit and oppress for financial accumulation.

⁴ Coloniality is a concept related to colonialism but goes beyond the mere acquisition and political control of another country. As an ideological system, it explains how Europeans colonized and denigrated African cultures through mind captivity. With a mission to erase or devalue indigenous ways of being and knowing, colonialists embarked on a deliberate mission to restructure the knowledge systems of African people (Tamale 2020).

helps to deepen the analysis and to reflect on the complexity of legal life that *kuchus* experience in Uganda.

It is often asserted that homosexuality is un-African, habitually reinforced with religious authority. However, nothing can be further from the truth. Apart from the fact that the mantra at once homogenizes a continent that is extremely diverse, it is also ironic because it is actually the religious condemnation of homosexuality that is un-African. A cursory review of the history of various indigenous cultures reveals language that referenced same-sex practices and non-binary, fluid understandings of gender on the continent (see e.g., Murray and Roscoe 1998; Epprecht 2004, 2008; Van Zyl 2011; Cheney 2012; Nyanzi 2013; Tamale 2020). Significantly, there were no traditional laws that criminalized queer sexualities in Uganda. Such history dates hundreds of years before Arabs and Europeans set foot in East Africa. This alone is proof that queerness is not a foreign import to Africa. President Museveni himself is keenly aware of this fact:



Homosexuals, in small numbers, have always existed in our part of Black Africa... They were never prosecuted; they were never discriminated against... What happened in African tradition was that the homosexuals would be known; it would not be approved but would be ignored. It would be their private issue.⁵

As he correctly pointed out, same-sex bonds in pre-colonial Africa were neither a political identity nor a community. The content of indigenous sex-gender systems was left elusive and generally kept in flux. However, today the law is used as a tool to control and regulate people's bodies and sexualities to ensure that they remain in the service of heteropatriarchy and capitalist accumulation.

So, how does queer sexuality and gender fluidity threaten patriarchal capitalism? Cis-heteronormative⁶ power structures such as the nuclear family, marriage, reproduction, inheritance, adoption laws, and sexual health education, *inter alia*, are all geared towards creating and maintaining the exploitative systems of patriarchy and capitalism. The hetero-patriarchal ideology, which valorizes male superiority and female subordination, is in line with the capitalist ideology that emphasizes profit maximization; the two ideologies reinforce each other. The hetero-patriarchal family where women provide the necessities of productive and reproductive social life, for no pay, boosts profit margins as capitalists can afford to maintain low wages in the workplace (Ossome 2024). Religion, education, and the law are deployed to provide ideological legitimacy and maintain the status quo.

By way of conclusion on this analysis, it is necessary to briefly review the place of international sexual politics in contemporary history. This story involves the spectacular global mobilization by conservative activists in a concerted effort to stigmatize and marginalize alternative sexualities. Dubbed the "anti-gender" movement, it is a transnational, decentralized but organized ecosystem that is well-funded with power to influence power centres around the world, including the UN and heads of state (Corrêa et al. 2023).

The fact that the two versions of the Anti-Homosexuality laws were initiated in parliament, not by the state but through private members' Bills coupled with the speedy and expeditious manner in which they were passed speaks volumes on the external forces that were at play in these developments.⁷ Evidence points to strong foreign overt and covert influences that ensured the passage of the two

⁵ Interview with Stephen Sackur, BBC *HARDTalk* February 23, 2012. Available at: <https://www.bbc.co.uk/programmes/p00nw591>

⁶ The term cis-heteronormative is derived from the words cisgender and heteronormativity. It refers to social norms and expectations that privilege people whose gender identity corresponds to the sex assigned at birth and whose sexual orientation is exclusively heterosexual.

⁷ Fourteen years prior to the passing of the Anti-Homosexuality Act of 2023, an earlier version had been tabled by Hon. David Bahati in 2009 and passed by parliament in 2014. The latter piece of legislation had been challenged and overturned by the Constitutional Court on the technical ground of being passed without the necessary quorum in parliament (see *Oloka-Onyango & 9 Ors v AG* [2014] UGCC 14). This gave way to mobilizing parliament to resurrect the Bill in 2023 by Hon. Asuman Basalirwa.

Bills (Nyanzi & Karamagi 2015; Blake 2014; Strand 2013; Kaoma 2009). This trend has found duplication in several other African countries, including Ghana, Nigeria, Cameroon, where copycat Bills have emerged (Kaoma 2023). The roots of this global influence are firmly rooted in the neo-conservative backlash against feminism and LGBTIQ equalities (Corrêa et al. 2023). Their rhetoric is underpinned by claims for the protection of traditional family values, pro-life, pro-child protection and pro-religious freedom. Its key drivers present themselves as the defenders of “true morality” against the excesses of the liberal elite; in that sense, they arrive to fulfil their self-appointed role as “saviour.” On the African continent, Uganda has emerged as one of the epicenters of this fierce counter-feminist attack, working closely with politicians and religious leaders.⁸ As a result, the country has hosted several pan-African mobilizations, including inter-parliamentary and inter-government conferences to implement their agenda.⁹ Politicians—such as those who introduced the private members’ Bills against homosexuality—have jumped on the anti-gender bandwagon with its populist agendas and media-led moral panic manipulations to reinforce their grip on power.

Feminism and LGBTIQ rights are the key targets of the backlash, invoking the charge that Western imperialists are intent on imposing their decadent culture on Africa and recruiting children.¹⁰ After passing the Anti-Homosexuality Act, the Speaker of Parliament declared:



Honourable members, today, the 11th Parliament has gone again in the books of history of Uganda, the world and Africa, and clearly brought the issue of homosexuality; *the moral question that we talk about every day, the future of our children and the protection of our families...* Let us protect Ugandans; let us protect our values and virtues; we have a culture to protect. (Applause)... The Western world will not rule Uganda. The aid that we have been getting is unconditional. If they are giving us a condition that they should use our children’s bums to release the money... I also want to thank the honourable members who are here, for standing firm on our morals. [emphasis added]

[Parliamentary Hansard, May 2, 2023: 8425-6]

The standardized family ideologies used by anti-gender campaigns have become the hallmark of their mobilizations. The fetishization of a homogenous “African family” was a colonial invention that has nothing to do with the reality of fluid family arrangements that have always existed on the continent (Tamale 2020; Nyanzi 2013; Oloka-Onyango 2012). Homophobia, transphobia and moral panics have become the technology of Othering and maintaining gendered hierarchies in society. It is clear that this anti-gender campaign is part of a much broader project by hetero-patriarchal forces aimed at establishing a new politico-economic order in the face of crises resulting from neoliberal capitalism (Petó 2021). The social crisis is re-articulated as a family crisis, glossing over the concrete material struggles of its political economy. But the reality is that the twin institutions of gender and sexuality cannot be separated from the politics of class, race, nation and even law.

⁸ Led by conservatives such as Sharon Slater (president of Family Watch International), Pastor Rick Warren, and evangelist Scott Lively, the movement is promoting an agenda in close collaboration with Uganda’s first lady, Janet Museveni and the Speaker of Parliament, Anita Among.

⁹ For example, the recent meeting held between May 9-11, 2025 was the third inter-parliamentary conference held on Ugandan soil. The conference theme included Family Values, Cultural Preservation, National Sovereignty and Foreign Influence.

¹⁰ One way that homophobia is spread is through framing homosexuals as predators who recruit children into homosexuality; it is an effective strategy. It has historically been deployed to generate paranoia, social panic and to justify greater controls. It was deployed as far back as the 1960s in America and Europe to discredit gay advocates such as Harvey Milk.

1.5 The Relevant Legal Framework

In 2025, FARUG—the first and oldest LBQ rights organization in Uganda—issued a report on the lived experiences of LBQ persons following the enactment of the AHA. It revealed “an alarming negative effect” of the new legislation on their lives and activism (FARUG 2025). While the denial and repression of LBQ rights and liberties in Uganda has been channeled mainly through religious organizations, the executive and the legislative arms of government, the LBQ community has mainly turned to the judicial arm for relief (Jjuuko and Nyanzi 2022). Indeed, the law is a double-edged sword for LBQ persons with the potential for disabling and empowering (Tamale 2014). It is therefore important to briefly examine the formal legal framework that relates to the lives of LBQ persons before considering legal norms that embody justice by protecting sexual minorities against majoritarianism.

Laws that Regulate and Control LBQ Persons

The Penal Code Act (Cap 120)

As we have seen from the previous section, homophobia and transphobia are rooted in the hegemonic and colonial history of Uganda that deliberately suppressed and demonized indigenous ways of doing and knowing. As Kalemba Kizito reminds us, “gendered violence, and homophobic attitudes in Uganda cannot be divorced from the seams of Western patriarchy and masculinisms cultivated through the export of legal and religious values” (2019: 568). By the time the British formally colonized Uganda as a protectorate in 1894, they had been ruling India for over 36 years. Section 377 of the 1861 Indian Penal Code introduced the crime of sodomy to the country, and it was the same law that was directly imported to Uganda through the 1897 Order-in-Council. Subsequently, the Penal Code Ordinance 7 of 1930 replaced the Indian Penal Code of 1866. The crime was later consolidated in the Penal Code of 1950, which replaced the ordinance. It was classified under “Offences Against Morality,” and section 145 defined it as “carnal knowledge against the order of nature.”¹¹ The offence was deemed so heinous that it fetched life imprisonment for convicted offenders. That law marked the foundation of institutionalized homophobia in Uganda, reinforced by religious and political discourse (Kizito 2019; Tamale 2013; Mutua 2011).

Other relevant offences in the Penal Code Act include Section 148, which provides:

Any person who, whether in public or in private, commits any act of gross indecency with another person or procures another person to commit any act of gross indecency with him or her or attempts to procure the commission of any such act by any person with himself or herself or with another person, whether in public or in private, commits an offence and is liable to imprisonment for seven years.

¹¹ Note that the Penal Code Act (Cap 120) has since undergone several amendments and revisions (e.g., in 1990, 2000 and 2007), which are all incorporated in the main 1950 version of the legislation.

The Computer Misuse Act, 2011

The Computer Misuse Act has been criticized for stifling freedom of expression online (Chapter Four 2025). In particular, for *kuchus*, Sections 24 and 25 which introduced the crimes of “cyber harassment” and “offensive communication,” respectively, have been wielded against them. Both provisions are so broad that they can be applied to any conduct and behavior deemed to harass and/or offend others. Indeed, the law has often been used against *kuchus* through cases of entrapment and catfishing on social media dating Apps.¹²

The Anti-Homosexuality Act, 2023

In 2023, Uganda’s parliament passed the Anti-Homosexuality Act (AHA), which supplemented the Penal Code Act¹³ by adding more stringent restrictions and controls on the sexuality of Ugandans.¹⁴ It introduced the offence of homosexuality, which was broadly defined as “the performance of a sexual act by a person on another person of the same sex.”¹⁵ Hence, all same-sex relations between consenting adults are prohibited and violators are liable to a sentence of life imprisonment. The law also introduced capital punishment for any person who commits “aggravated homosexuality,” which covers repeat offenders and/or those who engage in same-sex relations with a member of a vulnerable group such as children, people with disabilities and the elderly.¹⁶ Promotion of homosexuality which sets serious limitations on the rights of homosexual individuals to organize and do advocacy work, lease out property or seek employment involving children, is also prohibited.¹⁷ Furthermore, the AHA imposes rehabilitative therapy for convicted felons and sets serious limitations on the rights of homosexual individuals to lease property or seek employment involving children.¹⁸

Other Relevant Laws

- The Constitution, which prohibits same-sex marriage¹⁹;
- The Non-Government Organizations (NGO) Act, which prohibits the registration of any organization whose objectives are against the laws of Uganda²⁰;
- The Registration of Persons Act, 2015 which reinforces the rigid binary gender system through its condonation of the use of “normalizing” surgical intervention to turn an intersex child either male or female.²¹ When this law was passed, parliament made sure that the right to change one’s names does not extend to transgender persons.²²

¹² See HRAFP Violation Reports, available at: <https://hrapf.org/violation-reports/> [accessed July 06, 2025]. An employee of NSSF was also charged under this law and the prosecution relied on her email and phone messages to communicate with a female friend. The case was dismissed because it was brought under the wrong law.

¹³ See Section 145 of the Penal Code Act, Cap. 120 of the Laws of Uganda.

¹⁴ See the Anti-Homosexuality Act, 2023.

¹⁵ See sections 1 and 2 of the Anti-Homosexuality Act, 2023.

¹⁶ See Section 3 of the Anti-Homosexuality Act, 2023.

¹⁷ See Section 11 of the Anti-Homosexuality Act, 2023.

¹⁸ See Section 16 of the Anti-Homosexuality Act, 2023.

¹⁹ See Article 31(2)(a) of the 1995 Constitution of the Republic of Uganda as Amended in 2005.

²⁰ See Section 30(1)(a) of the NGO Act, 2016.

²¹ See Section 38 of the Registration of Persons Act, 2015. Note that the law uses the outdated derogatory language of “hermaphrodite” and not intersex.

²² See Susan Mirembe Nalunkuma, “Glaring Loopholes in Uganda’s Registration of Persons Bill,” *Pambazuka News*, April 15, 2015, available at: <https://www.pambazuka.org/glaring-loopholes-ugandas-registration-persons-bill> [accessed July 28, 2025].

Legal Protection of LBQ Persons Against Majoritarianism

The 1995 Constitution of the Republic of Uganda is the supreme law of the land, which regulates the powers and structures of the state and provides the framework for all policy decisions.²³ In that sense, all other statutes are subordinate to the Constitution. That is the reason why LBQ persons often turn to the constitution to enforce their inherent rights and freedoms. Chapter Four of the Constitution stands as the centerpiece of Uganda's constitutionalism. Entitled, "Protection and Promotion of Fundamental and Other Human Rights and Freedoms," Chapter Four proclaims the Bill of Rights as applicable to *all* citizens of Uganda, including LBQ persons. On the whole, Uganda's constitution satisfies international and regional human rights standards and practices.²⁴ Key among such protections are the following:

- i. Article 21 guarantees equality and freedom and prohibits discrimination based on one's sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability;
- ii. Article 24 articulates the concept of dignity for all citizens and their protection from cruel, inhuman and degrading treatment;
- iii. Under Article 27, every Ugandan is assured of the right to privacy;
- iv. Article 28 provides for the right to a fair and speedy hearing in any civil or criminal proceedings before an impartial court or tribunal and it asserts the presumption of innocence as a basic concept in the conduct of criminal processes;
- v. Article 29 protects the freedoms of conscience, expression, movement, religion, assembly, and association.
- vi. Article 32 allows for affirmative action in favour of marginalized groups who suffer discrimination based on their gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them. It gives the mandate to the Equal Opportunities Commission as the administrative unit to operationalize this constitutional guarantee.
- vii. Social minorities like LBQ persons are specifically protected by Article 36, which provides them with the right to participate in decision-making processes; their views and interests shall be taken into account in the making of national plans and programmes.
- viii. The right to work is guaranteed under Article 40.
- ix. Article 45 opens up the rights afforded to citizens by recognizing the existence of other rights that they should enjoy outside those expressly listed in the constitution.

²³ See Article 2 (1) and (2) of the 1995 Constitution as amended.

²⁴ Uganda is signatory to several international and regional human rights instruments whose provisions are not binding but have persuasive value in the courts of law. Courts often interpret Ugandan law so as not to come in conflict with the international obligations that Uganda assumed when it acceded to the international instruments (*Attorney General vs Susan Kigula and 417 others* [2009] UGSC 6)

However, rights and freedoms always come with corresponding duties and responsibilities. Hence, Article 43 limits the enjoyment of rights where such enjoyment prejudices the rights of other people or public interest. At the same time, the constitution treats some rights as non-derogable, meaning that under no circumstances can state institutions offer any kind of explanation for ever violating them. Article 44 lists four such rights and freedoms, namely,

- (a) freedom from torture and cruel, inhuman or degrading treatment or punishment;
- (b) freedom from slavery or servitude;
- (c) the right to a fair hearing; and
- (d) the right to an order of habeas corpus.²⁵

Resolving the tensions and contradictions between homophobic laws and practices on the one hand, and these constitutional protections of *kuchus* on the other, is one of the biggest conundrums that law enforcers face in Uganda.

²⁵ Habeas corpus is a Latin term literally meaning, “produce the body.” It is a common law remedy and when a writ of habeas corpus is issued by a court, it is ordering the state to release a prisoner and produce them in court.



II. IMPLEMENTING THE AHA UNDER LEGAL PLURALISM

The AHA and the Penal Code are not the exclusive normative orders claiming authority over *kuchus* in Uganda. As is the case in most “post-colonial” African contexts, Uganda grapples with the messy legacy of contending with simultaneous social orderings that are often in contradiction. In this case, we have the law on the books regulating non-conforming sexualities and gender identities competing with evolving traditions, African traditional religion and informal justice systems (Tamale 2020; Katto 2018). The study uncovered several complexities in the operation and implementation of homophobic laws by the authorities (police, judicial officials, local government officers, and lawyers), underscoring how current legal regimes are not merely domestic inventions but represent the continuous application of imperial logic—particularly around the control of “Othered” bodies and sexualities. The section examines the implementation of colonially transported homophobic laws in courts of law and also scrutinizes how enforcement pans out at the level of local communities.

2.1 Queer Moments in Constitutional Jurisprudence Since 1995

The very first legal test that took advantage of the relatively progressive 1995 constitution was the case of *Victor Juliet Mukasa & Yvonne Oyo v. Attorney General*²⁶ in which the police raided the house of Mukasa, an LBQ activist, and, without a search warrant, seized several of her documents. Mukasa was not home at the time, but they arrested her guest, Oyo, who was subjected to forcible undressing and humiliating fondling at the police station, allegedly to determine her sex. The local council chairman who aided the arrest announced to the public: “I found this creature in my area, idle and disorderly.” Mukasa and Oyo filed a case against the state seeking the enforcement of their fundamental constitutional rights to liberty, dignity, privacy and freedom from degrading treatment. Court found that the actions of the state violated the fundamental rights of the plaintiffs. The decision was lauded as a landmark victory for the *kuchu* community in Uganda, one offering a ray of hope to keep pushing for social change. But, more importantly in this case were the apparent tensions that the judge had to contend with in deciding the case. While Justice Arach-Amoko condemned the gross violations visited upon Mukasa and her guest, she carefully treaded the homophobic legal waters by denying that the abuse was triggered by homophobia: “This case... is about abuse of the applicant’s human rights... It is not about homosexuality” (Kabumba 2009). She was judiciously navigating the delicate balance between safeguarding the private rights of the applicants and the criminality discourse surrounding homosexuality.

Several additional cases affirming the humanity and dignity of LBQ persons have been filed in the Constitutional Court. For example, when parliament passed the Equal Opportunities Commission Act in 2007, it inserted language to ensure that sexual minorities were excluded from the term “minorities” under Article 36 of the Constitution. Section 15(6)(d) stated, “The Commission shall not investigate any matter involving behaviour which is considered to be “immoral and socially harmful or unacceptable by the majority of the cultural and social communities in Uganda.” Article 32 of the constitution clearly intended that the EOC would address issues of marginalization affecting “social

²⁶ Misc. Cause No. 247 of 2006.

minorities” and to ensure that they are accorded equal opportunities with the “social majorities.” Therefore, to say that the Commission required the authorization of the “social majority” to address the issues and concerns of “social minorities” simply defeated the core purpose of the legislation. It was a classic case of giving with one hand and taking away with the other. Therefore, the constitutionality of section 15(6)(d) was attacked in the case of *Adrian Jjuuko v. Attorney General*,²⁷ where the constitutional court confirmed this:



Having cautiously examined S. 15(6)(d) of the EOC Act... we find that the impugned section indeed contravenes Articles 20, 21, 28 and 43 of the Constitution of Uganda by: (1) creating a class of social misfits who are referred to as immoral, harmful and unacceptable; (2) legislating the discrimination of persons said to be immoral, harmful and unacceptable; and (3) denies access to justice to that class of people by prohibiting the EOC from investigating persons who it adjudges immoral, socially harmful and unacceptable.

Again, we see how the court positively resolved the contradiction that had faced parliament in attempting to unjustly exclude a section of society from legal protection based merely on “moral,” religious and political grounds.

Queer moments in Uganda’s constitutional jurisprudence continued to develop in 2010 when *kuchus* filed a suit against *The Rolling Stone* tabloid that outed many *kuchus* under the banner headline proclaiming, “Hang Them, They Are After Our Kids!” The sub-headline read, “Pictures of Uganda’s 100 Homos Leak.” The Constitutional Court affirmed the rights of *kuchus* against hate speech when it held:



Clearly the call to hang gays in dozens tends to tremendously threaten their right to human dignity. Death is the ultimate end of all that is known worldly to be good. If a person is only worthy of death, and arbitrarily, then that person’s human dignity is placed at the lowest ebb. It is threatened to be abused or infringed. With regard to the right to privacy of the person and home, under Article 27, of the Constitution, court has no doubt... that the exposure, of the identities of the persons and homes of the applicants for the purposes of fighting gayism and the activities of gays... threaten the rights of the applicants to privacy of the person and their homes. They are entitled to that right.²⁸

Despite these positive developments in the courts of law, on the legislative front, numerous setbacks were registered as the anti-feminist movement pushed for more sanctions against the community. Hence, Speaker Rebecca Kadaga fulfilled her promise to deliver a “Christmas gift” to Ugandans when parliament passed the first version of the Anti-Homosexuality Bill on December 20, 2013. President Museveni signed it into law on February 24, 2014, stating that promoters of homosexuality were recruiters, and as a consequence, “...many of those recruited were doing so for mercenary reasons—to get money—in effect homosexual prostitutes; these mercenary homosexual prostitutes had to be punished” (Chapter Four, 2014). A petition to challenge the law was filed immediately and on August 1, 2014, the Constitutional Court overturned the law in the case of *Oloka-Onyango & 9 Ors v AG*.²⁹

²⁷ Constitutional Petition No. 1 of 2009 (Unreported).

²⁸ *Jacqueline Kasha Nabagesera v. Rolling Stone Ltd & Giles Muhame*, Miscellaneous Cause No. 163 of 2010.

²⁹ [2014] UGCC 14.

However, rejection of the law was done mainly on technical grounds, missing the chance to deliberate on the substantive provisions of the legislation. Indeed, almost a decade later, the law was resurrected as the Anti-Homosexuality Bill, 2023. Again, the law was challenged in the constitutional court in the case of *Fox Odoi & 28 Others v. AG & 3 Others*.³⁰ While the petition failed in overturning the substantive provisions of the law, a few of its provisions were declared unconstitutional. For example, those that promoted homophobia against people living with HIV/AIDS, the eviction of *kuchus* from residential or business premises and the compulsory reporting of homosexuals or suspected homosexuals to the police. The petitioners appealed the decision and at the time of writing this report, the Supreme Court was yet to set a hearing date for the appeal.

The most recent case, decided post-AHA, involved the arbitrary raid and arrest of 20 residents of a communal shelter for *kuchus* by local council officials during the lockdown imposed on account of the COVID-19 pandemic. Accused of homosexuality, the 20 residents were beaten, undressed, tied up, burnt with hot firewood, and subjected to anal examinations. Holding that the petitioners' right to privacy and freedom from torture were infringed upon by the arresting officials, the court further emphasized their right to equality:



The equality doctrine is rooted in the idea that *the human race as a family is characterised by the attribute of oneness in dignity and worth*. Therefore, no group of human beings should be taken as inferior and hence as less deserving of certain legal rights and entitlements than others and meriting being treated with hostility and denied the full enjoyment of fundamental rights and freedoms.³¹ [emphasis added]

Significantly, Justice Singiza hinted on the principle that sits at the heart of the African philosophy—*Ubuntu*— by making reference to “oneness in dignity and worth” of the human family. He used his position to reconcile pluralism and constitutionalism.

The above cases demonstrate that the community of sexual minorities in Uganda has not taken the persecution they have faced lying down. They have fought back with noticeable successes, despite the broadly homophobic context within which they operate. It is notable that LBQ persons have prominently featured in all the cases that have sought to challenge their marginalization, not only confirming their desire to be heard, but significantly contributing to the positive development of Uganda's body of Queer jurisprudence.

By way of comparison, the tool of strategic litigation has been most successfully used in India. In 2014 the Indian Supreme Court delivered justice to sexual minorities in the landmark case of *National Legal Services Authority (NALSA) v. Union of India & Ors.*³² Not only did the court legally recognize transgender individuals as a “third gender,” but also affirmed their fundamental rights under the Indian Constitution including affirmative action in education and employment. The shared socio-legal colonial history of India and Uganda alluded to earlier in the report resonates in the words of Justice Radhakrishnan:

³⁰ Consolidated Const. Petitions No. 14, 15, 16 & 85 of 2023.

³¹ *Mukiibi Henry & Ors. v. Hajji Abdul Kiyimba & Ors*, Misc. Cause No. 179 of 2020.

³² AIR 2014 SC 1863 and (2014) 5 SCC 438. Four years later in 2018, the Supreme Court of India also struck down section 377 of the Penal Code, thus decriminalizing homosexuality. See *Navtej Singh Johar v. Union of India* AIR 2018 SC 4321.



Seldom, our society realizes or cares to realize the trauma, agony and pain which the members of Transgender community undergo, nor appreciates the innate feelings of the members of the Transgender community, especially of those whose mind and body disown their biological sex. Our society often ridicules and abuses the Transgender community and in public places... they are sidelined and treated as untouchables, forgetting the fact that the moral failure lies in the society's unwillingness to contain or embrace different gender identities and expressions, a mindset which we have to change.³³

Four years later, in 2018, the Supreme Court of India struck down section 377 of the Penal Code, thus decriminalizing homosexuality.³⁴ On June 16, 2025, leaning on the Supreme Court's authority, the High Court in Andhra Pradesh declared that a transgender woman is legally a woman.³⁵ While this may appear like a progressive intervention, it essentially locks transgender people into the colonial structure of the binary gender model. Transgenderism represents the epitome of gender fluidity and societies should move away from efforts to compartmentalize them into the colonial gender dualism.

But not every case filed by *kuchus* in Uganda has been successful. Two cases stand out for manifesting negative verdicts. The first was filed by FARUG against the Minister of Ethics and Integrity who, on February 14, 2012, disrupted and closed down a workshop that the organization had convened for LBQ persons on "Project Planning, Advocacy and Leadership." Minister Lokodo argued that the meeting was illegal because homosexuality was a criminal offence. FARUG argued that the minister had violated their freedom of expression and association. Justice Musota agreed with the minister when he held: "the restriction of the applicants' rights was done on the basis that they were promoting illegality in the exercise of their rights. It is trite law that the prevention of promotion of illegal acts is clearly acceptable and justifiable in any free and democratic society because it is based on the law."³⁶ Note that the judgment was passed on June 24, 2014 before the first AHA had been overturned. With this decision, Rev. Father Lokodo was emboldened to shut down many more meetings organized by *kuchus* (Jjuuko and Nyanzi 2022). The case had a ripple effect and was cited as authoritative precedent in another petition that rejected the formal registration of SMUG, because its name "was against public policy due to the fact that the company was formed for activities which were against public policy and not in the public interest."³⁷ These cases are a rude reminder to *kuchus* in Uganda that courts are not always attuned to the pursuit of justice and social equity, especially in an environment of the sustained politicization of sexuality and hostility towards gender diversity.

³³ Ibid., Para 1.

³⁴ See *Navtej Singh Johar v. Union of India* AIR 2018 SC 4321.

³⁵ See the case of *Viswanathan Krishna Murthy v. The State of Andhra Pradesh & Anr.* (Criminal Petitions Nos. 6783, 7064 & 6830 of 2022).

³⁶ See *Kasha Jacqueline, Frank Mugisha, Julian Pepe Onziema & Geoffrey Ogwaro v. Attorney General & Rev. Fr. Simon Lokodo and Attorney General*, Civil Appeal No. 195 of 2014 (Unreported).

³⁷ See *Frank Mugisha, Dennis Wamala & Ssenfuka Joanita Warry v. Uganda Registration Services Bureau*, Civil Appeal 223 of 2018. The appellants appealed the supreme court and at the time of writing this report the decision of the supreme court was pending. Today, the name SMUG has been registered under a different business to frustrate the network from pursuing its registration.

2.2 The Futility of Enforcing a Victimless Crime

Given that Section 145 of the Penal Code Act, which prohibits “unnatural sex” has been on Uganda’s law books for more than a century, it is quite shocking that only a handful of persons have been tried for the offence. Shabaz Muhammed was convicted in 2014, while Christopher Mubiru had his conviction quashed on appeal in 2016 for lack of sufficient evidence.³⁸ Both cases involved accusations concerning the rape of unconsenting parties under the supervision of the accused. The 2023 Police Annual Crime Report reveals that 160 cases of unnatural offences were reported in that year. Compare those figures with 8,925 cases of defilement and 1,577 rape cases by heterosexual persons in the same year.³⁹ It is next to impossible to secure convictions for consensual same-sex sexual activities unless the parties are caught in the act. This explains the futility of criminalizing the homosexual acts of consenting adults. It also explains why, in practice, resolution of cases brought under the AHA is mostly “empty” and done “informally” outside the regulatory system of the formal law.⁴⁰

Given the above, the most common charges proffered against LBQ persons is not the offence of homosexuality but rather, lesser offences under the Penal Code Act. For instance, community members in the case of *Uganda v. Mukoda Lydia & Naiga Martha* went to a local radio station accusing Mukoda and her partner Naiga of homosexuality and recruiting children into the same. The police arrested and arraigned the two in Jinja on the charge of indecent practices under section 148 of the Penal Code Act.⁴¹ The evidence against the accused persons was so flimsy and ambiguous that several state attorneys abandoned the case midway in order to avoid embarrassment. Her Worship Anxious Atumanya, the magistrate that presided over the case, noted: “At the trial, prosecution was represented by different state attorneys at the different stages of trial but Mr. Sseguya Ismail learned state attorney concluded the hearing on behalf of the prosecution.”⁴² In acquitting the accused, she recorded that “the evidence of the prosecution is so weak and full of contradictions that it wouldn’t be used to convict a person of the slightest of offences.”⁴³ However, the damage had been done for the accused persons; they had to flee from their homes and one of them lost her job as a deputy head teacher.

In addition to the offence of indecent practices, prosecutors commonly rely on other minor Penal Code colonial violations related to “idle and disorderly persons,” (S. 167) or “rogues and vagabonds” (S. 168). In 2016, HRAPF released a research report that analyzed the enforcement of sections 167 and 168 of the Penal Code Act which revealed that most victims of these offences were disadvantaged sex workers, LGBTIQ persons and drug users (HRAPF 2016). Lawyers who offer legal aid to marginalized communities such as WPI, HRAPF, Chapter Four, Ubuntu Law & Justice Centre and Advocates like Ladislaus Kiiza Rwakafuuzi are often frustrated. Nevertheless, a glimmer of hope surfaced when in 2022, the Constitutional Court declared the vagrancy law under section 168 of the Penal Code unconstitutional and therefore null and void after activists challenged it.⁴⁴ Justice Egonda-Ntende held:

³⁸ See *Uganda v. Shabaz Muhammed*, Criminal Case No. 474/2013 *Christopher Mubiru Kisingiri v. Uganda*, HCT-0OCR-CN-0108 – 2015. The 2024 Uganda Police Annual Crime Report shows that there were 10 convictions of unnatural offences without supplying details. Our efforts to obtain details were fruitless. The report is available at: <https://upf.go.ug/wp-content/uploads/2024/09/Official-Annual-Crime-Report-2023-web.pdf> at p. 132 [accessed July 18, 2025].

³⁹ *Ibid.* at pp. 57 & 58.

⁴⁰ Such cases should be distinguished with the first and only conviction (so far) under the AHA, against a Kabojja Junior School teacher who had exploited a minor under his care by forcing the minor to touch his genitals and was charged with attempted aggravated homosexuality under section 3(3) of the AHA. He entered a plea bargain by admitting to the offence in exchange for a reduced sentence of 4.6 years (maximum being 14 years). See *Weekend Vision*, July 19-20, 2025 at p. 33.

⁴¹ See Criminal Case No. 154 of 2023 (Unreported).

⁴² See p. 1 of the judgment.

⁴³ See p. 8 of the judgment.

⁴⁴ *Francis Tumwesige Ateenyi v. AG*, Const. Petition No. 36 of 2018 (Unreported).

Article 20(1) recognizes that fundamental human rights are inherent in individuals and are not a gift from the state or even this constitution... The bringing of this petition, its hearing and adjudication is one way of respecting and upholding this constitution.⁴⁵

Indeed, the LBQ community has never shied away from using legal tools to challenge discrimination and foster inclusivity.

But the study showed that in practice, pragmatic approaches, albeit less controllable and more expensive, have elbowed aside the legal enforcement of the AHA. All the lawyers reported that most charges brought before courts of law are not on merit and hence, it is rare for courts to hear cases against LBQ individuals to its conclusion. A frustrated participant commented:

Lawyers are only as helpful as the system will allow them to be. They get involved in pointless and often futile negotiations with police for the release of people being held illegally. They file petitions that take years to be resolved often with negative or unhelpful outcomes... Many are homophobic but think queer people have money, so they extend their half-hearted services with ulterior motives.

Such cases are typified by repeated adjournments, systemic delays, lack of resources and/or changes of prosecutors, police officers and even presiding judicial officers. Indeed, the law has become a "survival crutch" of sorts for many law enforcers like police officers and prosecutors who routinely solicit illegal bribes from arrested *kuchu* victims. They take advantage of the nearly impossible situation of successfully prosecuting a victimless crime and instead, turned the *kuchu* community into a "cash-cow" that is willing to pay millions in bribes, extortion and blackmail for their relative freedom.

- *It is a no-brainer for me... I cannot stay even one night in jail and face the brutalization of prison officials and other inmates in police cells... I must do whatever it takes to avoid getting my biometrics into the state criminal system... Even if it means selling my property.*
- *Shelters and kuchu-friendly bars are regularly raided by police. They usually do these raids on a Friday and people are thrown in jail with trumped-up charges like possession of narcotics, theft and promotion of homosexuality. The prospect of staying in a filthy jail with taunting inmates for the weekend before you're taken to court on Monday... you have no choice but to bribe your way out of there.*
- *Our shelter was raided by the police on a Sunday morning... but we had been tipped off that they were coming so we had thrown all the lubricants, dildos and wigs in the pit latrine... They hand-cuffed us and searched the whole house. They took us to the police station and asked for a 10 million shillings bribe for our freedom. We eventually negotiated it down to 5 million.*

⁴⁵ Ibid at paras 57 & 58.

Thus, *kuchus* often find themselves in a bind; offering illegal bribes as the surest way to secure their freedom. They are forced to pay for their freedom even as the infringement of their right to personal liberty and violations of the right to a fair hearing persist. Unfortunately, legal aid providers are forced to withdraw their services once bribes are exchanged. Meanwhile, many victims who cannot afford the bribes continue to languish in prison cells for months or even years.

While many parents of *kuchus* have internalized the discourses that frame queerness in negative stereotypes, some parents actually support their children and even protect them from the homophobic laws for various reasons. For example, even after discovering that their children are *kuchu*, some allow them to continue living under their roof, pay their school tuition and even stand surety for them when they are arrested. Others resort to informal forms of regulation rather than throw their queer children in the fangs of the homophobic law. A good example is a key informant (KI) who told me the story of how her father caught her kissing her girlfriend:

“

KI: *He was very angry and asked me to remove the rosary from around my neck and leave... he said, I will not report you anywhere... even your mother will never know about this; here's some money, just go and find a place to stay... I don't want you spoiling the younger siblings.*

ST: *Oh, it's surprising that he was that "understanding"... how come?*

KI: [chuckles] *He knew that I too was armed with his secret and would not dare to provoke me!*

In this case it seems that a pragmatic solution was taken to solve two “social deviances” – one by the father and the other by his daughter. Another powerful example to illustrate informal responses to the law lies in the work performed under a project entitled, Parents and Friends of Lesbians and Gays (PFLAG-Uganda). The project mobilizes parents (mostly mothers) of *kuchus* not only to construct counter-narratives about their children based on their lived experiences, but also to appeal to the Powers That Be to reconsider homophobic laws. After parliament passed the Anti-Homosexuality Bill, a group of mothers wrote a moving open letter to President Museveni:

“

We have always known that our children are “different” from a young age and, in many ways, tried to turn them onto the path that we felt would be safer, a path of conformity to a norm that we now understand is not innate to LGBTQ+ children.... Our children are more than their sexuality and gender identity.... As mothers we can no longer stand on the sidelines and watch as our children continue to be bashed and threatened in such a dangerous and deliberate manner.⁴⁶

It is clear that the letter emanated from the deep flesh-and-blood struggles that the mothers had endured for their children's basic human rights and dignity. Their efforts worked to paint a different picture of their *kuchu* children from the one framed in the dominant discourse. Dubbed “super moms” by PFLAG, these women used a pragmatic tool not only to appeal to the motherly sensibilities of the head of state to kill the law, but also to challenge coloniality that naturalizes and universalizes social hierarchies. Unfortunately, their words fell on the president's deaf ears as, for him, signing the Bill was a question of expediency, a political move to appease his voting constituents.

⁴⁶ Letter of the Day, *Monitor* March 28, 2023, available at: <https://www.monitor.co.ug/uganda/opened/letters/open-letter-to-president-museveni-mothers-of-lgbtq-individuals-4175896>

III. EVERYDAY DISCRIMINATION AND PREJUDICES AGAINST LBQ PERSONS



When you are different, you can feel as if you're operating with a different map, a different set of navigational challenges than those around you. Sometimes you feel like you have no map at all. Your differentness will often precede you into a room; people see it before they see you.

Michelle Obama⁴⁷

The study exposed several structural factors rooted in state-inspired homophobia/transphobia, sexism, unemployment, lack of access to education and healthcare, and ageism, which predispose LBQ persons to all manner of inequities. Not only do they suffer from structural or systemic homophobia, biphobia and transphobia, but they also have to deal with individual daily experiences of discrimination, which operate through and interfere with gender, class, disability and other systems of oppression. In different ways, all LBQ participants described how the AHA permanently cast a dark and permanent cloud over their heads:



- *I always feel like I'm being stalked... Even when we're assured that 'this is a safe space,' we never feel completely free.*
- *As a masculine-presenting and gender non-conforming person, people constantly question my identity... Some act like I need to prove something, like my existence is up for debate. And then, there are those who reduce me to a sexual object. They look at queer and disabled bodies like mine as something to be explored, experimented with, or fetishized. It is either invisibility or objectification, and both are violent in different ways.*
- *In public systems, on the streets, in conversations that shape policy or community direction, people like me are either completely invisible or deliberately ignored. Being queer, disabled, and gender non-conforming in Uganda means you are constantly pushed to the margins, like you're not meant to be part of the story.*

But the experiences of discrimination are not uniform across the LBQ sub-alphabet. Most times, lesbians, bisexuals and non-binaries can “pass” as straight (heterosexual) in ways that transgender persons cannot. For that reason, the latter usually take the brunt of harmful consequences from society. As one transgender individual described it, “We are the face of *kuchus* in this country and pay the toughest price.” When it comes to disability, *kuchus* with mental disabilities feel like misfits: “I don’t quite fit into the queer safe spaces that exist either because most of them aren’t built with psychosocial disabilities in mind. And I definitely don’t fit into what society calls normal.”

⁴⁷ Michelle Obama, *The Light we Carry: Overcoming in Uncertain Times*, New York: Penguin Books, 2022 at p.7.

SMUG is an umbrella organization of *kuchu* organizations founded in 2004. While lesbians played a key role in its establishment and the current chair of the governance board is a lesbian, its most prominent representation today consists of gay and transmen. “Even when it comes to relocation or scholarships, lesbians and bisexuals usually get a raw deal,” a LaBaQua participant lamented. Indeed, lesbians generally feel side-lined in leadership positions and programmes involving LGBTIQ activities by sexist “gatekeepers” who reinforce the ideals of patriarchy in *kuchu* culture. Discrimination, marginalization and oppression are experienced in all socio-economic and political spaces. For illustrative purposes, the details of everyday experiences analyzed below have been sub-divided into four distinct facets, *viz.*, language and (in)visibility; economic disempowerment; discrimination in the health sector, and lastly—albeit by no means least—violence by both state and non-state actors. Nevertheless, in reality these differentiated facets of the problem are intricately more complex, overlap and affect each other.

3.1 Language and (In)Visibility

Language and nomenclature play a powerful role in shaping societal attitudes and beliefs. Indeed, discourse has played a crucial part in whipping up the hysteria against *kuchus* in Uganda. Particular words and phrases have come to be associated with homosexuality in popular culture and paint a negative image of *kuchus*. McComack (2011) cautions us to fully understand the intent and effects of what he terms “homosexually-themed language,” while Kakande (2015) reveals how the Ugandan government and media shore up fantastical stereotypes about homosexuals to ennoble the government as a “saviour” against these perceived threats against Ugandans. Using feminist critical discourse analysis, Kibarabara and Otieno (2025) examined *kuchu* representations in Uganda’s media and revealed how sexual-gender ideologies that support power imbalances become accepted as “common sense.” They found that *kuchus* are usually portrayed sensationally through the frames of religion, political elites and cultural protectionism; the tendency is to ignore more positive frames such as those regarding human rights and empowerment.

When the state, religious institutions and the media frame LBQ persons as *abali b’ebisiyaga* (Luganda for “consumers of garbage”), it reinforces the negative perceptions of *kuchus*. Such undesirable constructions play into the deviance theory which hypothesizes ideal social behaviours and highlights inconsistencies from prescribed norms. The problem with this theory is that it obscures the interests and reasons of those who resist and defy prescribed norms (Silva-García et al. 2024). How, for example, do “deviant” subjects like *kuchus* relate to those who set the “normal” standards? What interests underlie such “normal” standards?

Another common construction of *kuchus* in Uganda is that they are loaded with money and resources that supposedly flows in from allies in Western countries, which informs the notion of “recruitment” that is at the core of much of the contemporary homophobia (Sadgrove *et. al*, 2012). The function of painting *kuchus* in this light is to whip up social hysteria against them as predators who lure children into homosexuality using money. This myth stands in stark contrast with the reality on the ground, which is very different and results in many cases of blackmail, arrest, and extortion.

Words like “pedophile,” which describe a predatory crime involving the sexual abuse of children, have been rendered synonymous with homosexuals, despite the fact that the overwhelming offenders in this crime are heterosexuals. Heterosexual exploitation of the girl child by adult men is especially rampant in schools, through the application of hetero-patriarchal cultural practices and the actions of incestuous molesters (Namboozie 2017; Kakande 2015). There is a grouping of mostly religious leaders, under the umbrella name, “The National Taskforce Against Homosexuality,” whose primary objective is to spread hatred and fear of *kuchus*. The chairman, Pastor Sempa, is the most active

member and the internet is replete with videos of his vitriolic rhetoric directed against *kuchus*.⁴⁸ He triggers disgust and rejection of *kuchus* by putting out misinformation and inflammatory remarks such as his descriptions of *kuchus* as “anal lickers” and “poo-poo eaters.”⁴⁹

In addition, a prominent linguistic weapon that the anti-gender movement has used to assail, stigmatize and undermine the rights of *kuchus* is that of the “ex-gay” discourse.⁵⁰ Religious and political leaders, as well as some pseudo-scientists, seek to pathologize non-conforming sexualities and gender identities, claiming that the “disorders” can be healed for those who seek redemption (Kisitu 2015). So, the agenda is to parade “ex-gays” in public who usually read from a pre-prepared script, declaring their “healed” status. Many of them claim to have been “recruited” into homosexuality, lured with money and other material things.⁵¹ Such narratives are constructed to invoke fear and anger in the population and have been extremely effective.

The deviance-abnormality discourse also works to reinforce hetero-patriarchal dominance and privilege in everyday life. Prior to the passing of the AHA, parliamentarians were presented with “cogent” evidence delivered to the state by self-identified “ex-gay campaigner,” Elisha Mukisa. This material was pivotal to the passing of the Bill (Wepukhulu 2024). In a YouTube video that went viral on various social media platforms, Mukisa claimed that *kuchu* organizations in Uganda were involved in luring children into homosexuality and sex trafficking. He alleged that he was a victim of these criminal acts and that he had contracted HIV/AIDS in the process.⁵² The video was reposted hundreds of times by anti-gender activists and conservative organisations such as the Family Life Network.

Ironically, Mukisa was the first victim to be prosecuted under the very law he helped enact and after a two-month stint in jail he turned around, begging the *kuchu* community to forgive him for his baseless lies and accept him back into their fold. While in prison, he shared a written note with the international media platform, *OpenDemocracy*, claiming that he had been “used as a fighting tool in the campaign against homosexuality and after they got what they wanted, they dumped me” (Wepukhulu 2024).⁵³

But Mukisa’s actions had much more far-reaching consequences for LBQ persons. Based on his allegations, the NGO Bureau invoked the NGO Act of 2016 to close down four organizations, including two that focused on the rights of LBQ persons. It further issued a report listing 22 others “suspected to be involved in the promotion of LGBTIQ.”⁵⁴ This publication sent waves of panic into the *kuchu* community, forcing some of its leaders to approach the Minister of Internal Affairs to give their side of the story. The minister concluded that the NGO Bureau had acted overzealously and froze its “investigations.”

Kuchu parents are invisibilized when it comes to raising children. Indeed, homoparenting in a homophobic society like Uganda is fraught with prejudice and intolerance. As the foundation of the heteropatriarchal system, with crucial links to the capitalist economic system, the institution of the hetero-family must be strictly safeguarded. That is why Article 31(2)(a) of the Constitution specifically prohibits same-sex marriages. This reinforces the “deviant” label associated with homosexuality while idealizing cis-heteronormative reproduction. Such disavowal and erasure of same-sex parenting is not based on poor parenting skills exhibited by *kuchus*, but rather on a “new” domesticity introduced by British colonialists in their efforts to align indigenous families to the

48 For example, see <https://www.youtube.com/watch?v=ugsYbcPjJU>, <https://www.youtube.com/watch?v=SzkrEojiaEFk> and <https://www.youtube.com/watch?v=gMW5o-M5utM&t=39s> [accessed on July 18, 2025].

49 <https://www.youtube.com/watch?v=z4OXLoVyESE> [accessed July 18, 2025].

50 Having originated in the U.S. in the early 1980s, the ex-gay gender movement is transnational and has now spread to many continents (Robinson et al. 2015).

51 Ibid.

52 The video is available at <https://www.youtube.com/watch?v=ndGoEVo-xgE>

53 Others in the Ugandan “ex-gay movement” who have collaborated with the anti-gender movement, with allegations that seem to be read from the same script of talking points, include Val Kalende and George Oundo (aka Georgina). Like Mukisa, they both subsequently retracted their testimonies and admit to having been paid to tell lies (Kuchu Times 2022).

54 See page 8 of the report, available at: https://cdn2.opendemocracy.net/media/documents/Report_NGO_Bureau_2023.pdf

capitalist exploitative system (Tamale 2020; Tombolato et al. 2018). Several participants shared their frustrations in trying to assert their right to parenthood:



- *I sought legal help when the Ministry of Gender, Youth and Children rejected my adoption application. All 12 members of the panel unanimously agreed that I was unfit to adopt a child – not because of my character or capabilities, but because of my identity – even after a caseworker gave a positive recommendation.*
- *The most painful part has been how people question my parenthood. I am a parent to two beautiful daughters who are almost joining high school. I have raised them with care and love, but I constantly have to defend our family. Schools have asked for their father’s documents, even when I explain that they have two parents. One is in exile, and I am the one who holds it all together. I have had to lie, stay quiet, or change schools just to protect them from stigma... One head teacher told me directly that I should not be the one attending school activities because of how I dress. They said their father should come instead, and my daughters were told not to say they have two mothers. That moment broke something in me. It is not just about how they see me. It is about how they erase me, and try to make my daughters feel like their family does not belong or is broken.*

We have already discussed the politico-economic and power interests that inform and construct heteronormativity and cisnormativity ideologies. Derogatory homosexually-themed language is rife in descriptive media reports that repeatedly use phrases like “deviations from the norm” “abnormal choices” “dangerous for humanity” “no one is born gay” “LGBT promoters” “breeding ground for homosexuality” “social cancer” etc. (Kibarabara and Otieno 2025).

3.2 Economic Disempowerment

This study revealed that some of the central challenges that *kuchus* face include unemployment, homelessness and poverty. This is a result of the gross discrimination to which they are subjected every day. Due to the intersectional oppressions faced by LBQ persons, they disproportionately experience higher levels of impoverishment and marginalization. Many cannot secure or keep down jobs, despite their professional skills and passion for work:



- *I was outed in the tabloid, Hello and Red Pepper came looking for me at my place of work at FEDEX. That was it, I lost my job ... my boss asked me to leave because of my sexual orientation but the termination letter was silent about the reason... All my efforts to get legal redress became very complicated and I was forced to abandon the case.*
- *During the interview for this job, one committee member asked me, ‘but are you a man or a woman?’ I saw others nodding to the question... I ignored the question and... never got that job.*
- *I completed my studies a decade back but have failed to secure any job for one reason alone... my degree certificate bears my earlier female name and does not tally with the name on my national ID which has my trans-male name. All prospective employers believe I’m a fraudster.*

Their experiences of continuous raids and incarceration mean that many of them stay longer on remand as they cannot afford the bond fees or the exorbitant bribes that the police routinely solicit from *kuchus*.

Moreover, organizing for LBQ persons in post-AHA Uganda is proving extremely challenging. For example, when programme money is deposited on the accounts of *kuchu* organizations from funders that have been flagged by the government, some banks immediately freeze the accounts and notify the police who then charge the organization leaders with offences like money laundering and the promotion of homosexuality.

It is difficult to disentangle economic deprivation from other hardships that result from discrimination and oppression that *kuchus* suffer from. Such quandary was demonstrated in the response of one participant to my query about the most horrific violation that has ever happened to them:



[Hahaha] I fear I am yet to discover the depths of horror that our society reserves for those deemed abominable and disposable. From family abandonment, homelessness, unlawful eviction, to having guns pointed at me, exclusion from opportunities to earn a living, and facing daily directed and overt disdain from communities and neighbours and supposed friends and colleagues, the list is endless. We hope for better but expect the worst.

Another one pointed out that, "There's an assumption that leaders or queer persons have a lot of money which is false. So many of us as leaders, we find ourselves buried in poverty, struggling with housing and not even able to afford therapy so you can continue functioning like an adult." Hence, despite homophobic stereotypes of "rich homosexuals," the overwhelming majority of *kuchus* live under immense and overlapping poverty where many can hardly afford a daily meal, let alone a nutritious one. Indeed, it is impossible for regular *kuchus* to integrate themselves into Uganda's economic life when they are constantly invisibilized and erased by society.

3.3 Discrimination in Housing and Health

Scientific studies have confirmed what many marginalized people have always known: that poor housing (or what scientists refer to as "the built environment") has a profound effect on people's physical and mental health (WHO 2018; Hood 2005). Poor housing leads to food insecurity and unhygienic conditions, which in turn lead to malnutrition, intense anxiety and aggravated poor health. The 2024 National Population and Housing Census Report reveals that one third of the households in Uganda survives on the subsistence economy and one fifth of the population lives below the absolute poverty line (UBOS 2024: 282). Doubtlessly, as one of the most marginalized social groups, *kuchus* make up a huge percentage of those living in absolute poverty. *Kuchu* Shelters offer temporary accommodation for the homeless but only three in the country exclusively cater to the needs of LBQ persons. The executive director of the Uganda Minority Shelter Consortium emphasized that "Advocacy is not for us to exist as an island, walled off from other Ugandans, but to co-exist." Because shelters house many *kuchus*, they become visible and vulnerable in their neighborhoods. So, they keep changing addresses every few months as landlords are forced to evict them under pressure from some local community members.⁵⁵ But many LBQ individuals also suffer a similar fate as their counterparts in shelters:

⁵⁵ Indeed, the residents of one of the shelters that I visited for this study were evicted a few days after our focus group discussion.

I was homeless last year in July, the same month the father of my children wanted full custody... had to keep switching schools, which caused my daughter to have a mental breakdown, I barely had money to get her a therapist. It was the worst time in my life. Everyone I asked for help and support kept saying we don't know how to help and so I had a psychotic breakdown that affected me till this day.

Indeed, the burden of illness among *kuchus* is far greater than the rest of the population in Uganda.

Recently, FARUG (2025a) undertook a study to analyze the impact of the AHA on access to sexual and reproductive health rights (SRHR) services for LBQ persons. Their findings revealed that:

[T]he Anti Homosexuality Act (2023) has had crippling effects on LBQ womxn's access to SRHR in Uganda. It has led to the shrinking of safe spaces where LBQ womxn used to meet and access services and commodities. It has increased evictions and homelessness of many LBQ womxn and led to increased harassment of LBQ womxn seeking SRHR services by health providers FARUG.

Several participants reported that in the aftermath of AHA, "escalated levels of stigma, discrimination and violence against LBQ womxn" were registered in sexual and reproductive health (FARUG 2025a: 25). The effects of the AHA on the mental health of *kuchus* was emphasized by several participants:

- *The law affected my mental health terribly. I've struggled a lot with alcohol and drug use which started as a tool to manage social anxiety and mental anguish and then spiraled out of my control. I'm spending a lot of money on long term mental health care in the face of continuing and constant triggers and abuse.*
- *I experience discrimination even in the places that claim to be safe. In some queer spaces, disability is left out. In some disability spaces, queerness is seen as a distraction. And in public institutions, I am often treated like I am less than, or that I am a problem to be managed. Whether I am trying to get medical support, access education for my children, or simply live my truth, there is always some form of resistance or rejection.*

For others, the pathologizing discourse of the law exacerbated their mental and physical health situation:

- *My mother believed I was insane and took me to a traditional shrine near Jinja to try to 'convert my brain.' I stayed there for four days, naked, drinking disgusting concoctions... but I came out the same person, nothing had changed.*
- *I was told by my step-father that I was bewitched and that I had no place in their home as I'd bring misfortune to the household... I left Tororo and came here... spent a whole week sleeping in a tent outside a church in Rubaga before I discovered this shelter.*

Another participant shared that, "At least life was bearable before, but since AHA was introduced, everything went south for us and now, we have zero belief in the system." It is quite evident that LBQ persons in Uganda cannot live the free life that cis-heterosexual women take for granted. For example, they cannot freely access treatment for sexually transmitted diseases, cervical cancer, HIV/AIDS testing and even basic health information. A lesbian participant complained: "Most health clinics and wellness centres that are supposed to cater for key populations focus on sex workers and men who have sex with men (MSM). They obtain data from us, but it always disappears into those two movements" (ibid.: 23-25). Besides, if in-vitro fertilization (IVF) and safe abortion services are limited for cis-heterosexual women in Uganda, it is far worse for trans/masculine, non-binary and disabled *kuchus*.

3.4 State and Non-State Violence

More than anything else, the passage of the AHA legitimized impunity and created fertile ground for more extreme victimization, stigmatization and violence against LBQ persons. This led to a steep rise in the arrest and conviction of LBQ persons or those perceived to be on the gender/sexual non-conforming spectrum. Since 2014, HRAPF has maintained an archive of monthly records of violations based on people's sexual orientation, gender identity & expression (SOGIE). They compared the violation records of June 2022 (pre-AHA) to those of June 2023 (post-AHA) and observed a significant spike of 206.6 percent in incidents affecting the community (HRAPF 2023: 21). It is not uncommon for LBQ persons to be subjected to arbitrary raids and illegal arrests on the whim of law enforcement officers. Evidence of this can be seen in the stories below:



- *Recently, my partner and I were at the beach in Luzira having fun. Being a public place, our instincts were on full alert... Unbeknownst to us, the woman sitting near us was a police officer and she called a police kabangali [pick-up truck] to pick us up! She requested us to hand our phones to her saying, "you people were smoking and you gave me a headache" ... At Kitintale police station, they confiscated our property including our phones, camera and laptop. I removed the memory card from the camera and chewed it up! They forced me to the ground and I could not breathe... They threw us in jail, announcing to the inmates that we were basiyazi (homosexuals). The police officer had profiled us because, in her words, "one of you looks masculine." We spent two nights in jail and were only released after paying a bribe of 3 million (they had asked for 7 million) but they still have our property to date.*
- *They [the police] interrupted a fashion show I was attending at Venom bar in 2016. We were herded into corners with guns pointed at us and our pictures were forcefully taken by unknown camera men. They beat up some of us and took them to police cells. They also interrupted and disbanded an IDAHOBIT even that I attended in 2018 that was hosted by SMUG.*

An interesting clarification from lawyers interviewed for this study was that the criminal justice system is generally harsher with gay men and transgender women relative to lesbians and transmen. This may be explained by the fact that MSM are perceived not only as a betrayal of sacred gender norms but also as posing a direct threat to dominant notions of masculinity and patriarchy.

Many LBQ individuals participate in sports, including soccer, basketball, rugby, volleyball and swimming. They have excelled in all these sports and some have even been elevated to the level of

coaches at the national federation levels. Again, it is mainly transgender women and those whose bodies do not fit the normative gender mold that face the worst discrimination. Participants reported a high degree of homophobia and transphobia exhibited by management, staff and spectators in sports. The situation was so dire that the LBQ community decided to establish an organization called Tomorrow Women in Sports Foundation (TWISF). They explain the rationale behind their existence:

“ Sport has been historically constructed and reconstructed as a male-oriented domain and an avenue in which hegemonic masculinity has been the dominant ideology, particularly within institutionalized sport. It therefore remains closely aligned to hegemonic masculinity. There was need to deconstruct sports spaces and shift the narrative towards acceptance and inclusion of women and structurally silenced persons.⁵⁶”

Hypocrisy and double moral standards are rife as queer sportspeople are tossed around according to the whims of those who control the sports and the power politics at play within national federations and clubs.⁵⁷ A good example was the case of a star player and coach who was kicked out of the national team after being outed in the media. Fortunately, after that traumatic experience, they set up a very successful all-queer team; the same officials who had exhibited transphobic attitudes earlier then started poaching players from the queer team, one by one.

When it comes to parenting and child custody, the law always fails LBQ persons. Several participants reported judges who would start off sympathetic to their custody claims but as soon as issues of sexual orientation or gender identity are raised, their competence as parents is immediately called into question. A case in point:

“ I was at Makindye court fighting for the custody of my child... they gave me a government lawyer who was very sympathetic to my case. However, after the father of the child whispered in her ear, she completely changed and told me that she was not going to help me. I froze... In court, the man shouted, “she cannot live with our child because she’s a lesbian!” Everyone turned... the judge gave him custody.”

Given the fact that LBQ persons are not free to associate at liberty, many meet through online dating Apps, which poses risks associated with security and privacy (FARUG 2025). For instance, a trans person reported having met a prospective match on Grindr, but when they arrived at the agreed-upon place, the other person showed up with a police officer. They were arrested and charged with sending lewd and offensive messages and spent more than a month in jail.

Most encounters of LBQ persons with the police, regardless of whether they have gone to report a case or they themselves have been arrested, leave them scathed and wounded:

⁵⁶ See <https://twisf.org/about-us/> [accessed July 18, 2025].

⁵⁷ The non-discrimination policies of international governing sports bodies like the Federation of International Football Association (FIFA) and the Federation of International Basketball Association (FIBA) are totally disregarded by the local federations. See for example, Cyd Zeigler, “Ugandan Soccer Academy Attempts to Oust Women’s National Team Coach Over ‘Lesbian acts,’ OutSports March 08, 2018, available at: <https://www.outsports.com.webpkgcache.com/doc/-/s/www.outsports.com/2018/3/8/17094466/uganda-gay-lesbian-soccer-faridah-bulega-prison/> [accessed July 10, 2025].

- *I went to the police because I was afraid for my life. I brought them clear proof that someone was actively trying to harm me. But instead of helping, it turned it into a preaching and counseling session. They told me I would burn in hell and needed to change my ways. I went there seeking protection, and I left more afraid and humiliated than when I arrived.*
- *We are treated like demons; one time, a policeman told me – you should not be speaking... consider yourself lucky to be at this station and not Luzira [maximum prison].*
- *My parents both died from HIV when I was only 6... I was married off to an older man at the age of 17, as wife number 4, who raped me... He found out that I was a lesbian and he beat me, demanded a refund of his dowry from my uncle... the clan cast me out of the family... I lived peacefully with my girlfriend until one night when five men broke into our house at 3.00 am and gang raped us. They said, 'If you want, go and report us to the police'... My girlfriend could not take it... it was all too much for her... she committed suicide! I found her hanging on a tree outside our house a few hours after the rape... I was arrested and charged with murder and homosexuality. They shut me up when I tried to tell them about the rape.*
- *Elisha Mukisa came to the SMUG offices demanding for money which he believed the organization collected from donors and he was entitled to... He became violent and started throwing stones over the gate, breaking glass and damaging property. We reported the case to Kigowa Police Post but got no response because Elisha had been there accusing us of all manner of lies... Instead, the police arrested me and another colleague. They were so biased that they refused to hear our side of the story and threatened to take us to Kitalya [maximum security prison].*

Not only did law enforcement authorities refuse to actively listen to the victims' words in these cases, but they also chose to dismiss or (mis)interpret their words as fictitious, false or imaginary. The words of the subaltern thus become inconsequential and inaudible. As Gayatri Spivak reminds us:

It is not so much that subaltern women did not speak, but rather that others did not know how to listen, how to enter into a transaction between speaker and listener. The subaltern cannot because their words cannot be properly interpreted. Hence, the silence of the female as subaltern is the result of failure of interpretation and not a failure of articulation.⁵⁸

Intimate partner violence is usually associated with heterosexual relationships where hegemonic masculinity is expressed through male assertions of power and control through violent acts against their female partners. Under that structural paradigm, it would be difficult to explain intimate violence that happens in same-sex relationships (Dobash et al. 1992). The study revealed that intra-*kuchu* abuse is alive and well:

There are many cases of intimate partner violence in the LaBaQua community... I was a victim and when I broke up with my partner, she outed me and got me in big trouble and I had to run away from Arua.

⁵⁸ Cited in Nubile (2003) at. p. 35.

Structural arguments that attribute such intimate partner violence to *kuchus* mimicking the normative male/female binary and its concomitant gender power expressions have been criticized for defining power as a binary and homogenizing women as perpetually powerless people (Cannon et al. 2015).⁵⁹ Post-structural feminists, on the other hand, deconstruct power and understand it to be a discursive force that circulates throughout society (including among the marginalized). Hence, they view intimate violence among *kuchus* as a result of personal motivations arising from their diverse histories and intersecting experiences of access to resources. Human beings have multiple identities and move in and out of privilege (or its lack) as they navigate different contexts. Intra-*kuchu* violence cannot simply be reduced to a mimicking of sexism but also to take into account power derived from interpersonal class position, political control, racial/ethnic identity, disability, age difference or many other factors.

Many more participants in this study shared stories of violence, rejection, stigma, dehumanization, fear, pathologization and trauma. A sample is provided below:



- *My mother chased me away from home, wielding an axe and saying, “I’d rather be with a dead body than have child like you... I could not secure any job because of my masculine appearance. I had no choice but to resort to sex work.*
- *Oh my God, I was flogged... people in the village ganged up against me and chased me away. They burnt all my belongings and I had to run to Kampala.*
- *In 2015, soon after the first AHA had been passed, I was going home on a boda-boda at 8.00 pm when we met four goons near my home who asked me why I wear men’s shoes and they hit me so badly... I woke up in hospital where I spent 7 days.*
- *As a person living with AIDS, I was at a meeting on integrating HIV services and I asked them to include LBQ persons... they welcomed my proposal. When the final report came out, my views had been omitted. They only invite us to tick off some box but don’t really listen to us. So, now I just self-censor.*
- *I am pansexual but to the world I look like a cis-woman. But once they know my sexuality, everything changes. In church, I’m demonized.*
- *Discrimination for me is not just one thing. It is layered and constant. As a queer, disabled, gender non-conforming person, I wake up each day preparing to face a world that was not built for people like me. From the moment I leave my house, I carry the weight of assumptions, stares, and silent judgments. Sometimes it is in the way people talk over me or refuse to acknowledge me. Other times, it is in how inaccessible public spaces are, how services ignore disability, or how systems are designed to erase queerness altogether.*

⁵⁹ Various terms are used to distinguish between the “male” and “female” titles in *kuchu* relationships; those described as “stud” or “butch” perform the masculine roles among lesbians while “femme” take on the feminine role. The common gender distinguishing terms among trans people are “top” for the masculine partner and “bottom” for the feminine one.

The legal advocates and paralegals interviewed for this study supplemented the victimization stories of LBQ individuals:



- *It really hurts when you see how the police casually violate the rights of these human beings. When I objected to an intrusive anal examination of my client, the policeman said, 'What's the problem; they always allow things to enter there!'*
- *Defending the marginalized is very tough. You have to have a lot of empathy and share in their pain. You must learn contain your emotions, especially when confronting homophobic judicial officers. Justice Kayizzi once asked me bluntly in court: 'Are you gay?' And a magistrate insinuated that I was in it for the money: 'What is your gender agenda?'*
- *Working with kuchus humbles you... you must have the emotional intelligence to know what to ask your clients without showing them too much pity. I've learnt with time that what they need is not pity but the recognition of their humanity and dignity.*
- *You cannot handle the L & B like the T. Transgender people are much more sensitive; it seems that they endure more trauma... the taunting, genital examinations, throwing them into the wrong jail cells... the dehumanization is constant, so they have to be handled with different wisdom.*
- *At one point in the trial, the magistrate burst into uncontrollable laughter and I could see the hurt in my client's eyes.*
- *The baby of a breastfeeding bisexual client of mine was removed from her because the estranged father of the child accused her of mental illness and immorality.*
- *We, lawyers, become their 'family' as many have been ostracized and rejected by their families and friends.*
- *At the police station in Mbale, the OC paraded two lesbians and one trans woman before everyone and announced, while pointing at us, 'These are the lawyers of abali b'ebisiyaga!'*
- *Recently, I rushed to Gulu to help a client who had been gang raped... The rapists kept asking her, how can a woman enjoy sex without a man? Do you feel how sweet it is? After raping her, they stuck sticks in her vagina and left her by the roadside... boda-boda men took photos of her in that position.*

The qualitative profile of everyday experiences lived by LBQ persons in Uganda paints a very bleak picture of their existence. It also reveals a different reality from more popular understandings and draws attention to the gross injustices they experience on a daily basis. Their relationship with the law is ambivalent - a double-edged sword that both terrorizes and protects them. They heavily rely on a few *kuchu*-friendly legal-aid providers like HRAPF, Chapter Four, Women's Probono Initiative, and Ubuntu Law & Justice Centre to seek justice and navigate the hostile legal seas that seek to drown them. A legal practitioner in the study described where she got the inspiration to defend *kuchus* pro bono: "I witnessed how hopeless and despondent LGBTIQ people were without legal representation... What keeps me going is seeing a smile on a client's face."

The next section examines some of the critical, creative and agentic ways in which the *kuchu* community in Uganda has responded to the violations and oppressions that they suffer.

IV. PUSH-BACKS AND SURVIVAL STRATEGIES

Where there is oppression, there is resistance. Oppression in a way is counterproductive.

Vemula Ellaiah⁶⁰

Despite (or because of) the relative success that *kuchus* have registered from the judiciary, it has unleashed a virulent backlash, evident in the two AHAs and in the persistent homophobia and transphobia. In particular, the international anti-gender advocates picked up momentum in their politicization of homosexuality in Uganda (Judge 2024). Consequently, the second Trump administration in the US, which is against the rights of LGBTIQ, came as a relief to those pushing the anti-gender agenda. Many LBQ programmes funded by USAID prior to Trump's second presidency were negatively affected by the funding freeze. The Uganda Key Populations Consortium (UKPC) has reported that:

More than financial support, foreign aid has long served as a lifeline for marginalised communities worldwide. For decades, U.S. assistance through PEPFAR and USAID enabled organisations to provide critical healthcare, advocacy, and community support for vulnerable populations. However, the recent foreign aid freeze under the Trump administration dismantled this progress, leaving millions without essential life-saving services, risking lives, and endangering livelihoods. The abrupt termination of programs such as USAID/Uganda Voices for Change and the suspension of PEPFAR initiatives have already caused devastating consequences (UKPC 2025: 4).

Homophobia and transphobia have been instrumentalized for political expediency and misappropriated as symbols of nationalism, sovereignty and "Africaness" (Nyanzi and Karamagi 2015).

While it is important to document the toll that homophobic policies have taken on Ugandan *kuchus*, it is equally crucial to highlight resistance, resilience and the creative ways that they are pushing back in order to survive, and even thrive in some cases. Remarkably, the backlash seems to have aroused more of them to emerge from their respective closets. As one participant commented:

⁶⁰ Purushotham K. and Bheemaih J., "Our Exit from the Left was the Beginning of the Dalit Writing: An interview with Vemula Ellaiah," *Journal of Literature and Aesthetic* 9(1) and (2), Jan-Dec. 2009, p. 341.



Not even the AHA can suppress people's desire to exist as free human beings. If anything, it hardened the resolve of many, especially young kuchus... there is an explosion of GenZ kuchus on all social media platforms doing their thing without fear; it's unprecedented... Covid-19 also made us realize that we don't have to check in at our workplaces and can work effectively from home.

Another one emphasized:



I want to say that our stories are more than survival, they are filled with love, purpose, resistance, and hope. As a queer, disabled refugee, I carry many identities that are often silenced. But I believe in the power of visibility and truth. Thank you for creating space for this study. I hope it makes room for a future where LGBTQIA+ people with disabilities no longer have to fight to be seen, heard, or be safe.

AHA has driven more *kuchus* into visibility from all regions of the country and more organizing is happening among their numbers. The backlash has thus boomeranged into closer cohesion of the *kuchu* sub-culture with greater resolve to assert their human rights. For example, a number of positive results have been achieved in the health sector through intense lobbying and advocacy. In 2014, the Ministry of Health issued a directive prohibiting all health providers from discrimination on the basis of several grounds, including sexual orientation.⁶¹ Furthermore, the National HIV and AIDS Strategic Plan, 2020-2025, expressly provides for services for men who have sex with men and transgender persons (Uganda AIDS Commission 2021). The Office of the Director of Public Prosecutions (ODPP) was also forced to intervene to curb the arbitrariness of the authorities in exercising their power to arrest and detain under the AHA.⁶² At the regional level, the African Commission on Human and People's Rights adopted Resolution 275 in 2014, condemning "violence and human rights violations against individuals based on their real or imputed sexual orientation or gender identity" and Resolution 552 in 2023 which focuses on the promotion and protection of the rights of intersex persons in Africa.

SMUG also took a bold and inventive step when it fought back against anti-gender advocates by filing a case against one of its leaders, Scott Lively, in the United States of America on March 14, 2012.⁶³ Scott is an evangelical minister who played a crucial role in the passing of the first AHA. SMUG teamed up with the US-based Centre for Constitutional Rights (CCR) to file a case under the rarely invoked US Alien Tort Statute, which prohibited the exportation of persecution by US citizens. SMUG argued that Scott's systematic persecution of Ugandans based on their sexual orientation and gender identity constituted a crime against humanity that violated international norms. Although the US Court dismissed the case on the sole technical issue of lack of jurisdiction, it accepted and confirmed this argument. Justice Michael Ponsor held:

⁶¹ Republic of Uganda, Ministry of Health "Ministerial directive on access to health services without discrimination," (2014) <https://www.scribd.com/document/233209149/MoH-Ministerial-Directive-on-Access-to-Health-Services-Without-Discrimination-19> June-14 [accessed July 06, 2025].

⁶² In a circular dated August 25, 2023, the Director of Public Prosecution (DPP) directed all prosecutors around the country that all files with charges preferred under the Anti-Homosexuality Act should first be submitted to Headquarters with a written legal opinion for further guidance before a decision to charge is made. See Chimp Report, "DPP Directs on Prosecution of Homosexuality Cases," (September 2, 2023), available at: <https://chimpreports.com/dpp-directs-on-prosecution-of-homosexuality-cases/> [accessed July 06, 2025].

⁶³ See *Sexual Minorities Uganda v. Scott Lively*, No. 3:12-cv-30051-MAP.

“ [D]iscovery confirmed the nature of Defendant’s, on the one hand, vicious and, on the other hand, ludicrously extreme animus against LGBTI people and his determination to assist in persecuting them wherever they are, including Uganda. The evidence of record demonstrates that Defendant aided and abetted efforts (1) to restrict freedom of expression by members of the LGBTI community in Uganda, (2) to suppress their civil rights, and (3) to make the very existence of LGBTI people in Uganda a crime. The record also confirms that these efforts to intimidate and injure the LGBTI community in Uganda were, unfortunately, to some extent successful.⁶⁴

That firm and clear statement by the court that persecution of the LGBTI community constitutes a crime against humanity was indeed a partial victory on the part of SMUG in sending a message to anti-gender extremists that their power is not beyond challenge.⁶⁵

In the aftermath of the 2014 AHA, *kuchus* realized that they needed to sustain their activism and resistance and to be very focused and intentional in pursuing education and training: “We realized that we cannot always rely on allies to do the professional work on our behalf.” Many community paralegals have gone on to pursue diplomas in law and at least three have graduated with law degrees to join others already in the field. Legal studies are especially important for the community to safeguard LBQ persons against excessive and arbitrary violations at the hands of the public and law enforcement officials (e.g., see McArdle 2015). More and more LBQ organizations are now populated with in-house *kuchu* accountants, programme officers and monitoring and evaluation (M&E) professionals, instead of outsourcing from allied organizations.

In response to offline and online threats, FARUG spearheaded a research study to examine offline and online threats to *kuchus* in the post-AHA period. The findings revealed that:

[O]ffline and online threats, misinformation, and repressive language have had a significant negative impact on sexual and gender diverse people in the country, including physical violence, closure of sexual and gender diverse CSO’s offices, legal persecution, healthcare discrimination, and mental health issues (FARUG et al. 2025b).

Based on the study results, they recommended more support efforts for digital security training to counter online violence through practices such as switching to safer communication tools like Signal or use of blocking and filtering features on social media platforms. Indeed, with its limited resources, the *kuchu* security team have attempted to raise security awareness among the community through training programmes and toolkit use (ibid.).

One coping mechanism employed by *kuchus* in navigating the homophobic and transphobic communities is to, as much as possible, make strategic friendships with straight neighbours, local council officials and police officers, who can then provide support and protection when the need arises. One LBQ shelter leader shared: “The shopkeepers outside our shelter are our friends and they’ll call to alert us if they sense any impending danger and then we ‘disappear’ all the masculine-presenting housemates.” Lobbying and negotiations are additional strategies used by *kuchus* to alleviate personal security concerns. A good example is the one discussed earlier regarding the freezing of the NGO bureau’s investigative actions against *kuchu* organizations after

⁶⁴ Ibid. at p. 24.

⁶⁵ Uganda’s queer community has gone as far as the regional legal systems to seek redress. For example, the case of *The case, Human Rights Awareness and Promotion Forum (HRAPF) v Attorney General of Uganda and the Secretariat of the Joint United Nations Programme on HIV/AIDS (UNAIDS)*, which was filed before the East African Court of Justice. See [Reference No. 6 of 2014].

they approached the minister of internal affairs. The LBQ community has also asserted itself into the Uganda Feminist Forum (UFF), where they not only find relative safety but are also exposed to feminist thought, including issues of intersectionality and decolonizing gender and sexuality. Even as a disabled participant complained about the “painful contradiction” of being both desexualized by some and fetishized by others, she emphasized that the experiences, “have also taught me to define womanhood on my own terms.”

I asked LBQ persons to share how they take care of their emotional and mental health and well-being in such a hostile environment. Some of the responses were quite insightful:



- *I try my best to fly under the homophobic radar and avoid drawing attention to myself when in public places.*
- *Life becomes normal and you build a resilience capability; I co-exist within the kuchu community and life goes on...*
- *I cry a lot... alone into my pillow every night. I also sing a lot as it uplifts my spirit.*
- *Prayers and forgiveness... meditation. I sit down and focus on the few good things people have done for me... simple things like a hug.*
- *Sports... I immerse myself in rugby and that helps me to take my mind off this cruel world.*
- *I see a counsellor every Saturday. I also read a lot, especially romantic novels... find it calming.*
- *At this shelter we hold a monthly fireside discussion called kasooli n'alwari (maize & chat) where we relax, share and learn over some roasted maize and drinks... I'm grateful I have a new family; only us got us!*
- *Alcohol and sometimes drugs...! They numb your feelings and when I'm high I'm happy. Some of us take emindi (tobacco pipe) to keep our sanity.*
- *I must confess that I use “black tax” to placate my extended family and the church community. Money can buy you peace and respect!*
- *Given our hardened African minds... we don't need counselling or formal psychological therapy. My organization received a grant for psychosocial care and believe it or not, none of us took this up. Later on, when I realized that I needed it, the grant had lapsed!*
- *I just keep to myself; self-isolate. Having a supportive partner helps.*
- *I write poetry and blogs... also love watching movies.*
- *I went to a professional therapist once... Never again! I felt that she did not understand my issues; she was actually homophobic... asked me, “Naye lwaki okyakola ebintu ebyo?” [But why do you continue to indulge in those things?]. I went in stressed and came out more stressed.*
- *My status has had a profound impact on my mental health. Living as a queer, disabled person in a society that rejects you is exhausting. I've experienced anxiety, depression, and moments of hopelessness. Being forced into exile because I wasn't accepted only added to that weight. There are days I struggle to feel like I belong anywhere. Therapy and community support have helped, but the scars of exclusion and survival still run deep.*

Even the lawyers who provide pro bono services to LBQs rarely use counselling or debriefing services despite the difficult and grueling work that they do:



Counselling services were availed by my employer [HRAPF], but I simply never utilised them. I'm not sure why I didn't. It's probably because I sub-consciously compartmentalize the traumatic experiences from my work, or because I simply have a poor health-seeking behaviour when it comes to mental health.

There is a big gap in the provision of clinical and counselling services to LBQ persons. Taala Foundation is one of the handful of organizations that exist to offer such services. However, all of these types of actors are Kampala-based and not readily available for those who live upcountry. The next section focuses on those potential “best practices” that I believe will be crucial in catalyzing progress towards the liberation of *kuchus* in Uganda. It ends with specific recommendations for possible pathways towards ending sexual and gender apartheid in the country.



V. BEST PRACTICES AND RECOMMENDATIONS

Informed by the findings from this study and norms that have been developed globally over the past five decades addressing the treatment and rights of LBQ persons, this section makes recommendations and discusses some best practices to guide stakeholders in leveraging incremental and transformative change.

A word of caution is in order regarding the term “best practices”; given the diversity within the *kuchu* subgroups, any claims to a one-size-fits-all standardized intervention would be avoided. Hence, the guidelines discussed here are not cast in stone and should always be matched with and adapted to the specific needs of the targeted groups and individuals. As Wairimũ Ngarũiya Njambi (2019: 1) reminds us: “The use of such labels may present some temporary benefits to rights campaigns around the world, such as providing links to a globalized network of resources and sympathetic support.” However, in exploring best practices, it is important that we do not uncritically impose Western-derived labels and identities (LBQ). For more sustainable successes, the *kuchu* movement eventually needs to be domestically-grounded and indigenously-anchored.

5.1 Decolonizing Policies and Institutional Practices

There was unanimity among participants that the AHA plus all other discriminative laws and policies, should be repealed. The tool of strategic litigation has proved that it has some potential to enhance *kuchu* rights and freedoms, including dignity, privacy and non-discrimination despite some of the setbacks which we have recounted. The tool has led to the decriminalization of homosexuality in African countries such as Botswana, Angola, Namibia and Seychelles. However, the power of strategic litigation is limited in engendering social change or eroding the sources of homophobia and transphobia (Tamale 2020). A good example is seen in Mozambique where references to sexual practices “against the order of nature” were removed from the revised Penal Code in 2015, but to-date, the state has refused to register Lambda, the only LGBTIQ organization in the country. Indeed, the AHA and other homophobic policies need to be placed in a wider context in order to tackle the problem effectively. As Richard Downie (2014: 9) explains:

Not only do [the homophobic laws] touch the lives of LGBT people directly, they also impact society as a whole. These laws are broad and carelessly worded, restricting civil society and limiting the ability of both homosexuals and heterosexuals to exercise their political rights and civil liberties. The laws are part of a pattern of repression in Uganda... They are diversionary tactics by leaders who would rather perform political stunts than come to grips with their governance shortcomings.

The overarching question then is: *what alternative strategies should be aligned with public interest litigation to create a more affirming and inclusive society in Uganda?* The first step lies in *correctly* identifying the real underlying problem informing the rising tide of anti-*kuchu* hostilities. What are its historical roots and what is currently feeding its social legitimacy?

Decolonial feminist theory offers a multi-faceted framework for understanding and analyzing sexuality and gender, linking heterosexual privilege to capitalist patriarchy and religion (Suyemoto et al. 2022; Tamale 2020, 2011). The co-founder of the Decolonizing Sexualities Network, Sandeep Bakshi, links the AHA to the under-the-radar machinations of US Evangelical Christians (Bakshi 2023). But it is also necessary to be sensitive to forces that may not necessarily emanate from outside the country.

Examples from other countries reveal that legal change in the arena of sexual politics happens not exclusively through the effort of civil society, but as a result of joint champions found in multiple arenas – the executive, the judiciary and the legislature. If compulsory modules on gender and sexual diversity were integrated into the training of all the Justice, Law and Order Sector (JLOS) institutions, it would improve the diversity awareness of its stakeholders.⁶⁶ A study in Australia, for example, showed that there were “significant differences in awareness levels and perceptions of engagement of police recruits and protective service officers toward members of minority communities, as well as the factors influencing awareness during police-citizen engagement” (Miles-Johnson et. al, 2021: 1).

Organizations like HRAPF have made attempts to conduct one-off awareness-raising trainings with groupings of some law enforcement entities like the police, magistrates and staff of the Uganda Human Rights Commission (UHRC). While this work is a mere drop in the ocean of homophobia/transphobia, a faint glimmer of hope was seen when in October 2024, the chairperson of UHRC publicly called for the decriminalization of homosexuality and created a new desk to deal with LGBTIQ+ cases following the enactment of the AHA. Mariam Wangadya said: “I call on the government to take steps towards decriminalizing victimless crimes such as prostitution and homosexuality. Criminalizing such acts often results in unjust and disproportionate punishment, especially for vulnerable groups in our society.”⁶⁷ LBQ participants in this study found that female lawyers and paralegals tended to be more sensitive to their needs and situation than male ones.

An international study that was conducted across 194 countries across multiple years revealed “a clear, ongoing trend toward decriminalization globally” (Kavanagh et. al 2025: 115). Linking sexual rights to public health agendas has been useful in achieving decriminalization in some countries. The fact that 23 out of the 54 (43%) countries in Africa do not legally criminalize homosexuality (and more that demonstrate a de facto policy of non-enforcement) provides a ray of hope for Uganda’s *kuchus*. But first, the community has to overcome anti-gender forces that are financing stricter legislation, and this can only be achieved through a stronger and reinvigorated *kuchu* movement.

1.2 LBQ Organizing and Movement Building

The systematic attacks on queer and feminist activism in the last two decades has doubtlessly posed new challenges to organizing and movement building. In order to have a wide scope of the complex landscape of overt and covert trends of discrimination, it is necessary for the *kuchu* movement to revamp its activism with ideological roots. As discussed in the previous subsection, in order to forge a path towards liberation, Ugandan *kuchus* would require a movement with a firm commitment to decolonial thinking and feminist ideologies of intersectionality and home-grown queer politics. It is important for LBQ activism to unpack how sexuality intersects and interacts with other systems of oppression e.g., based on gender, class, race, disability and age (Tamale 2020). Such praxis will be able to slice open complex internal oppressions that happen within *kuchu* subgroups such as LaBaQuas.

⁶⁶ JLOS institutions include, the Ministry of Justice and Constitutional Affairs, Centre for Arbitration and Dispute Resolution, Directorate of Citizenship and Immigration Control, Directorate of Public Prosecutions, Judicial Service Commission, Judiciary, Law Development Centre, Ministry of Gender, Labour and Social Development, Ministry of Internal Affairs, Ministry of Local Government, Tax Appeals Tribunal, Uganda Human Rights Commission, Uganda Law Society, Uganda Law Reform Commission, Uganda Police Force, Uganda Prisons Service, and the Uganda Registration Services Bureau.

⁶⁷ See story at <https://76crimes.com/2024/10/07/ugandan-official-decriminalize-gay-sex/> [accessed October 10, 2025].

On a positive note, there are already several examples of *kuchu*-led efforts in Uganda that offer counter-narratives and alternative imagery of their lives. A good example is the annual *Bombastic* magazine, published by LBQ-led Kuchu Times Media, which has run its 7th edition of locally-framed stories about queer life and advocacy from nearly every region of the country.⁶⁸ Various avenues including podcasts, social media channels, websites, newsletter, WhatsApp chat groups are among the fora through which *kuchus* exchange news and ideas, debates, discussions, stories, and art thereby forging and strengthening life-sustaining connections. Another initiative is the Uganda NextGen Initiative—a community-based peacebuilding project that co-created a framework of general principles that guide intergenerational partnerships of diverse women in peacebuilding (Mawby et al. 2023). Such initiatives slowly but surely facilitate the shaping of public knowledge about the lives and experiences of *kuchus* in Uganda through grassroots knowledge production.

In addition, there is a need for increased solidarity *within* the different communities of the *kuchu* alphabet *and across* diverse rights movements to collectively address the root causes of oppression. Bakshi calls for the need “to refashion coalitional solidarities of various constituencies to allow for resistance with a view to emancipation for *all*” (Bakshi 2023-emphasis in original). The “all” referred to in his clarion call includes citizens belonging to subordinated social groups. Hence, renewed mobilization of the *kuchu* movement would work closely with say, the feminist movement, workers’ unions, the disability movement, the climate movement and the youth movement. But LBQ activists should be careful who they collaborate with. It was revealed in this study, for instance, that not all “women’s rights” organizations advocate for LBQ rights. Elsewhere, I have made the distinction between the term “women’s movement” and “feminist movement” in the African context:

...although the two terms share the basic objective of liberating women from the capitalist-patriarchal system, the term “African feminist movement” is quite distinct from a “women’s movement” in Africa. The latter is more liberal-oriented and traditionally institutionalised in civil society (and even the state), focusing on incorporating women’s rights and freedoms into existing institutions. On the other hand, the former is relatively new, smaller, and more disruptive of normative taken-for-granted institutions (e.g, the state, law, family, religion, education) and dominant assumptions (including those undergirding notions like rights, gender, power, identity, justice, etc.). (Tamale 2024: 3)

The backlash against sexual and gender activism only means that it was registering a degree of success. Today, more than ever before, it is extremely important to push-back against anti-gender actors who are systematically rolling back those gains. First, is to understand how their master tool of narrative works through what Tessa Lewin (2021) termed, “discourse capture.” She explains that the term refers to “the co-option and manipulation of progressive discourse to serve right-wing agendas” and argues that it is especially evident in anti-gender politics, which serve right-wing agendas (Lewin 2021: 254). It is therefore crucial to identify and understand instances of language appropriation and redefinitions of meanings in the cultural-political sphere (Kibarabara and Otieno 2025). Anti-gender activists will mimic the language of progressives but twist meanings and adjust explanations. Discourse, which entails language, knowledge *and* embeds meaning, has been a long-term weapon for imperialists to reproduce and legitimize power (Foucault 1980).

The importance of understanding the politics of discourse capture, argues Lewin, is to recognize its material effects (Lewin 2021: 251). When Uganda’s political and religious leaders restrict the boundaries of the family institution around the narrow lines of patriarchy and heterosexuality, it

⁶⁸ See <https://www.kuchutimes.com/tag/bombastic/> [accessed July 19, 2025].

shuts out all other possible family formations from the minds of ordinary Ugandans. The material effect is to exclude *kuchus* from benefitting from state-controlled resources (e.g., healthcare insurance, tax incentives, pension, etc.), despite the fact that they pay taxes. Kellie Bean (2007) further explains:

Language produces material consequences, arguments create political realities ... whether people live or die, have access to power or not, are allowed to marry or not, live in safe neighbourhoods or not is very much determined by the language used for or against them, the manner in which they have been defined.

When a section of society is only seen through negative lenses and not heard at all, it will result in their material deprivation. That is precisely why section 15(6)(d) of the Equal Opportunities Commission Act, for example, sought to exclude sexual minorities from utilizing the resources of the EOC.

What all this means is that for Ugandan *kuchus* to survive and/or counter the backlash orchestrated by the anti-gender activists, it requires a full understanding of the concept of discourse capture. It is imperative for *kuchus* to develop an alternative or counter discourse that challenges the gender binary, expand social imaginaries beyond the rigid gender binary system and decentre morality politics (Lewin 2021). Myths and misinformation can be debunked through careful and diverse messaging, using academic and populist writing, autobiographies, social media tools, storytelling, music, film, art and drama performances. Reclaiming African indigenous discourse on diverse sexualities and gender fluidity will work as a critical way for *kuchus* to “re-story” themselves and expand the transformational imaginaries of Uganda’s population. In one of his last publications, *Today, the Balance of Stories*, Chinua Achebe (2000) urged African people to consistently re-story themselves in order to disrupt master narratives. Re-storying has the added advantage of gaining deeper insights of the self and others.

1.3 Research and Accountability

Research

Much more interventional research is required to fully understand the complex issues regarding sexual pluralism and gender fluidity, dispel myths and stereotypes and further explore positive methods for facilitating the advancement of social justice for *kuchus* generally and LBQ persons in particular. Advocacy for socially just policies for LBQ persons must be guided by feminist principles and culturally contextualized models. Many participants in this study correctly pointed out that they were skeptical about any research about them without their input in its conceptualization and execution: “How is this study going to benefit us as *LaBaQuas* ... we’re sick and tired of people using us to tick off some donor boxes.” Indeed, it is important to critically examine the power dynamics involved and adopt decolonizing approaches to any research study (Smith 2012).

In her classic book, *Decolonizing Methodologies*, the Māori theorist, Linda Tuhiwai Smith explores the intersection between imperialism and research. Echoing the fears of the *LaBaQuas* mentioned above, she writes, “In the strange ways that colonialism works, however, we constantly find ourselves

living inside someone else's story" (ibid.: 365). Smith exposes how imperialism is embedded in knowledge production and urges for "a more critical understanding of the underlying assumptions, motivations and values that inform research practices". In order to avoid recolonizing marginalized social groups through methodologies, Smith urges researchers to give prominence to different ways of knowing outside the Western epistemological frameworks and adopt more collaborative, participatory, and needs-driven research methods. Such an approach would be extremely useful for raising awareness about the histories of gender diversity and sexual fluidity in Africa.

An example of a research approach that centres participatory action and decolonizing methodologies is transformational grounded theory (Redman-MacLaren and Mills 2015). It combines the core principles of grounded theory and action research. The approach recognizes the participant-as-knower status and therefore replaces the term "participant" with "core-researcher," thus acknowledging mutuality and flattening power differentials in the research process. The participants are fully involved in the entire cycle, including research design, data generation, analysis, and the validation of results. Knowledge is co-created between the researcher and the researched with close reflexivity on how results are influenced by issues of structural inequality and unequal power relations (Fanon 1963; Freire 1994).

Another research approach that is closely linked to transformational grounded theory is based in the Afrocentric philosophy of *Ubuntu*. Maren Seehawar (2018) explores how the concept of *Ubuntu* or humanness can be deployed as a research paradigm that is epistemologically appropriate for Africa. As *Ubuntu* speaks directly to the essence of being human and the politics of the common good, it is worth exploring for studies involving excluded social groups subordinated and oppressed as much as *kuchus* in Uganda. The ethos of *Ubuntu* values "unity in diversity" (Oelofsen 2018: 45). When people understand that everything in the African cosmos is connected and interdependent, then it may be easier for them to appreciate that when you humiliate a *kuchu* individual, you are also diminished as part of the greater whole (Tamale 2020). It is therefore worthwhile to pay more attention to the potential of *Ubuntu* as a heuristic method to deal with the endemic homophobia and transphobia in Uganda.

Finally, there is a need to engage in much more historical research in order to deepen our understanding of our indigenous sexual and gender cultures, prior to colonial encounters (Oyewumi 1997). Most of the queer literature on the continent focuses on gay men and more nuanced studies on LBQ historical and contemporary experiences are needed. A lot of historical information lies in colonial archives and within dying generations that should be tapped into. Preserving contemporary practices and experiences through intentional and systematic documentation of Ugandan LaBaQuas is equally important. A prime example of queer archival practices is the work of the California-based archivist and curator, Lisbet Tellefsen (Bakshi 2023); she has archived an impressive intersecting collection of Black queer and transgender communities in the US.

Accountability

The practices and relationships between "donors" and LBQ activists leave a lot to be desired, particularly with regard to grant reporting and M&E. Indeed, compliance with such practices tends to co-opt activists, alienating them from movement building and social justice organizing, not to mention reinforcing racism (Paarlberg et al. 2022). How to "measure" or quantify a process is a complex activity deeply steeped in lived experiences, culture and time. Care has to be taken to consider intersecting diversities when measuring progress.

SMUG compares the assessment interventions that it used when it had just been formed in the early 2000s and were self-financed with "the professionalized structures, reporting requirements, and standard monitoring and evaluation (M&E) frameworks that, over time, subtly shifted the community

practice of locally-defined evaluation and learning toward donor-driven metrics" (SMUG 2025: 7). The capitalist global funding system of accountability and progress that is built on a long line of alien parameters does not often resonate with local understandings of answerability and growth. SMUG has therefore challenged models that "reduce complex human journeys to dull numbers... missing the very insights that drive meaningful change" (ibid.: 10). They suggest an alternative ecosystem and movement evaluation tool, one that is designed not *for* but *with* the community. The relationship between "donors" and "grantees" need not be hierarchical nor reductivist:

When activists and organizers sit side-by-side with the people they serve, shaping questions, defining terms, choosing language, the result is a system that feels familiar, safe, and genuinely useful. In practice, this means drafting forms in local dialects and idioms, so respondents don't wrestle with foreign jargon. By anchoring M&E in the lived realities of those most affected, these community-owned tools become more than mere paperwork; they become vehicles for dignity, inclusion and authentic accountability. (ibid.: 21)

In what they refer to as "flipped accountability," Paarlberg et al. argue that:

Philanthropic institutions have few legal or structural requirements to account for their contributions to the 'public good'... This trend towards measurable philanthropy requires tracking outcomes and assessing performance... Such technocratic responsibilities to accountability privilege the funders' values and expertise and displace accountability onto grantees... In current accountability relationships, the grantee is the agent responsible to the funder. This relationship does not allow the public to fundamentally challenge grant makers' assumptions and choices nor hold the grant makers accountable to a 'public.' (Paarlberg et al. 2022: 360)

The African Women's Development Fund (AWDF), a pan-African grant making organization, has made attempts to work in a flexible fashion that responds to the unique contexts of the communities they provide funds to. One of their cornerstone approaches to grant-making is partnering with grassroots organizations, leveraging local knowledge and expertise to inform its funding strategies. It reports that this collaborative approach "often leads to innovative projects that address pressing issues faced by women in specific contexts."⁶⁹

But with the dwindling financing of civil society organizations, it is important that *kuchu* organizations, including LBQ, engage in diversifying their revenue streams for a stronger and more sustainable movement. The recent launch of *QuchuCoin* by SMUG is a good example. The bold move was a response to the growing funding gap for *kuchu* activities and a spin off from the research for How Change Happens: "*QuchuCoin* is a movement, a call to action, and a reminder that we, as queer people and allies, have the power and responsibility to invest in our own survival, dignity, and futures."⁷⁰

69 See AWDF Strategic Framework, available at: <https://www2.fundsformgos.org/articles/african-womens-development-funds-strategic-framework-aligning-goals-with-feminist-movements/> [accessed July 09, 2025].

70 Anorld Ofoimungu, (Social Justice Activist) email communication on July 09, 2025.

5.4 Recommendations for Transformative Change

This sub-section offers several recommendations that are likely to foster transformative justice for Ugandan *kuchus* generally and LBQ persons in particular. The theory behind *transformative justice* is that some criminalized actions are rooted in socio-economic wrongs (Morris 1994). Racial apartheid—i.e., a system that creates crimes based on Othering, segregating and discrimination based on race—is a good example to illustrate legalized official violence in need of transformative justice in order to right the wrongs done against Black people around the world. In the same way, we can speak of sexual and gender apartheid, which is rooted in legalized structural violence against *kuchus*. This means that any reforms that are premised on the inclusion of *kuchus* in existing legal systems—which may themselves be sites of structural violence—would not yield any meaningful change in the status quo.

Furthermore, we should be aware of the complexities that are presented by the intersecting influences of structure and agency; *kuchus* too, have multiple oppressed and privileged statuses. This means that some issues, such as intimate partner violence within *kuchu* communities itself, requires more than the usual interventions that might be applied to similar incidences among the heterosexual community. Hence, the recommendations below are aligned to both transformative justice and community-defined priorities. This means that one-size-fits-all-*kuchu* interventions should be avoided. Instead, strategies must address diverse issues of homophobia, sexism, classism, ageism, ethnic pluralism, and so forth.

To State Actors

- i. Adhere to Uganda's international and regional legal obligations regarding the recognition and protection of gender equity and homosexual rights.
- ii. Advocate for legal reforms and dismantle the colonial-era penal code and decriminalize all laws and policies that restrict the rights of gender-diverse persons and those whose sexualities may not align with the norm. In that sense, it is necessary to adopt an unambiguous and pluralistic account of gender in order to reduce the stigma and discrimination that *kuchus* suffer. In other words, recognize gender variance as a normal part of traditional African lives.
- iii. Amend the Children Act to recognize the specific rights of *kuchus* to adoption and custody using the cross-cutting principle of the best interest of the child.
- iv. Most Bills in the pipeline discriminate against or socially exclude *kuchus*. In particular:
 - The Marriage Bill, 2024 which not only prohibits same-sex marriages but also rejects the bias-free gender-neutral language of "spouse" should adopt gender-neutral language throughout the Bill;
 - The Human Assisted Reproductive Technology (HART) Bill of 2023 which is silent on the rights of LBQ persons should insert a clear non-discrimination clause stating that access to reproductive technologies and services must not be denied on the basis of sexual orientation, gender identity, or marital status.; and
 - The Sexual Offences Bill of 2024, which is silent on "corrective rape" should recognize it as a distinct type of sexual offence and assign punishments that correspond to its different contexts.

- v. The Equal Opportunities Commission should conduct research to educate its members and the public at large about pluralism in sex/gender/sexual beliefs and transformational justice for *kuchu* citizens.
- vi. In line with Articles 32 and 36 of the Constitution of the Republic of Uganda, *kuchus* must routinely be invited to participate in policy decision-making and have their views taken very seriously.
- vii. Without pathologizing gender and sexual plurality or non-conforming identities, the mental health of *kuchus* should be prioritized by all health sectors.
- viii. The Ministry of Gender, Labour and Social Development should legitimize *kuchu* shelters by registering them for proper regulation and put an end to the arbitrary police raids.
- ix. Reform all JLOS institutions as well as existing healthcare and education systems to be inclusive, accessible, and rooted in human dignity.
- x. Introduce affirmative action for *kuchus*, especially in the political, economic and education sectors.
- xi. Set up a mechanism to monitor the corruption-prone activities of state actors such as the police and state attorneys.
- xii. Ban all collaborations with the anti-gender movement actors.

To Civil Society and Researchers

- i. The mainstream women's movement should recognize LBQ rights as part and parcel of their own agendas, rather than maintaining a neutral stance or pussyfooting with regard to promoting *kuchu* civil liberties.
- ii. Organize conscientizing processes with the queer movement to raise awareness about the politics of discourse capture and other queer and decolonial feminist theories and praxis. This should be done systematically through various avenues, including podcasts, social media channels, newsletters, and WhatsApp chat groups, among others .
- iii. Continue to aggressively engage in self-reflection, community-dialogue and "re-storying" processes that shift dominant discourse and construct counter-narratives, and further promote research that theorizes the lived queer experiences.
- iv. Be courageous, creative and engage vigorously in "out-of-the-box" thinking to shape public perceptions and communicate counter-narratives in accessible and engaging ways using theatre, art, comic books, etc. In particular, expose the true nature of anti-gender politics.
- v. Implement intra-disciplinary training of all the Justice, Law and Order Sector (JLOS) institutions to raise awareness about diversity and inclusivity.
- vi. Produce accessible versions of this report and other studies using multi-media technologies such as animation videos and zines (self-published pamphlets by marginalized groups).
- vii. Be sensitive to the type of lawyers and paralegals that you send to defend arrested *kuchus*; in Uganda's context, a masculine-presenting lawyer or one whose sex is ambiguous often ends up being the target of homophobic/transphobic epithets, which shifts attention from the client to their advocate.

- viii. Surface liberatory methodologies and practices that delink society from colonial constructions of gender and sexuality. There is also a need to conduct deeper excavations of the historical sexualities of Uganda's cultures.
- ix. As much as possible, avoid in-fighting within the community by promoting transparent decision-making, fostering a culture of *Ubuntu*, and addressing grievances quickly before they fester.

To International Partners

- i. International partners who wish to support or intervene to improve the status and condition of *kuchus* in Uganda should, as much as possible, use knowledge, best practices and tool-kits developed by the community. In the words of UKPC "*mukozese data waffe*" (use our data)—which is readily downloadable from their various websites.⁷¹
- ii. Read and internalize guiding literature produced by the *kuchu* community, (e.g., SMUG's *How Change Happens: The Case for Alternative Impact Measurement in Uganda's LGBTIQ+ Movement* and FARUG's *Under the Shadow of the Anti-Homosexuality Act: Experiences and Barriers to SRHR Access for LBQ Womxn in Uganda*) to engage in meaningful partnerships.
- iii. Outside the basket-funding system, ensure that you fund programmes that serve specifically-defined marginalized constituencies like LBQ persons in all sectors including health, education and food and agriculture.
- iv. Make available resources (information, technological, financial, etc.) for community-led literacy initiatives, funding shelters and health services for LBQ persons.
- v. Avoid using aid conditionality as a weapon for increasing the protection of LBQ persons, as it creates the risk of serious backlash against *kuchus* and exacerbates the environment of intolerance. It also reinforces the notion that homosexuality is "un-African" and a Western-sponsored "idea." Any action against the state should follow more nuanced approaches with the direct input of the affected populations.
- vi. Provide all manner of strategic support to progressive Ugandan feminist and *kuchu* movements in the push-back against the well-funded transnational anti-gender movement and the entrenchment of LBQ issues into broader social justice issues through the financing of community-led and nationally owned projects.
- vii. Support national and regional human rights mechanisms to ensure the inclusiveness of LBQ issues in their protective and promotional mandates.

To Regional Human Rights Mechanisms

- i. Recognize the rights of queer people in all regional human rights instruments and enforcement mechanisms.
- ii. Develop pathways to build cross-regional solidarities for LBQ movements.
- iii. Create space for the inclusion of LBQ activists in the various legal, social and cultural interventions that they pursue.



VI. CONCLUSION

Kuchus in Uganda live under a repressive regime of gender and sexual apartheid fanned by a global movement with the explicit agenda of promoting essentialist views on gender and sexuality and dedicated to achieving a closure of space for civil society work at all levels. The Anti-Homosexuality Act, 2023 unleashed the coercive power of the state to crack down on people who do not conform to dominant standards of heterosexuality or those whose bodies defy sex and gender norms. It emboldened law enforcement agencies and the public to act with impunity. *Kuchus* struggle to overcome systematic patterns of inequality, derogation and excessive abuse. The study revealed an escalation in the rate of violence against *kuchus* since the AHA was enacted; stories of inhumane treatment, violence, stigmatization, deprivation, intimidation and different forms of repression. These are now the realities that define their lives. A participant's pithy response to the question, "What is your biggest achievement?" in many ways summarized the life of *kuchus* in Uganda: "Being Alive."

But stories of gender and sexuality in Uganda are deeply embedded in the socio-political and historical context. LBQ persons are particularly at risk of intersecting forms of oppression based on homophobia, transphobia, sexism and classism. However, *kuchus* are robustly pushing back, employing different strategies such as public interest litigation and increased advocacy and lobbying in attempts to extend the frontiers of gender/sexual subjectivity. Many LBQ individuals survive by disengaging with the wider society and instead, turning inwards to fellow community members either in shelters or other safe spaces. The repressive law brought more *kuchus* out of the closet and forced more activists to regroup and strategize about movement building and creating *kuchu* liberatory futures. Hence, although the experience of the movement since 2023 has largely been one of marginalization, discrimination and even overt violence, there are glimmers of hope that resistance to such repression will endure and even grow: the struggle must continue.

REFERENCES

- Achebe, Chinua (2000), "Today, the Balance of Stories," in *Home and Exile*, New York: Anchor.
- Bakshi, Sandeep (2023), "On Decolonising Queerness with Dr Sandeep Bakshi," Interview available at: <https://hal.science/hal-04183158v1/file/Published%20Interview.pdf> [accessed June 10, 2025].
- Bean, Kellie (2007), *Post-Backlash Feminism: Women and the Media Since Reagan-Bush* Jefferson, NC: McFarland,
- Boyatzis, Richard (1998), *Transforming Qualitative Information: Thematic Analysis and Code Development*, London: Sage Publications.
- Blake, Mariah (2014), "Meet the American Pastor Behind Uganda's Anti-Gay Crackdown," *Mother Jones*, available at: <http://www.motherjones.com/politics/2014/03/scott-lively-anti-gay-law-uganda/> [accessed June 29, 2025].
- Blevins, John (2011), "When Sodomy Leads to Martyrdom: Sex, Religion, And Politics in Historical and Contemporary Contexts in Uganda and East Africa," *Theology & sexuality* 17(1) 51-74.
- Cannon, Clare, Katie Lauve-Moon and Fred Buttell (2015), "Re-Theorizing Intimate Partner Violence through Post-Structural Feminism, Queer Theory, and the Sociology of Gender," *Social Sciences* 4: 668-687.
- Chapter Four (2025), "Constitutional Court Concludes Hearing of Petitions Against Computer Misuse Act, Judgement to be Issued on Notice," available at: <https://chapterfouruganda.org/sites/default/files/downloads/C4U-Statement-Constitutional-Court-concludes-hearing-of-petitions-against-Computer-Misuse-Act.pdf> [accessed July 6, 2025].
- (2014), "President Museveni's Statement Upon Signing the Anti-Homosexuality Bill into Law," (February 24), Available at: <https://chapterfouruganda.org/articles/2014/02/24/president-musevenis-statement-upon-signing-anti-homosexuality-bill-law> [accessed July 06, 2025].
- Corrêa, Sonia, David Paternotte, and Claire House (2023), "Dr. Frankenstein's Hydra: Contours, Meanings and Effects of Anti-Gender Politics," in P. Aggleton, R. Cover, C. H. Logie, C. E. Newman, and R. Parke (eds.), *Routledge Handbook of Sexuality, Gender, Health and Rights*, pp. 484-493, London: Routledge.
- Crenshaw, Kimberlé (1991), "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," *Stanford Law Review* 43(6): 1241-1300.
- Cummings, Sarah, Nyamwaya Munthali, and Toni Sittoni (2025), "Epistemic Justice as a 'New Normal?' Interrogating the Contributions of Communities of Practice to Decolonization of Knowledge," *Sustainable Development* 33(3): 3228-3245.
- Dallery, Arleen (1992), 'The Politics of Writing (the) Body,' in Alison Jagger & Susan Bordo (eds.), *Gender, body, knowledge: Feminist reconstructions of being and knowing*, Pp. 52-67, New Brunswick: Rutgers University Press.
- Dobash, Russell, Emerson Dobash, Margo Wilson, and Martin Daly (1992), "The Myth of Sexual Symmetry in Marital Violence," *Social Problems* 39 (1992): 71-91.
- Downie, Richard (2014), *Revitalizing the Fight Against Homophobia in Africa*, Washington DC: Centre for Strategic and International Studies.

Engle-Merry, Sally (1988), "Legal Pluralism," *Law and Society Review* 22(5): 869-896.

Epprecht, Marc (2008), *Heterosexual Africa?: The History of an Idea from the Age of Exploration to the Age of AIDS*, Athens, OH: Ohio University Press.

Essed, Philomena (2001), "Towards a Methodology to Identify Converging Forms of Everyday Discrimination," *45th Session of the United Nations Commission on the Status of Women*, New York: United Nations, 202.

Fanon, Frantz (1963), *The wretched of the Earth*, New York: Grove Press.

FARUG (2025a), *Under the Shadow of the Anti-Homosexuality Act: Experiences and Barriers to SRHR Access for LBQ Womxn in Uganda*, Kampala: FARUG, available at: <https://faruganda.org/publications-2/> [accessed July 04, 2025].

FARUG (2025b), *From offline to Cyberspaces: Digital threats faced by sexual & gender diverse individuals in Uganda post-anti-homosexuality Act 2023*, Kampala-Uganda, available at <https://faruganda.org/wp-content/uploads/2025/04/Digital-Threats-Faced-by-Sexual-Gender-Diverse-Individuals-in-Uganda-Post-Anti-Homosexuality-Act-2023.pdf>, [accessed July 16, 2025].

Foucault, Michel (1980), *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, New York: Pantheon Books).

Freire, Paulo (1994), *Pedagogy of the oppressed*, New York: Continuum.

Hood, Ernie (2005), "Dwelling Disparities: How Poor Housing Leads to Poor Health," *Environmental Health Perspectives* 113(5): A310-A317.

Judge, Melanie (2024), "Backlash and Beyond: Anti-LGBTQ Lawmaking and Existential Panic in Ghana, Kenya and Uganda," *Countering Backlash*, Working Paper 4, Brighton: Institute of Development Studies.

HRAPF (2023), "One Month After: Increasing Cases of Violence and Violations Based On Real or Presumed Sexual Orientation and Gender Identity in The First Month of the Enforcement of the Anti-Homosexuality Act, 2023," Kampala: HRAPF, Available at: <https://hrapf.org/violation-reports/> [accessed July 02, 2025].

----- (2016), *The Implications of the Enforcement of 'Idle and Disorderly' Laws on the Human Rights of Marginalized Groups in Uganda*, Kampala: HRAPF, Available at: <https://hrapf.org/?mdocs-file=9262&mdocs-url=false> [accessed July 03, 2025].

Jjuuko, Adrian and Stella Nyanzi (2022), "Court Focused Lawfare Over LGBT Rights: The Case of Uganda," in A. Jjuuko, S. Gloppen, A. Msosa and F. Viljoen (eds.), *Queer Lawfare in Africa: Legal Strategies in Contexts of LGBTIQ+ Criminalisation and Politicisation*, pp. 145-182, Pretoria: Pretoria University Law Press.

Kaoma, Kapyia (2023), "The Interaction of Human Rights and Religion in Africa's Sexuality Politics," *International Journal of Constitutional Law* 21(1): 339-355.

----- (2009), "Globalizing the Culture Wars: U.S. Conservatives, African Churches, and Homophobia." Political Research Associates, Available at: <https://www.arcusfoundation.org/wp-content/uploads/2009/01/Globalizing-the-Culture-Wars.pdf> [accessed June 29, 2025].

Kabumba, Busingye (2009), "The Mukasa Judgment and Gay Rights in Uganda," *East African Journal of Peace and Human Rights*, 15(1): 218-224.

Kakande, Angelo (2015), "Protecting the 'Traditional Heterosexual Family'? The State and Homosexuality Legislation in Uganda" *Contested Intimacies* 89: 17-30.

Katto, Patricia Liola Tona (2018), "A Critical Comparative Law Analysis on Challenging Anti-Homosexual Legislation in Uganda," *UCLJLJ* 7:82-113.

- Kavanagh, Matthew, Varsha Srivatsan, Florence Riako Anam, Ludo Bok, Luis Gil Abinader, Agrata Sharma, Catherine Grant, Yu Wei Chen and Sharonann Lynch (2025), "Global Legal Environment for LGBTQ+ Sexuality and Public Health," *Journal of Law, Medicine & Ethics* 53(1): 115-133.
- Kibarabara, Joy, and Michael Otieno (2025), "Uganda's Anti-Homosexuality Act (2023): A Feminist Critical Discourse Analysis of Local, Regional, & International Media Coverage," *Feminist Media Studies* 7: 1-17.
- Kisitu, Gyaviira (2018), "Religion and Homosexuality Criminalization in Uganda: The Contribution of the American Anti-Homosexual Evangelicals Towards The 2014 Anti-Homosexuality Law," PhD diss., University of KwaZulu-Natal, Pietermaritzburg.
- Kizito, Kalemba (2017), "Bequeathed Legacies: Colonialism and State Led Homophobia in Uganda," *Surveillance & Society* 15(3/4): 567-572.
- Kuchu Times (2022), "Of the Charlatans, Opportunists and Grifters in the Ex-Gay Movement," (Editorial, September 6), Available at: <https://www.kuchutimes.com/2022/09/of-the-charlatans-opportunists-and-grifters-in-the-ex-gay-movement/> [accessed July 07, 2025].
- Lewin, Tessa (2021), "Nothing is as it Seems: 'Discourse Capture' and Backlash Politics," *Gender and Development* 29(2-3): 253-268.
- Mawby, Briana, Noah Mirembe Gabigogo and Cassandra Barrett (2023), "Executive Summary: The Uganda NextGen Framework." Available at: <https://digital.sandiego.edu/cgi/viewcontent.cgi?article=1079&context=ipj-research> [accessed July 20, 2025].
- May, Vivian (2015), *Pursuing Intersectionality, Unsettling Dominant Imaginaries*, New York: Routledge.
- McClintock, Anne (2023), *Imperial leather: Race, gender, and sexuality in the colonial contest*, New York: Routledge.
- McArdle, Elaine (2015), "LL.Ms for LGBT Rights: Childhood Friends Train Together to Fight Uganda's Draconian Anti-Gay Laws," *Harvard Law Bulletin* (Spring), pp. 10-11.
- Miles-Johnson, Toby, Suzanna Fay and Susann Wiedlitzka (2021), "Policing Minority Communities: How Perception of Engagement and Level of 'Awareness' Influence Officer Attitudes toward Practice," *Social Sciences* 10(2): 70-93.
- Morris, Ruth (1994), *A Practical Path to Transformative Justice*, Rittenhouse.
- Musisi, Nakanyike (2014), "Gender and sexuality in African history: A personal reflection," *The Journal of African History* 55(3): 303-315.
- Mutua, Makau (2011), "Sexual Orientation and Human Rights: Putting Homophobia on Trial," in S. Tamale (ed.), *African Sexualities: A Reader*, pp. 452-462, Oxford: Pambazuka Press.
- Nambooze, Sarah (2017), "Sexual Exploitation and Abuse of the Girl Child through Cultural Practices in Uganda," BA Dissertation, Kampala International University.
- Nannyonga-Tamusuza, Sylvia (2009), "Female-Men, Male-Women, and Others: Constructing and Negotiating Gender Among the Baganda of Uganda," *Journal of Eastern African Studies* 3(2): 367-380.
- Njambi, Wairimũ Ngarũiya (2019), "What Sexuality? Whose Knowledge? Mapping 'Heterosexuality' and 'Homosexuality' Within Transnational Feminisms," *Gender and Women's Studies* 2(2) 1-16.
- Nubile, Clara (2003), *The Danger of Gender: Caste Class and Gender in Contemporary Indian Women's Writing*, New Delhi: Sarup and Sons.
- Nyanzi, Stella & Andrew Karamagi (2015), "The Social-Political Dynamics of the Anti-Homosexuality Legislation in Uganda," *Agenda* 29(1): 24-38.

- Nyanzi, Stella (2013), "Dismantling Reified African Culture through Localised Homosexualities in Uganda," *Culture, Health & Sexuality* 15(8): 952-967.
- Oelofsen, Rianna (2018), "Women and Ubuntu: Does Ubuntu Condone the Subordination of Women?" in Jonathan Chimakonam and Louise du Toit (eds.), *African Philosophy and the Epistemic Marginalization of Women*, pp. 42-56, New York: Routledge.
- Oloka-Onyango, J. (2012), "'We are More than Just Our Bodies': HIV/AIDS and the Human Rights Complexities Affecting Young Women Who have Sex with Women in Uganda," HURIPEC Working Paper No. 36. Kampala: Human Rights and Peace Centre.
- Ossome, Lyn (2024), "Imperialism and Crises of Social Reproduction in Africa," *Review of African Political Economy* 51(181): 515-530.
- Oyewumi, Oyeronke (1997), *The Invention of Women: Making African Sense of Western Discourses*, Minneapolis: University of Minnesota Press.
- Paarlberg, Laurie. E., Marlene Walk, & Cullen Merritt (2022), "Six Blind Men and One Elephant: Proposing an Integrative Framework to Advance Research and Practice in Justice Philanthropy," *Journal of Public and Nonprofit Affairs* 8(3): 349-374.
- Pető, Andrea (2021), "Feminist Stories from an Illiberal State: Revoking the License to Teach Gender Studies in Hungary at a University in Exile (CEU)," in Katharina Bluhm, Gertrud Pickhan, Justyna Stypińska, and Agnieszka Wierzycholska (eds.), *Gender and Power in Eastern Europe. Changing Concepts of Femininity and Masculinity in Power Relations, Societies and Political Orders in Transition*, pp. 35-44. Available at: <https://doi.org/10.1007/978-3-030-53130-0> [accessed June 30, 2025].
- Rao, Rahul (2015), "Re-membering Mwanga: Same-Sex Intimacy, Memory and Belonging in Postcolonial Uganda," *Journal of Eastern African Studies* 9(1): 1-19.
- Redman-MacLaren, Michelle and Jane Mills (2015), "Transformational Grounded Theory: Theory, Voice and Action," *International Journal of Qualitative Methods* 14(3): 1-12.
- Robinson, Christine M., and Sue E. Spivey (2015), "Putting Lesbians in Their Place: Deconstructing Ex-Gay Discourses of Female Homosexuality in a Global Context," *Social Sciences* 4(3): 879-908.
- Sadgrove J, Vanderbeck RV, Andersson J (2012), "Morality Plays and Money Matters: Towards A Situated Understanding of the Politics of Homosexuality in Uganda," *The Journal of Modern African Studies* 50(1): 103-129.
- Seehawar, Maren (2018), "Decolonising Research in a Sub-Saharan African Context: Exploring Ubuntu as a Foundation For Research Methodology, Ethics and Agenda," *International Journal of Social Research Methodology* 21(4): 453-466.
- Suyemoto, Karen, Roxanne Donovan and Grace Kim (2022), "Understanding Sexuality and Heterosexism," in K. Suyemoto, R. Donovan and G. Kim, *Unraveling Assumptions*, pp. 127-139, New York: Routledge.
- Silva-García, G., Vizcaíno-Solano, A. and Pérez-Salazar, B., (2024), "The Debate Concerning Deviance and Divergence: A New Theoretic Proposal," *Oñati Socio-Legal Series* 14(2): 505-529.
- Smith, L. Tuhiwai (2012), *Decolonizing Methodologies: Research and Indigenous Peoples*, London: Zed Books.
- SMUG 2025, *How Change Happens: The Case for Alternative Impact Measurement in Uganda's LGBTIQ+ Movement*, Kampala: SMUG International.
- Strand, Cecilia (2013), "The Rise and Fall of a Contentious Social Policy Option: Narratives Around the Ugandan Antihomosexuality Bill in The Domestic Press," *Journal of African Media Studies* 5 (3): 275-94.

Strayhorn, Terrell (2017), "Using Intersectionality in Student Affairs Research," *New Directions for Student Services*, No. 157, available at: <https://onlinelibrary.wiley.com/doi/pdf/10.1002/ss.20209> [accessed June 30, 2025]

Tamale Sylvia (2024), "Rethinking African Feminisms in the 'New' Normal," *Feminist Africa* 5(2): 1-13.

----- (2020), *Decolonization and Afro-Feminism*, Ottawa: Daraja Press.

----- (2014), "Exploring the Contours of African Sexualities: Religion, Law and Power," *African Human Rights Law Journal* 14: 150-177.

----- (2013), "Confronting the Politics of Nonconforming Sexualities in Africa," *African Studies Review* 56: 31-45.

----- (ed.) (2011), *African Sexualities: A Reader*, Oxford: Pambazuka Press.

Tombolato, Mario Augusto, Ana Claudia Bortolozzi Maia, Anna Paula Uziel, and Manoel Antônio Dos Santos (2018), "Prejudice and Discrimination in the Everyday Life of Same-Sex Couples Raising Children," *Estudos de Psicologia (Campinas)* 35(1): 111-122.

UBOS (2024), *National Population and Housing Census, 2024-Vol. 1*, Kampala: Uganda Bureau of Statistics.

Uganda AIDS Commission (2021), *National HIV and AIDS Strategic Plan, 2020/21 - 2024/25*, Kampala: Uganda AIDS Commission.

UKPC (2025), *No Time to Waste: Mobilizing Resources to Safeguard the Health and Human Rights of Key Populations in Uganda*, Kampala: Uganda Key Populations Consortium, Available at: <file:///C:/Users/Prof%20Sylvia%20Tamale/Downloads/UKPC%20no%20time%20to%20wait.pdf> [accessed July 19, 2025].

Vandermeersch, Patrick (1990), "A Cultural Sexuality or a Sexual Culture?" in F. Van De Vijver, & G. Hutschemaekers (eds.), *The Investigation of Culture: Current Issues in Cultural Psychology*, pp. 43-58, Tilburg, The Netherlands; Tilburg University Press.

Wepukhulu, Khatondi Soita (2024), "The Dizzying Tale of Uganda's Latest 'ex-gay' Campaigner," *OpenDemocracy* (22 January). <https://www.opendemocracy.net/en/5050/elisha-mukisa-ex-gay-uganda-movement-anti-homosexuality-act-prison/> [accessed July 02, 2025].

WHO (2018), *Housing and Health Guidelines*, Geneva: WHO, available at: <https://wrap.warwick.ac.uk/id/eprint/111325/1/WRAP-WHO-housing-health-guidelines-Ormandy-2018.pdf> [accessed July 18, 2025].

Cultural Psychology, pp. 43-58, Tilburg University Press, Tilburg

Zambrano, Luis and Kessely Hong (2025), *Disrupting the Architecture of Gender: Epistemologies of Experience, Power, and Transformation in the 21st Century*.



The Women's Probono Initiative
Plot 7, Suuna Road, Village 14, Ntinda
P.O. Box 8052, Ntinda - Kampala, Uganda
Toll-Free line: 0800-220645

 info@womenprobono.org wpiltduganda@gmail.com

 [WomenProbono](#)  [WPIuganda](#)  [wpi.uganda](#)

www.womenprobono.org