

NON-GOVERNMENTAL ORGANIZATIONS AND THE LGBTI COMMUNITY STRUGGLE FOR RIGHTS IN UGANDA

ORGANIZAÇÕES NÃO GOVERNAMENTAIS E A LUTA DA COMUNIDADE
LGBTI POR DIREITOS NA UGANDA

*Henrique da Silveira Zanin**

Resumo:

Apesar de vários estudos apoiarem que alguns grupos africanos pré-coloniais tinham práticas sexuais não normativas, o continente africano ainda fornece proteção limitada para indivíduos LGBTI. Na Uganda, essa proteção é inexistente devido ao enraizado domínio colonial britânico, um nacionalismo antiocidental e fortes crenças religiosas. Esses fatos criaram repulsa generalizada às pessoas LGBTI ao longo do tempo e hoje existe uma legislação anti-LGBTI ativa na Uganda. A violência contra indivíduos LGBTI levou à morte de vários ativistas, apesar de mais de 500 mil pessoas que se identificam como LGBTI viverem no país. Portanto, este artigo descreve as diversas questões que preocupam as pessoas LGBTI na Uganda e investiga organizações não governamentais ugandenses pró-LGBTI, descrevendo o tipo de trabalho que estas têm realizado. Foi possível encontrar quatro organizações que trabalham em áreas como assistência médica, trabalho e capacitação econômica, assistência jurídica, acolhimento e apoio, advocacia e mudança cultural, visibilidade e conscientização. As várias estratégias que têm sido desenvolvidas são apoiadas pela literatura em relação à proteção da comunidade LGBTI na Uganda, exceto a categoria de “acolhimento e apoio”, que ainda carece de estudos para apoiar o desenvolvimento de aconselhamento, apoio social para tratar de questões de solidão e precauções de segurança. Este artigo sugere que estudos sejam desenvolvidos neste tema. O trabalho desenvolvido por essas poucas ONGs em diferentes áreas pode produzir mudanças locais e pressão política ao longo do tempo, como também poderá estudos como este.

Palavras-chave: Direitos humanos. Direitos LGBTI. Uganda. África. Organizações não governamentais.

Abstract:

Despite several studies supporting that some pre-colonial African groups had non-normative sex practices, the African continent still provides limited protection for LGBTI individuals. In Uganda, this protection is non-existent due to the British colonial rule, an anti-Western nationalism and strong religious beliefs. These facts brought widespread disgust for LGBTI people over time and today there is an active anti-LGBTI lawmaking in Uganda. Violence towards LGBTI individuals led to the death of several activists, despite the existence of more than 500,000 people who identify themselves as LGBTI living in the country. Therefore, this paper describes the diverse issues that concern the LGBTI people in Uganda and

* Lawyer, Master of Human Rights Student (University of São Paulo – USP), Specialized in Labor and Employment Law (Brazilian Academy of Law). São Paulo, Brazil. henriquezanin@outlook.com.

surveys Ugandan pro-LGBTI non-governmental organizations, describing the type of work they have been doing. It was possible to find four organizations, which have been working in areas such as healthcare, labor and economic empowerment, legal aid, care and support, advocacy and cultural change, visibility and awareness. The various strategies they have been developing are supported by the literature with regard to LGBTI protection in Uganda, except for the care and aid category, which still lacks studies to support the development of counselling, social support to address loneliness issues and safety precautions. This paper suggests studies to be developed in this theme. The work developed by these few NGOs in different areas may be capable of producing local change and political pressure throughout time, as studies such as this one may do so.

Keywords: Human rights. LGBTI rights. Uganda. Africa. Non-governmental organizations.

1. Introduction

The African continent provides limited coverage of LGBTI rights in its countries, which have adopted harsh laws and punishments for non-heterosexual behavior (UPPALAPATI; GILFOIL; FOOTE; RANDALL; SANG, 2017). Only 21 out of 54 countries consider legal being a homosexual within their territory, which still is a high percentage (38,8%) when compared to the protection against LGBTI discrimination (12,9%), gender identity protection (5,5%) and LGBTI adoption (1,8%) (ILGA, 2019).

It is important to mention the inconsistency of the reasons why these anti-LGBTI regulations are supported by some countries based on their intend to protect African culture, principles and religious beliefs (HOLLEY, 2015; IBRAHIM, 2015), when there are several studies supporting that some pre-colonial African groups had same-sex and non-normative practices, including transvestism (PINCHEON, 2000; EVARISTO, 2014; UPPALAPATI; GILFOIL; FOOTE; RANDALL; SANG, 2017).

Notwithstanding the cultural aspect, which is questionable as mentioned above, the distancing from the Western perspective and the colonial heritage seem to play a more relevant role in the pervasive repulse to LGBTI people in African countries (ENGLANDER, 2011; KRETZ, 2013). This aspect is exploited by state leaders to stimulate distancing from the colonial past through anti-Western nationalism (HOLLEY, 2015).

The most permissive country towards LGBTI rights seem to be South Africa, followed by Cape Verde, since the former is the only country of the continent to legally equate same-sex and heterosexual relationships and gender change, and the latter has been adopting a LGBTI-friendly agenda, albeit not yet written in legal texts (USA, 2015a; 2015b; UPPALAPATI; GILFOIL; FOOTE; RANDALL; SANG, 2017; MAKIA, 2019).

Different from the countries mentioned above, Uganda specifically does not offer any protection for sexual orientation and gender minorities against discrimination, does not recognize same-sex union, nor adoption, nor rights to gender conformity (AFRICANS, 2016; BENCH, 2016). More than not protecting, the country provides punishes with up to life imprisonment to have any kind of same-sex affection or gender disconformity traits (UGANDA, 1950).

Besides the harsh social environment for LGBTI individuals, there are activists and researchers who indicated back in 2007 that at least 500,000 people who identified themselves as LGBTI lived in the country and were, therefore, unprotected with regard to their basic human rights (UGANDANS, 2007). The number was not updated by NGOs since then, but it is likely to have increased significantly.

Faced with this scenario, this paper sought to describe (i) the struggles with which the LGBTI community in Uganda need to deal and (ii) the type of work pro-LGBTI non-governmental organizations have been developing thus far in the country. Doing so, it attempts to answer the question regarding the impact of NGOs advocating for the LGBTI population both within and outside the LGBTI community, which may bring understanding on how to fight state discrimination, homo/transphobia and promote awareness in intolerant states.

It is also an aim of this paper to stimulate the debate and research on countries that systematically violate human rights in order to use these works as a means of denouncing and repudiating those violations.

The first part of this study is composed of the introduction above; the next section describes the methodological procedures; the third section brings an overview of the Ugandan LGBTI scenario; the fourth section divides itself into two other, one for introducing the Ugandan pro-LGBTI NGOs and another for detailing the work these NGOs have been developing; the fifth part brings closing remarks on what has been discussed on this paper and the sixth and last part details the references used to write it.

2. Methodological procedures

In order to achieve such purposes, methodological procedures were developed through a qualitative approach. It was used bibliographic review and documentary research on newspapers and magazines to corroborate the literature on LGBTI rights in Uganda with facts and Ugandan reports.

Documentary research on websites and documents found online were used to identify Ugandan pro-LGBTI non-governmental organizations. It was possible to find four pro-LGBTI non-governmental organizations, but none of the NGOs found answered the e-mails sent, but one, hereinafter called NGO1. This paper is not going to disclose any

names of participants of the non-governmental organizations surveyed, not even when the NGO promotes itself publicly, due to the harsh environment for LGBTI rights and advocacy in Uganda.

The NGO1 agreed to talk for 15 minutes on the matters discussed on this paper though a non-structured interview via videoconference, in which were discussed their scope of work, target group, size, ongoing projects and struggles in a homo/transphobic state.

The other three NGOs found are hereinafter called NGO2, NGO3 and NGO4 and the information on them was collected through documentary research on online documents and bibliographic review when they were mentioned in papers, surveys, books and reports on the LGBTI agenda.

3. Overview of the Ugandan LGBTI scenario

It is believed that Ugandan threatening environment for the LGBTI community was made up from a combination of two aspects, both linked to its historical development as a state. The first and already mentioned aspect is the distancing from the Western perspective and beliefs, in which is included the openness to non-heterosexual practices. Ugandan leaders use the fear of Western control to create the so-called “anti-Western nationalism” (HOLLEY, 2015, p. 200), which transforms fear into loyalty to brutal governments (EPPRECHT, 2013).

The second aspect overlaps the first, but is not a common trait to all African countries with regard to anti-LGBTI regulation: the British colonial rule used to criminalize homosexual conducts in its colonies, as they did in Uganda as of 1894, which was kept after its independence (PERSAD, 2010; ENGLANDER, 2011; EVARISTO, 2014; HAN; O’MAHONEY, 2014).

To these two reasons it is possible to add the religious doctrine regarding non-heterosexual relationships and the fear of an afterlife in hell, which brings widespread disgust for LGBTI people over time, just as happens in Uganda (MUBANGIZI; TWINOMUGISHA, 2011; IBRAHIM, 2015).

Uganda has experienced violence towards LGBTI people and there is an active anti-LGBTI lawmaking to stop people from coming out and advocating for the rights the community deserve (KRETZ, 2013; FEDDE, 2015). That happens in a symbiotic relationship, as hatred grows among the population and is championed by lawmakers within legislative bodies as a means for gathering voters. The legislative bodies, in turn, draft and eventually pass anti-LGBTI laws that shall be observed by the population as a whole, causing even more damage to the community itself.

As a result of this process, 57% of the Ugandan citizens surveyed by Carroll (2016) believe that being LGBTI really should be a crime. Actually, this perception is no different from those had by certain sector of the South African population, which is the most pro-LGBTI of the continent (MUBANGIZI; TWINOMUGISHA, 2011). However, the overwhelmingly negative perception towards LGBTI individuals in Uganda causes the violence rates to be high (UPPALAPATI; GILFOIL; FOOTE; RANDALL; SANG, 2017).

As of the new provisions and amendments introduced in the Ugandan Criminal Procedure in 2000, Uganda punishes with up to life imprisonment to have any kind of same-sex affection or gender disconformity traits (UGANDA, 1950). It also explicitly banned same-sex marriage from its Constitution as of 2005 and prevented the Equal Opportunities Commission Act from protecting LGBTI workers from employer's abuse or discrimination as of 2007¹ (UGANDA, 2006; 2007).

Within the existing anti-LGBTI legislation is comprised a vast list of not-written practices that are criminalized by its subjective and purposefully broad "to have carnal knowledge of any person against the order of nature and gross indecency".

Despite the tough contemporary penalties, Uganda has been continuously improving its anti-LGBTI legislation in effect to make it more severe throughout time (GETTLEMAN, 2011; MALONE, 2011; BRUCE-JONES, 2015). The last legislation, which passed in 2014 – the so-called "Kill the Gays Act" –, introduced the death penalty to the Ugandan anti-LGBTI legislation. The penalty increase did not pass and the Law itself was challenged in court and annulled months after it passed (UGANDA..., 2014; KARIMI; THOMPSON, 2014).

Then, new rumors from the government arose in 2019, saying Uganda would resurrect a new anti-LGBTI legislation similar to previous one from 2014, which did not happen as of May 2020 (BHALLA, 2019a; BURKE; OKINOR, 2019; FITZSIMONS, 2019). Despite the rumors, the president declared that there was no new legislation on this matter being drafted, being the current legislation enough (BHALLA, 2019b).

And one may attest it is.

Because of the legislation in effect and its direct effect on the population, LGBTI individuals in Uganda are denied basic social rights, such as education, healthcare, safety and employment, being also subjected to arrests and persecution by the police and the other citizens (MAKIA, 2019).

¹ "[...] The Commission shall not investigate — [...] (d) any matter involving behaviour which is considered to be — (i) immoral and socially harmful, or (ii) unacceptable, by the majority of the cultural and social communities in Uganda. [...]" (UGANDA, 2007).

It also led to the recent arrest of sixteen LGBTI activists in 2019 on charges of gay sex for possessing anti-HIV medicine, condoms and lubricants (BERGER, 2019). They were subjected to forced anal exams, which is used in Uganda as evidence for convicting LGBTI individuals (UPPALAPATI; GILFOIL; FOOTE; RANDALL; SANG, 2017).

In October 2010, Rolling Stone published a list of homosexual Ugandan men, with pictures and addresses, in which, among several others, was David Kato, an activist associated with a Ugandan pro-LGBTI NGO of prominence (RICE, 2010). Kato became a martyr after he was murdered months after the newspaper was published, being one of the most emblematic cases in Uganda regarding LGBTI rights and the current legislation, which he has fought against for years (GETTLEMAN, 2011; AUSTIN, 2014).

The violence towards LGBTI individuals also led to the death of several LGBTI activists, the most recent documented in international means being Brian Wasswa, after a series of other three murders three months before his death (FITZSIMONS, 2019). His name joined David Kato's and many others who died fighting for LGBTI rights in Uganda.

4. Ugandan Pro-LGBTI NGOs

The literature recommends some measures to be taken for achieving decriminalization in Uganda. It would depend on having allies and visibility, which is important for social tolerance, persistence and engaging in political discussion on LGBTI rights (ENGLANDER, 2011; HOLLEY, 2015). Public awareness through education and court action are also mentioned (MUBANGIZI; TWINOMUGISHA, 2011; FEDDE, 2015). Furthermore, focusing on rights to work, be free from discrimination and express themselves is pointed out as a means for achieving decriminalization at some point when it is not yet possible (IBRAHIM, 2015).

And last, but not least, is the right to join groups voluntarily, translated internationally as the freedom of association, explored herein apart from its aspects associated with international labor law principles.

The freedom of association amplifies visibility (HOLLEY, 2015) and creates the possibility of assembling people to act on behalf of an organization with greater purposes than those its individuals are able to accomplish separately. Ibrahim (2015) explains that this strategy was used in other African countries, such as Botswana and Kenya, when pro-LGBTI non-governmental organizations sued their governments for denying them legal registration.

And because the pro-LGBTI organizations' work is usually executed far from the public eye, they usually go unnoticed and are therefore able to help their communities and create a permanent space for discussion (IBRAHIM, 2015).

The Ugandan government have been using its current legislation to repress the right of these pro-LGBTI NGOs to assembly, which would allegedly be an offense against morality (BALIGASIMA, 2013). However, being aware of the opposition from these organizations, the parliament has been discussing a bill, which is yet to pass, that would limit the action of NGOs in Uganda by prohibiting them from engaging in activities "contrary to the dignity of the people of Uganda" (LEACH, 2015; UGANDA, 2015).

4.1. Data analysis on Ugandan Pro-LGBTI NGOs

It was possible to find four non-governmental organizations in Uganda that advocate for the LGBTI community.

NGO1, which was possible to be reached and agreed to go on record via videoconference, is a new non-governmental organization, created in 2019 by its founder, an LGBTI activist who advocates for the development of the African continent as a whole. The NGO is still in development and operates with the aid of part-time volunteers as of July 2019. It focuses its activities on the development of competencies and economic empowerment of women and other marginalized groups, in which is included the LGBTI community. It is important to mention this information is not written anywhere, in order to avoid the public eye and backlash. Furthermore, NGO1 organizes annual meetings and reports to bring visibility to the issues addressed by it and also develops programs in leadership, entrepreneurship, diversity and inclusion for women and other marginalized groups.

NGO2 was established in 2004 and advocates for policy reform, develops research and cares for the safety of the LGBTI community. It is an umbrella organization that uses its staff of five people to coordinate a group of LGBTI initiatives in Uganda. Its initiatives include counselling and guidance, medical attention and support for economic empowerment of LGBTI individuals. Among them it is possible to find initiatives that develop projects exclusively for LGBTI women (especially regarding equal access to socioeconomic rights, celebration of the International Day Against Homophobia and Transphobia, Women's Day etc., debates on feminism, marches for women and equal rights and publication of researches and reports on domestic violence) and men (especially regarding healthcare, protection and awareness, though HIV/Aids testing, male circumcision and provision of safe-sex utensils, such as condoms and lubricants).

NGO3 was established in 2016 and advocates for the Ugandan LGBTI youth, fighting stigma, creating HIV/Aids awareness and ensuring equal rights. It also

operates as a law firm and it seeks to promote welfare by providing shelter and other services to LGBTI individuals who have been rejected by their families, provide legal entity services to LGBTI youths and promote LGBTI advocacy.

NGO4 was established in 2001 and focuses its activities on improving the emotional, political, educational and spiritual lives of LGBTI individuals in Uganda. To create the environment it desires, NGO4 advocates for the LGBTI community and creates campaigns with the aid of different stakeholders, such as medical practitioners, labor unions, religious organizations, media and policy makers. It divides its work in five different areas: legal first aid (conducts investigations and report cases of human rights violations, increases human rights awareness through sensitization campaigns, equips key populations with legal knowledge to defend their civil rights), health rights campaign (increases access to health services, provides monthly voluntary HIV/Aids counseling and testing and distributes safe-sex utensils), outreach programs (provides social support to address loneliness issues and necessary information, support and guidance on legal and healthcare issues), economic empowerment (reduces poverty and increase self-sustenance and provides training in income-generating activity) and institutional development (strengthens institutional capacity, services and support).

It is important to mention that two of the NGOs develop projects exclusively for a certain population or target group within the LGBTI community (women and men) and one includes the LGBTI community in its target group along with women and other marginalized groups. On the one hand, creating women-only projects and organizations – either LGBTI-only or not – is important to the development of the continent, since gender-based violence is destructive to a society and economic empowerment and sexual education and awareness may lower the fertility rates of the continent (EPPRECHT, 2013).

On the other hand, the existence of men-only projects and organizations corroborates that some efforts fail to reach LGBTI populations other than men, such as transgender individuals and LBTI women, for example (UPPALAPATI; GILFOIL; FOOTE; RANDALL; SANG, 2017).

As already mentioned, only NGO1 answered the request sent to all NGOs and agreed to do an interview to talk about the work it has been developing. Notwithstanding its will to collaborate, it mentioned it does not cite the LGBTI community in its information, but “marginalized groups”, exactly because of the fear these organizations feel of suffering reprisal. This fact may corroborate their reservations about exposure, usually working outside the public eye, as the literature suggests (IBRAHIM, 2015).

Working with groups other than the LGBTI community may give confidence to NGO1 for exposing itself, according to the literature on this matter, since organizations that deal with LGBTI rights are dealing with “human rights”, and the usage of this term is well accepted in several African regions (IBRAHIM, 2015).

In a summary, the work NGO1, NGO2, NGO3 and NGO4 have been doing may be gathered in six categories, as follows:

(i) healthcare (creating HIV/Aids awareness, HIV/Aids testing and counselling, male circumcision, providing safe-sex utensils, support and guidance on healthcare issues, increase of access to health services, creation of campaigns with medical practitioners);

(ii) labor and economic empowerment (training in income-generating activities, development of programs in leadership, entrepreneurship, diversity and inclusion, programs to reduce poverty and increase self-sustenance, campaigns with labor unions);

(iii) legal aid (provision of legal services and necessary information, support and guidance on civil rights);

(iv) care and support (counselling and guidance, provision of shelter to LGBTI individuals who have been rejected by their families and social support to address loneliness issues, safety precautions, campaigns with religious organizations);

(v) advocacy and cultural change (promotion of policy reforms, equal access to socioeconomic rights, campaigns with the media and policy makers, fighting stigma); and

(vi) visibility and awareness (organization of annual meetings, debates and marches, celebration of important dates, increase of human rights awareness through sensitization campaigns, publication of researches, investigations and reports).

The various strategies, sometimes developed by the same organization, may corroborate the understanding of the literature on the subject, since Mubangizi and Twinomugisha (2011) affirm that protecting the LGBTI community requires a multi-faceted strategy, which should include political engagement and court action. The legal approach, translated in the “legal aid” category above, is also backed by Fedde (2015), whereas the political engagement, which is comprised in the “advocacy and cultural change” category, is also supported by Englander (2011) and Ibrahim (2015). Holley (2015) endorses the “visibility” of the LGBTI community as a means for reaching decriminalization and enjoyment of rights, while Mubangizi and Twinomugisha (2011) also state that education, which may fit in the categories “advocacy and cultural change” and “visibility and awareness”, is essential to protect LGBTI rights. Epprecht (2013) advocates for the economic strengthening and sexual education, especially women’s, translated in the “healthcare” and “economic empowerment” categories, which may lower the fertility rates of the continent and enable economic independence of minority groups.

5. Closing remarks

Despite several studies supporting that some pre-colonial African groups had non-normative sex practices, the African continent as a whole still provides limited protection for the LGBTI community. In some countries, like Uganda, this protection is non-existent, due to the anti-LGBTI law imposed by the British colonial rule, an anti-Western nationalism and strong religious beliefs.

These features brought widespread disgust for LGBTI people over time and today there are tough penalties to stop people from coming out and advocating for the rights the community deserve and an active anti-LGBTI lawmaking. Uganda has been continuously improving its legislation in effect to make it more severe throughout time.

Because of the legislation in effect and its direct effect on the population, LGBTI individuals in Uganda are denied basic social rights, such as education, healthcare, safety and employment, being also subjected to arrests and persecution by the police and the other citizens. The violence towards LGBTI individuals also led to the death of several activists in Uganda.

Despite that, there are at least 500,000 people who identify themselves as LGBTI and live in the country. These individuals are therefore unprotected with regard to their basic human rights.

Therefore, this paper sought to describe the diverse issues that concern the LGBTI people in Uganda and survey Ugandan pro-LGBTI non-governmental organizations that fight for LGBTI rights, describing the type of work they have been doing thus far.

It was possible to find four non-governmental organizations in Uganda that advocate for the LGBTI community, but only one could be reached and agreed to go on record. Notwithstanding its will to collaborate, the NGO mentioned it does not cite the LGBTI community in its information, but “marginalized groups”, exactly because of the fear these organizations feel of suffering reprisal. This fact corroborates their reservations about exposure, usually working outside the public eye, as the literature suggests.

Two of the NGOs develop projects exclusively for a certain population or target group within the LGBTI community and one includes the LGBTI community in its target group along with women and other marginalized groups. On the one hand, creating women-only projects and organizations – either LGBTI-only or not – is important to the development of the continent, since gender-based violence is destructive to a society and economic empowerment and sexual education and awareness may lower the fertility rates of the continent. On the other hand, the existence of men-only projects and organizations corroborates that some efforts fail to reach LGBTI populations other than men, such as transgender individuals and LBTI women, for example.

In a summary, the work these NGOs have been doing may be gathered in six categories, as follows: (i) healthcare, (ii) labor and economic empowerment, (iii) legal aid, (iv) care and support, (v) advocacy and cultural change and (vi) visibility and awareness.

The various strategies they have been developing are supported by the literature on the LGBTI protection in Uganda, except for the “care and aid” category, which still lacks studies to support the development of counselling, guidance, provision of shelter to LGBTI individuals who have been rejected by their families, social support to address loneliness issues, safety precautions and campaigns with religious organizations. This paper suggests studies to be developed in this theme.

The work developed by these few NGOs in different areas may be capable of producing local change and political pressure throughout time, as studies such as this one may do so.

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