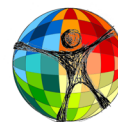


# Following the Herd: The Influence of Religion and National Identity on Antigay Sentiment in Uganda

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# ABSTRACT

Uganda is commonly known as one of the most deeply homophobic countries in the world. The goal of this paper is to gain insight into the driving forces behind the country's rampant antigay sentiment, and to propose advocacy strategies for effecting positive change. The first part of this paper situates the issue of homophobia in Uganda in its sociocultural and legal contexts. It does so by conducting a discourse analysis and an overview of Uganda's Anti-Homosexuality Bill of 2009 and Anti-Homosexuality Act of 2014. The second part critically examines the topic, and makes the argument that the severity of Uganda's antigay sentiment has the potential to lead to an eventual situation of genocide. Drawing on the theory of identity constructions, the argument draws comparisons between the treatment of Jewish people in early Nazi Germany and the treatment of gay people in modern-day Uganda. The third part of the paper makes use of a theoretical framework based in extralegal strategies for improving the status of homosexual members of Ugandan society. Drawing on the approach of framing global ideas in local terms, as well as my own experiences working in human rights advocacy in Uganda, the paper concludes with recommendations on how actors can approach the job of effecting change for the status of gay people in Uganda through extralegal advocacy.

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## Introduction

In 2014, Janet Museveni, the First Lady of Uganda, gave a speech in which she congratulated the Church of Uganda's Bishops on their "antigay work". During her presentation, she made an argument against the very existence of homosexuality, in which she famously compared human beings to cattle. She asked the audience, "If cows do not practice homosexuality, how could we, the human beings, start arguing over homosexuality?"<sup>1</sup> This notorious address was delivered just one month after Uganda's *Anti-Homosexuality Bill*, which had originally included provisions ordering for the death penalty, was enacted into law.

Antigay sentiment runs deep in Uganda. The latter has been dubbed the "world's worst place to be gay".<sup>2</sup> The goal of this paper is to gain deeper insight into the issue of homophobia in Uganda. I divide this undertaking into three tasks. First, I attempt to situate the problem in its sociocultural and legal contexts. Second, I make the argument that the severely homophobic attitudes rife within the country have the potential to lead to a gay genocide if they continue to be perpetuated at their current rate. Finally, I offer suggestions for extralegal strategies by which the situation may be improved. I recognize that the issues affecting homosexual members of Ugandan society similarly affect all other members of the LGBTQI+ community. Homosexuality is, however, by far the most widely condemned and targeted form of deviance from heteronormativity in the country, and thus provides the focus of my work.

Part I of this paper consists of a discourse analysis and an overview of both recent and current antigay legislation in Uganda. The discourse analysis allows me to gain insight into how homosexuality fits into the country's sociocultural framework. It

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<sup>1</sup> James Nichols, "Janet Museveni, Ugandan First Lady, Claims Lack of Gay Cows Invalidates Same-Sex Attraction", *Huffington Post* (20 March 2014), online: <[http://www.huffingtonpost.ca/entry/ugandan-first-lady-gay-cows\\_n\\_5000136](http://www.huffingtonpost.ca/entry/ugandan-first-lady-gay-cows_n_5000136)>, n.p.

<sup>2</sup> Mills cited in Stella Nyanzi & Andrew Karamagi, "The Social-Political Dynamics of the Anti-Homosexuality Legislation in Uganda" (2015) 29:1 *Empowering Women for Gender Equity* at 24.

focuses on the two most prominent discourses used to inspire and justify antigay sentiment: the religious discourse and the “un-African” discourse. Next, I situate the problem within its legal context by studying the Anti-Homosexuality Bill as well as Uganda’s penal and constitutional laws concerning homosexuality. Part II examines the rhetoric against the framework of the genocide studies theory of identity constructions. In this section, I argue that the shape the discourse has taken has the potential to lead to a gay genocide in Uganda. Finally, in Part III, I apply to the issue Sally Engle Merry’s “pragmatic approach” to transnational human rights and local activism, which is based in the supposition that human rights ideas may be spread with more legitimacy and thus more effectively if they are adapted to local cultural and legal contexts.<sup>3</sup>

The purpose of this paper is to combine previous research on the topic with my own experiences during my time spent completing a human rights internship in Kampala, Uganda. As such, some of my arguments rely in part on survey questions and interviews that I conducted with Ugandan people whom I met over the summer. My hope is that my firsthand experience, combined with my Canadian legal education, will allow me to offer a unique perspective on the issue that will contribute productively to the wider international conversation.

## PART I

### Homosexuality in Uganda

Uganda is notoriously known for being one of most deeply homophobic countries in the world.<sup>4</sup> After spending three months living in Kampala, the country’s capital city, I perceived that Uganda lives up to this reputation. I have discussed this topic with everybody from Ugandan human rights lawyers, to local taxi drivers, to gay rights activists themselves. I have found that even

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<sup>3</sup> Sally Engle Merry, “Transnational Human Rights and Local Activism: Mapping the Middle”, (March 2006) 108: 1 *American Anthropologist* 207 at 209.

<sup>4</sup> Stella Nyanzi & Andrew Karamagi, “The Social-Political Dynamics of the Anti-Homosexuality Legislation in Uganda” (2015) 29:1 *Empowering Women for Gender Equity* at 24.

those with the more relatively moderate opinions convey a fundamental lack of understanding and acceptance of homosexuality.

Evidently, deeply negative societal conceptions and attitudes have rendered Uganda a very difficult place in which to live as a gay person. Some Ugandans have been dismissed from their jobs once their sexual orientation was discovered, some have suffered from depression, and some have even been driven to committing suicide.<sup>5</sup> One of the most illustrative related incidents took place in 2014. On the day after President Museveni signed the Anti-Homosexuality Bill into law, the Red Pepper, a popular local newspaper, published an article titled "EXPOSED! Uganda's Top 200 Homos Named."<sup>6</sup> Furthermore, back in 2010, the year following the initial proposal of the Anti-Homosexuality Bill, a weekly tabloid published an issue with a cover page that read "100 Pictures of Uganda's Top Homos Leak".<sup>7</sup> Within the article, the magazine provided the names and photos of the targeted individuals, offered their home addresses, and called for their execution. Following this publication, one prominent Ugandan gay activist named in the article, David Kato, was killed in what has since been labelled a 'hate crime'<sup>8</sup> and a 'homophobic attack'.<sup>9</sup> Naturally, the widespread and explicit hatred exemplified by such incidents has led to a pervasive climate of fear and violence among members of Uganda's gay community.<sup>10</sup>

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<sup>5</sup> Adrian Jjuuko, "The Incremental Approach: Uganda's Struggle for the Decriminalisation of Homosexuality", (2013) *Human Rights, Sexual Orientation and Gender Identity in The Commonwealth: Struggles for Decriminalisation and Change* 381 at 391.

<sup>6</sup> Associated Press in Kampala, "Ugandan tabloid prints list of 'top 200 homosexuals'", *The Guardian* (25 February 2014), online: < <https://www.theguardian.com/world/2014/feb/25/ugandan-tabloid-prints-list-top-200-homosexuals>>.

<sup>7</sup> Marcia Oliver, "Transnational Sex Politics, Conservative Christianity, and Antigay Activism in Uganda", (2013) 7:1 *Studies in Social Justice* 83 at 97.

<sup>8</sup> Roger Ross Williams, "God Loves Uganda," Film: (Ottawa: Independent Lens, 2014).

<sup>9</sup> BBC News, "Ugandan 'homosexuals' named in Red Pepper paper", BBC News (25 February 2014), online: < <http://www.bbc.com/news/world-africa-26338941>>.

<sup>10</sup> *Supra* note 1.



## A Brief History of Uganda

In order to best understand the events that have influenced the pervasiveness of Ugandan homophobia, it is helpful to first have a basic overview of the country's colonial history. In 1890, Britain and Germany signed a treaty granting the British rights to the region that is now Uganda. Two years later, the Imperial British East Africa Company extended its control to the southern part of the country. In 1894, Uganda became a British protectorate, and in 1900, Britain signed an agreement turning the region into a constitutional monarchy. By 1921, Uganda was given a legislative council; however, the council did not hold a single African member until 1945. In 1962, the country became independent; however, in 1971, Idi Amin launched a military coup and declared himself president. Amin's notorious years in power were characterized by human rights abuses, corruption, and severe economic mismanagement. Toward the end of his eight-year regime, Amin led a war between Uganda and Tanzania, and eventually went into exile.<sup>11</sup> As explained in the documentary *God Loves Uganda*, the end of Idi Amin's reign left Uganda "a green pasture" of which American evangelical Christians took advantage and began the largescale modern-day conversion of Ugandans to Christianity.<sup>12</sup>

## Ugandan Discourses on Homosexuality

### *Irony at the Intersection*

Anti-homosexual rhetoric has gained widespread popularity in Uganda.<sup>13</sup> My research and personal experiences have both led to the unequivocal conclusion that the country's two most prominent discourses on homosexuality are the religious discourse and the "un-African" discourse, both of which will be explored throughout this section. As will be shown, both have been cultivated with heavy Western influences. What may be

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<sup>11</sup> BBC News, "Uganda profile – Timeline", BBC News (21 September 2017), online: < <http://www.bbc.com/news/world-africa-14112446> >.

<sup>12</sup> *Supra* note 9.

<sup>13</sup> Joanna Sadgrove et al., "Morality plays and money matters: towards a situated understanding of the politics of homosexuality in Uganda", (2012) 50: 1 *The Journal of Modern African Studies* 103 at 103.

even more striking than the vehemence of the national homophobic sentiment is the rather remarkable paradox that lives at the intersection between the two discursive themes: While one is deeply situated within Christianity, which is itself a Western import, the other is based in the deliberate rejection of anything deemed “Western”, and the corresponding reaffirmation of African pride and uniqueness.

A large majority of Ugandans consider themselves to be followers of the Christian faith.<sup>14</sup> Christian rhetoric is frequently engaged in the Ugandan discussion on homosexuality. In 2005, the British Broadcasting Corporation published a report about the sweeping religious conversion taking place, in which it claimed that “Africa is being colonized all over again.” It stated that, this time, the colonizers were not Europeans, but American missionaries, who had successfully brought Evangelical Christianity to Africa.<sup>15</sup> The religious teachings that have accompanied Evangelical Christianity have focused on enforcing the belief that homosexuality is sinful. Today, the language of sin is one that many Ugandans employ to justify their negative attitudes toward homosexuality.

By contrast, the other most frequently engaged rhetorical theme is that homosexuality exists only in the Western world. Many Ugandans claim that homosexuality is a Western import, and repeatedly assert that its practice is fundamentally un-African. Ugandan Professor, Sylvia Tamale, captures the paradox when she writes, “Ironically, it is the dominant [...] Christian [...] religion upon which most African anti-homosexuality proponents rely,” that is a “foreign import.”<sup>16</sup> The next section will characterize and analyze the religious and the “un-African” discourses on homosexuality.

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<sup>14</sup> Uganda, Uganda Bureau of Statistics, *The National Population and Housing Census 2014*, 2014.

<sup>15</sup> *Supra* note 8 at 88-89.

<sup>16</sup> Tamale as cited in Catherine M. Cole, Takiwaa Manuh & Stephan F. Miescher, *Africa After Gender?* (Bloomington: Indiana University Press, 2007) at 19.

### *The Religious Discourse*

This section will provide a brief overview of Christianity's prevalence in Uganda. It will focus on the influence role that American evangelism has played in formulating the country's religious landscape, and explain how, in turn, this has directly influenced the national homophobic attitude.

When I first arrived in Kampala, one of the most striking features of Ugandan society was its considerably high level of religiosity. Coming from Canada, where many people do not have any religious affiliation at all,<sup>17</sup> I was taken aback by the central role that religion plays in Ugandan society. As Ugandan scholar Richard Ssebagala writes, "At a time when church attendance in Western Europe is dwindling and houses of worship are being turned into grocery stores and condos, Ugandans are attending church in record numbers."<sup>18</sup> Christianity accounts for approximately 84% of the total population, with Catholics and Anglicans together constituting more than 80%. Meanwhile, only 0.2% of the total population does not identify as religious.<sup>19</sup>

In the documentary *God Loves Uganda*, one speaker asserts, "When Idi Amin left Uganda, there was a vacuum, and American Evangelicals saw this as an opportunity, and they seized it".<sup>20</sup> Impliedly, American missionaries deliberately capitalized on Uganda's post-Amin vulnerability, and entered the country to convert its people to their sect of Christianity. They advanced the idea that Uganda had become "ground zero" for the revitalization of spirituality, because God had chosen its people specifically to take "a stand for righteousness."<sup>21</sup> When these missionaries came to convert Ugandans to Christianity, they simultaneously and vigorously converted them to homophobia.<sup>22</sup> Certain missionaries who visited Uganda in 2002 can be heard in recorded footage preaching to large crowds while employing

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<sup>17</sup> Canada, Statistics Canada, *Canadians attend weekly religious services less than 20 years ago*, Colin Lindsay, 2008 (Government of Canada, 2008).

<sup>18</sup> Richard Ssebagala, "Straight Talk on the Gay Question in Uganda", (2011) 106: 1 *Transition* B-44 at B-49.

<sup>19</sup> *Supra* note 15.

<sup>20</sup> *Supra* note 9.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Supra* note 9.

rhetoric such as, “Homosexuality is incompatible with the word of God” and “Homosexuality is the evil the world should fight.”<sup>23</sup> These ideas have gained striking popularity over the last fifteen years.

The conceptualization of homosexuality as moral sin has been widely adopted by Ugandans. Most notably, political justifications for institutionalized homophobia are rife with religious undertones. David Bahati, the Member of Parliament who initially proposed the country’s *Anti-Homosexuality Bill*, has asserted that homosexuality is “not an inborn orientation; it’s a behavior learnt – and it can be unlearned.” He completes this statement by making the inevitable connection to organized religion, and says, “That’s why we are encouraging churches [...] to continue rehabilitating and counselling these people.”<sup>24</sup> Bahati has also stated, “Here, we don’t recognize homosexuality as a right. We are after the sin, not the sinners. We love them – and we want them to repent and come back.”<sup>25</sup> Unsurprisingly, the employment of such language by influential members of society such as Bahati has led to the inevitable spread of religious rhetoric as justification for the condemnation of homosexuality amongst the general Ugandan population.

I had the chance to interview seventeen Ugandans whom I met over the summer about their views on homosexuality, all of whom were promised anonymity in exchange for the guarantee that they would offer their honest opinions. I did not share with them my own views, nor did I describe to them the current status of homosexuality in my own country. All of them identified themselves as Christian, attending church with frequencies that ranged from “occasionally” to “more than twice a week”. The large majority, when asked to justify their views on homosexuality, relied on religious rhetoric. One young female told me, “Homosexuality is against the word of God and I would not encourage anyone to become one.” Another said, “My church teaches that homosexuality is sin and wrong.” A third respondent wrote, “It is considered evil because God created one woman

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<sup>23</sup> *Supra* note 9.

<sup>24</sup> David Bahati as cited in Joshua Mmali, “Uganda fear over gay death-penalty plans”, *BBC News* (22 December 2009), online: <<http://news.bbc.co.uk/2/hi/8412962.stm>> at 1.

<sup>25</sup> *Ibid.*

(Eve) to bring companionship to man (Adam).” These quotes represent but a fraction of religion-based opinions offered to me to justify the condemnation of homosexuality. It is thus striking and clear that religious discourse on homosexuality as sin has gained rampant popularity in Uganda and remains as prominent today.

### *The “Un-African” Discourse*

The religious and “un-African” discourses are not without overlap, despite whatever blatant irony may exist at their intersection. On numerous occasions, President Museveni has articulated this overlapping position. For example, he publicly commended the Church of Uganda for actively resisting homosexuality, which he dubbed “a decadent culture being passed on by the Western nations.”<sup>26</sup> Terms often used to convey the idea that homosexuality is innately foreign to Uganda include “a Western import”, “contagious”, and “un-African.”<sup>27</sup> Employed by politicians and the general population alike, this notion has played a significant role in feeding the Ugandan antigay sentiment.

Much of the rhetoric that serves the “un-African” discourse on homosexuality is imbued with notions of deliberate differentiation, cultural independence, and an ardent rejection of Western values. In turn, the discourse heavily employs ideas about national pride and identity. Ugandan Archbishop Orombi has claimed, in reference to homosexuality, “[W]e shall not allow those people from the West to define our identity and destiny.”<sup>28</sup> Furthermore, the “un-African” discourse is underlain with a fear born from the myth about homosexual conversion. There exists a widespread belief that people from the West come into Uganda with the ulterior motive of converting Ugandan children to homosexuality. The fear of conversion had led to a general fear of the West, which, in turn, has translated into a fear of international aid organizations.<sup>29</sup> Leader of the International

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<sup>26</sup> *Supra* note 8 at 98.

<sup>27</sup> Linda Nordling, “African academics challenge homophobic laws”, *News in Focus* (11 June 2015), 522:1 online: <  
[https://www.nature.com/polopoly\\_fs/1.17720.1433952751!/menu/main/topColumns/topLeftColumn/pdf/522135a.pdf?origin=ppub](https://www.nature.com/polopoly_fs/1.17720.1433952751!/menu/main/topColumns/topLeftColumn/pdf/522135a.pdf?origin=ppub)> at 135.

<sup>28</sup> *Supra* note 8 at 98.

<sup>29</sup> *Supra* note 8 at 98.

House of Prayer, Lou Engle, can be seen in *God Loves Uganda* delivering a speech to a large group of Ugandans. In the speech, he fervently tells the crowd, “NGOs, the UN, and UNICEF are coming in and prompting an agenda that the Church of Uganda did not want to be in this nation!”<sup>30</sup> It is not uncommon to hear Ugandans blaming international donor organizations for the Western infiltration that has resulted in the introduction and spread of homosexuality in Ugandan society. In a statement issued to Parliament, former Minister of State for Ethics & Integrity, James Nsaba Butro, asserted that many Ugandan schools have been infiltrated by organizations such as Amnesty International, UNICEF, and Human Rights Watch.<sup>31</sup> An assertion of national identity and pride by means of deliberate exclusion has thus become interwoven with the condemnation of homosexuality in Uganda.

The presence of the aforementioned conceptions is palpable in the discussion around Ugandan legislation on homosexuality. When President Museveni signed the country’s *Anti-Homosexuality Bill* into law in 2013, he said that it would stop the “social imperialism” of the West, which he accused of being inextricably linked to the promotion of homosexuality in Africa.<sup>32</sup> Furthermore, a government spokesman told a local news agency that President Museveni signed the *Bill* into law as a means of demonstrating Uganda’s independence “in the face of Western pressure and provocation.”<sup>33</sup> On this note, I will move on to providing an overview and analysis of the current and former laws regarding homosexuality in Uganda.

### *An Introduction to Ugandan Laws on Homosexuality*

The “Laws and Culture” tab of the Government of Canada’s webpage titled “Travel advice and advisories for Uganda” includes the heading “LGBTQ2 travellers.” Beneath the heading, the Canadian government warns, “The laws of Uganda prohibit sexual acts between individuals of the same sex. LGBTQ2

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<sup>30</sup> *Supra* note 9.

<sup>31</sup> *Supra* note 8 at 97-98.

<sup>32</sup> President Yoweri Museveni as quoted in *Supra* note 28 at 136.

<sup>33</sup> BBC News, “Ugandan ‘homosexuals’ named in Red Pepper paper”, BBC News (25 February 2014), online: < <http://www.bbc.com/news/world-africa-26338941> >.

travellers should carefully consider the risks of travelling to Uganda.”<sup>34</sup> A common misconception about Ugandan law is that homosexuality is explicitly criminalized under the country’s *Penal Code*. This is not entirely correct, as homosexuality itself is not directly addressed in Uganda’s *Penal Code*. What is mentioned and explicitly criminalized under the heading of “Unnatural offences” is having “carnal knowledge of any person against the order of nature.”<sup>35</sup> I think it necessary to note that current Ugandan legislation remains heavily influenced by colonial law. The language of “unnatural offences” echoes early English legal language, and Uganda has held onto this law since the colonial era.<sup>36</sup>

The *Penal Code*, though it does not explicitly target homosexual individuals, is commonly understood to criminalize homosexuality. By contrast, the *Constitution of the Republic of Uganda* does overtly mention homosexuality. Article 31(2)(a) reads, “Marriage between persons of the same sex is prohibited (not allowed).”<sup>37</sup> Ugandan laws have had a significant impact on the population’s attitudes towards homosexuality. The negative societal sentiment it has helped to perpetuate has led to arrests, blackmail, and acts of “mob justice”. As previously mentioned, one of the best-known and most tragic manifestations of these negative attitudes was the murder of David Kato, an openly homosexual gay rights activist, in January of 2011.<sup>38</sup>

A penal law alluding to the criminalization of homosexual acts predated 2009. Around this time, however, antigay groups began advocating for a strengthening of the law, claiming that the latter constituted a necessary step toward advancing the goal of fighting against “the Western evil that is threatening to tear apart the fabric of Ugandan society.”<sup>39</sup> Thus, in 2009, the Honourable

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<sup>34</sup> Government of Canada, *Travel Destinations: Uganda*, December 2017 update, online: < <https://travel.gc.ca/destinations-print/uganda>>.

<sup>35</sup> *Penal Code Act*, 1950 (Uganda), 120, Criminal Law and Procedure at s. 145.

<sup>36</sup> *Supra* note 6 at 382.

<sup>37</sup> *The Constitution of the Republic of Uganda*, 1984 (Uganda), Republic of Uganda at Art. 31(2)(a).

<sup>38</sup> *Supra* note 6 at 382.

<sup>39</sup> *Supra* note 6 at 381.

David Bahati presented to the Parliament of Uganda the now infamous *Anti-Homosexuality Bill*.

### *Anti-Homosexuality Legislation*

While the *Penal Code* alludes to the criminalization of homosexuality, and the *Constitution* explicitly forbids marriage between two individuals of the same sex, it was not until 2009 that a plan for the organized and vigorous criminalization of homosexuality was born into the Republic of Uganda through David Bahati's piece of legislation. In order to best understand the *Bill's* development and trajectory, it will be useful to provide a brief explanation of the legal terminology that comes into play. A bill is a proposed law that goes before Parliament for discussion and review. It only officially becomes law once it is enacted, at which point, it is referred to as an "act". The *Anti-Homosexuality Bill* was enacted into law in 2013 but was short-lived and struck by down by the court for a procedural error. Certain noteworthy differences existed between the *Anti-Homosexuality Bill* in its original form and the *Anti-Homosexuality Act* as it was eventually finalized. The most notorious of these differences was that the *Bill* included the death penalty as a punishment for certain kinds of homosexual acts, while the *Act* cited life imprisonment as its harshest punishment.<sup>40</sup>

### *An Overview of the Legislation*

The *Anti-Homosexuality Bill* was first introduced to the Parliament of Uganda on October 14<sup>th</sup>, 2009. It was enacted on December 20<sup>th</sup>, 2013, and lived a short life before being annulled by the court for a procedural error on August 1<sup>st</sup>, 2014.<sup>41</sup> In this section, I will highlight some of the *Act's* most controversial provisions, and then provide an overview of its authors' primary justifications.

## Section 2

After its initial section on "Interpretation," the *Act* began by defining the "offence of homosexuality". This provision explained under which circumstances a person would be

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<sup>40</sup> *The Anti-Homosexuality Act, 2014, 2013 (Uganda)*, Republic of Uganda.

<sup>41</sup> *Supra* note 4 at 3.



understood to have committed the offence. The first two subsections described specific sexual acts. The third and final subsection under this provision sought to criminalize mere intent, and specified that the offence included “if...he or she touches another person with the intention of committing the act of homosexuality.” The punishment for committing the “offence of homosexuality” was life imprisonment.<sup>42</sup>

### Section 3

Section 3 provided the definition for “aggravated homosexuality”. The offence of homosexuality would have been characterized as “aggravated” in any one of seven ways. These included situations wherein the act was committed against a person below the age of eighteen years, the offender was living with HIV, or the offender was the parent of the victim. In the original version of the *Bill*, a conviction of “aggravated homosexuality” would have had the offender sentenced to the death penalty. This sentence was removed before enactment. In the final 2013 version, the punishment upon conviction for “aggravated homosexuality” was, just as in Section 2, life imprisonment.<sup>43</sup>

### Section 7

Section 7 of the *Act* criminalized “aiding and abetting homosexuality”. The provision specified that anyone who “counsels or procures another to engage in acts of homosexuality” commits an offence. A person convicted of such an offence would receive seven years in prison.<sup>44</sup>

### Section 12

While the *Constitution* forbids same-sex marriage, the *Anti-Homosexuality Act* assigned it life imprisonment. Furthermore, Section 12(2) targeted persons or institutions who would conduct marriage ceremonies between individuals of the same sex. This section read that such individuals “shall, on conviction, be liable

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<sup>42</sup> *Supra* note 41 at s. 2.

<sup>43</sup> *Ibid* at s. 3.

<sup>44</sup> *Ibid* at s. 7.

to imprisonment for a maximum of seven years for individuals or cancellation of licence for an institution.”<sup>45</sup>

### *The Authors’ Justifications*

The main justification for the *Bill* in its original form, as provided by Bahati and its other authors, was that pro-homosexuality campaigns were increasing, which rendered homosexuality a serious threat to Uganda. Bahati and his supporters specified that this threat was most seriously concerning with regards to Ugandan children, “who are vulnerable to sexual abuse and deviation.”<sup>46</sup> Bahati emphasized that the laws that had been in place at the time, i.e. the *Penal Code*’s provision on “unnatural offences” and the *Constitution*’s prohibition on same-sex marriage, constituted insufficient means for protecting the “traditional family”.<sup>47</sup> Many prominent members of Ugandan society outwardly supported this position. The most outspoken of them were religious leaders, conservative government officials, and anti-gay rights groups. These actors supported the contention that the *Bill* was necessary to fight the western evil of homosexuality and to protect the essence of Ugandan values and identity.<sup>48</sup>

### *The Death of the Act*

Ultimately, the *Anti-Homosexuality Act* was declared null and void on August 1<sup>st</sup>, 2014, when the Constitutional Court of Uganda ruled on the question of lack of quorum in Parliament when passing the *Bill*.<sup>49</sup> The death of the *Anti-Homosexuality Act* has been construed by some as a victory for the LGBT community in Uganda. Sarah Jackson, African Deputy Regional Director at Amnesty International, has said, “Even though Uganda’s abominable *Anti-Homosexuality Act* was scrapped on the basis of a technicality, it is a significant victory for Ugandan activists who

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<sup>45</sup> *Supra* note 41 at s. 12(2).

<sup>46</sup> David Bahati as cited in *Supra* note 24.

<sup>47</sup> *Supra* note 6 at 383.

<sup>48</sup> *Ibid* at 381.

<sup>49</sup> David Smith, “Uganda anti-gay law declared ‘null and void’ by constitutional court”, *The Guardian* (1 August 2014), online: <  
<https://www.theguardian.com/world/2014/aug/01/uganda-anti-gay-law-null-and-void>>.

have campaigned against this law.”<sup>50</sup> I am not so convinced. On the contrary, I would argue, the very fact that this piece of legislation was struck down for a procedural error and for nothing else, resembles something closer to a loss than it does a victory. It seems to communicate that procedural rules weigh more heavily than the inherent dignity and basic rights of a specific group of human beings. Although *Anti-Homosexuality Act* no longer exists to institutionalize and reaffirm the country’s flagrant homophobic sentiment on paper, I hold that its very existence, and the amount of national support that it garnered, is both telling and deeply worrisome.

## PART II

### Analysis & Potential Consequences

Out of the seventeen Ugandan people that I interviewed, one respondent’s initial reaction especially stood out. This man was particularly anxious about having his responses made public and had me confirm his anonymity several times. His concern was attributed to his holding the unpopular opinion that homosexuality is neither sinful nor wrong. He told me that if homosexual acts take place between two consenting adults, there is nothing inherently problematic about that to his mind. This said, even though he held the most drastically progressive conception of sexual orientation out of all my respondents, his answer included the sentence: “I only have a problem with those that recruit young people in that act.” In the following section, I put forth the argument that the pervasiveness of harmful myths regarding homosexual people, and the societal effects of said myths, ought not to be diminished or disregarded. I suggest that they are comparable to conceptions and incidents that have, in the past, led to the scapegoating of a targeted group, and eventually to an attempt at the latter’s mass elimination.

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<sup>50</sup> Amnesty International, “Uganda: Anti-Homosexuality Act struck down in step towards ending discrimination,” *Amnesty International News* (1 August 2014), online: <https://www.amnesty.org/en/latest/news/2014/08/uganda-anti-homosexuality-act-overturned/>.

My argument is based on drawing comparisons between modern-day Uganda and early Nazi Germany. While I recognize that an analysis of the Rwandan genocide may have seemed a more appropriate cultural and geographical comparison, my selection of Nazi Germany is based on the specific scapegoating tactics that were arguably present therein. My intention is not to compare the two societies to one another in their entirety; the differences between them could fill volumes. Rather, I compare three distinct features which I argue they share in common. The first feature I address is a sense of national insecurity. The second is the existence and character of discriminatory laws. Finally, I address the widespread dissemination of harmful myths. Then, I analyze the situation in Uganda against the theoretical framework of the genocide studies identities construction theory.

### A Comparison of Three Features

#### *National Insecurity*

In his piece “The Psychology of Hitlerism,” Harold Lasswell writes about the Nazis’ use of the Jew as scapegoat. He explains that the disaster of defeat left post-WWI Germany in a national state of shock, daze, and humiliation.<sup>51</sup> This collective vulnerability represents a significant aspect of what allowed Hitler to succeed in gearing Germany’s “emotional insecurities” toward the hatred of scapegoats.<sup>52</sup> In Section 3, I provided a brief description of Idi Amin’s presidency in Uganda. To recap, Amin, who has been described as “ruthless and paranoid,”<sup>53</sup> took over Uganda via military coup. His reign was characterized by terror tactics, human rights abuses, and severe economic mismanagement.<sup>54</sup> Arguably, his departure into exile left Uganda vulnerable, and thus susceptible to ideological persuasion. One speaker in *God Loves Uganda* asserts that the end of Idi Amin’s presidency left the country in such a deeply insecure state, that it provided “green pasture” for American Evangelicals to come and preach their

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<sup>51</sup> Harold D. Lasswell, “The Psychology of Hitlerism”, (2005) 4:3 *The Political Quarterly* 373 at 374.

<sup>52</sup> *Ibid* at 380.

<sup>53</sup> John S. Paul, “The Unsteady State: Uganda, Obote and General Amin”, (1976) 5:1 *Review of African Political Economy* 12 at 34.

<sup>54</sup> *Supra* note 53.

beliefs about the evils of homosexuality.<sup>55</sup> I suggest, therefore, that there is a comparison to be drawn between post-WWI Germany and post-Amin Uganda, as both were left with a sense of national insecurity, and were thus particularly susceptible to persuasion.

### *Discriminatory Laws*

I argue that similarities can be drawn between the form and effects of Nazi Germany's laws and Ugandan antigay legislation. Hitler's prime target was the Jews, whom, according to the Nazis, were "bent on world domination."<sup>56</sup> A key means by which Hitler institutionalized the concept of the Jew as scapegoat was the institution of the infamous Nuremberg Laws. The latter consisted of 425 provisions containing orders and rules that explicitly discriminated against the Jews of Germany. These laws "not only applied to bureaucratic matters [...] but extended to control the life and death of the Jews."<sup>57</sup> By contrast, the *Anti-Homosexuality Bill*, in its original form, included a wide range of sentences, from the payment of fines to the death penalty. For example, one of the *Bill*'s more moderate provisions ordered a sentence of up to three years in jail for anybody who knew about a gay person and did not report this knowledge to the police.<sup>58</sup> Ssebagala criticizes this aspect of the *Bill* in particular, labelling it ridden with "Nazi overtones."<sup>59</sup> The Nuremberg laws institutionalized anti-Semitism. Similarly, Ugandan scholars Nyanzi and Karamagi characterize the *Bill* as having produced "state-inspired homophobia through legislation."<sup>60</sup> Just as the Nuremberg Laws effectively functioned to render Germany's Jews a group of people with subhuman social and political status,<sup>61</sup> so, as Ugandan activists have argued, the criminalization of

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<sup>55</sup> *Supra* note 9.

<sup>56</sup> Jacques J. Rozenberg, *Bioethical and Ethical Issues Surrounding the Nuremberg Trials: Nuremberg Revisited* (New York: Edwin Mellen Press, 2003) at 5.

<sup>57</sup> Joel Levi, *Medicine, the Holocaust, and the Doctors' Trial* (New York: Edwin Mellen Press, 2003) 111 at 112.

<sup>58</sup> *Supra* note 19 at B-46.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Supra* note 4 at 1.

<sup>61</sup> *Supra* note 59 at 112.

homosexuality renders homosexual Ugandans second-class citizens.<sup>62</sup>

### *Myths & Fear*

Myths about the Jews as “bent on world domination”<sup>63</sup> led to the widespread belief that this group was “cunning and dangerous.”<sup>64</sup> Similar myths about homosexual people have been disseminated in Uganda. One of the most prominent and influential American Evangelical Christian missionaries in Uganda is a man named Scott Lively. *God Loves Uganda* contains a good deal of footage portraying Lively disseminating myths about homosexuals to large groups of Ugandan people. Not unlike the notion that Jews were “bent on world domination,”<sup>65</sup> Lively told his audiences that the homosexual community is ultimately bent on destroying society by breaking down “the protections for the natural family and legitimiz[ing] sexual perversion,”<sup>66</sup> a theory that is, as demonstrated in earlier sections of this paper, now commonly believed among Ugandan people. Myths about homosexuals taking over America and infiltrating the United Nations have also been widely disseminated.<sup>67</sup> The common belief of seemingly preposterous myths about a specifically targeted group constitutes a key step in the process of constructing the eventual widespread view of a specific group as a scapegoat.<sup>68</sup>

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<sup>62</sup> *Supra* note 6 at 381.

<sup>63</sup> *Supra* note 58.

<sup>64</sup> Michael Bilewicz & Ireneusz Krzeminski, “Anti-Semitism in Ukraine: The Belief in Jewish Control as a Mechanism of Scapegoating”, (2010) 4:2 *IJCV* 234 at 234.

<sup>65</sup> *Supra* note 58.

<sup>66</sup> Inigo Gilmore, “Scott Lively: ‘protecting civilisation’ from homosexuals”, *Channel Four Television Corporation* (28 March 2014), online: <<https://www.channel4.com/news/gay-rights-uganda-homosexuals-us-pastor-scott-lively>>.

<sup>67</sup> *Supra* note 9.

<sup>68</sup> Maureen Hiebert, “Theorizing Destruction: Reflections on the State of Comparative Genocide Theory”, (2008) 3:3 *Genocide Studies and Prevention* 309 at 332.

### *Creation of the Scapegoat*

The original use of the word “scapegoat” comes from the Bible. It referred to “a goat upon whose head are symbolically placed the sins of the people after which he is sent into the wilderness.”<sup>69</sup> Holding on to the term’s original essence, the modern-day use of “scapegoat” refers to a person or group “who is blamed for the wrongdoing or faults of others.”<sup>70</sup> I argue that the attitudes, laws, and myths surrounding homosexuality has provided the backdrop against which the gay person may be rendered the Ugandan scapegoat. Sylvia Tamale recognized this in 2009 when, in a speech given at Makerere University, she said, “Today, with all the economic, social, and political crises facing Uganda, homosexuals present a convenient group to point fingers at as the ‘biggest threat’ or the ‘real problem’ to society.”<sup>71</sup> She added, “It conveniently diverts the attention of the millions of Ugandans who have been walking the streets for years with their college certificates and no jobs on offer. [...] homosexuals have nothing to do with the hundreds of thousands of families that sleep without a meal, or the thousands of children who die unnecessarily every day from preventable or treatable diseases.”<sup>72</sup> The conceptualization of a distinct group of people as the one dire threat to “the fabric of Ugandan society”<sup>73</sup> constitutes a major step toward the outright scapegoating of homosexuals in Uganda.

### *Theoretical Framework: Identity Constructions*

In her piece, “Theorizing Destruction,” Maureen Hiebert explains the genocide studies theory of identity constructions. She describes a set of interrelated processes which many scholars have suggested may lead to genocide. These processes include disseminating “the conception of the victim group as the ‘other,’

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<sup>69</sup> Merriam-Webster Dictionary, “scapegoat”, online: < <https://www.merriam-webster.com/dictionary/scapegoat> >.

<sup>70</sup> *Supra* note 69.

<sup>71</sup> Sylvia Tamale, “A Human Rights Impact Assessment of the Ugandan Anti-homosexuality Bill of 2009” (2009) 4:1 *The Equal Rights Review* 49 at 52-53.

<sup>72</sup> Daniel Engländer, “Protecting the Human Rights of LGBT People in Uganda in the Wake of Uganda’s Anti-Homosexuality Bill, 2009” (2011) 25:3 *Emory International Law Review* 1263 at 1315.

<sup>73</sup> *Supra* note 6.

as sub- human, and as a threat.”<sup>74</sup> I will apply this framework to the current status of homosexuality in Uganda to advance my argument that the path homophobia has taken has the potential to culminate in a situation of genocide.

With regards to conceptualizing the victims as “other,” Hiebert writes, “this dynamic of essentializing the identity of the other as different or foreign is a necessary part of the process of identity construction that leads to genocide.”<sup>75</sup> The religious discourse, and especially the “un-African” discourse, have succeeded in ‘othering’ the homosexual in Ugandan society. The step that closely follows the ‘othering’ of the victim group is effecting their dehumanization.<sup>76</sup> A first step in this process involves depriving them of their basic societal rights. According to the identity constructions theory, groups deemed not to belong in a society are “stripped of any protection, formal or informal.”<sup>77</sup> In Uganda, openly homosexual individuals are regularly denied access to social services, often receive threats of violence and death, and may even have their names and personal information published in national tabloids.<sup>78</sup> Naturally, such incidents have a dehumanizing effect.

The final process named in the identities construction theory is the portrayal of the targeted group as a source of danger or threat.<sup>79</sup> Hiebert writes that the conceptions of targeted groups in situations of genocide often include references to the victims as “immoral sinners” and “a threat to the people.”<sup>80</sup> The religious discourse on homosexuality has ensured the common understanding of homosexuality as immoral and sinful. Furthermore, homosexuals are commonly portrayed as “a threat to the people.” American Evangelicals like Scott Lively have succeeded in spreading ideas that bolster this belief, such as that the gays were responsible for Nazi Germany, and that they have since infiltrated and taken over the United Nations.<sup>81</sup> In a speech

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<sup>74</sup> *Supra* note 68 at 310.

<sup>75</sup> *Ibid* at 328.

<sup>76</sup> *Ibid* at 310.

<sup>77</sup> *Ibid* at 329.

<sup>78</sup> *Supra* note 8 at 85.

<sup>79</sup> *Supra* note 68 at 328.

<sup>80</sup> *Ibid* at 332.

<sup>81</sup> *Supra* note 9.



presented to a large group of Ugandans in 2009, Lively also announced that homosexuals had taken over America.<sup>82</sup> Furthermore, Lively can be seen in *God Loves Uganda* disseminating what has since become a widespread and deeply held myth. He tells his audience that the gays have now come to Uganda to recruit their children in order to convert them to their lifestyle, because their ultimate goal is “the destruction of human society.”<sup>83</sup> According to one speaker in the documentary, it was his whiteness and “good American accent” which earned Lively four hours to speak in front of Uganda’s Parliament in 2009.<sup>84</sup> Through my research and personal interactions, it has become exceedingly clear that such ideas have successfully been spread throughout the country.

One psychologist who studied the Nazi doctors of Auschwitz suggests that “[w]here the threat is so absolute and so ultimate [...] genocide becomes not only appropriate but an urgent necessity.”<sup>85</sup> While the severity of Nazi doctors’ actions and those of Ugandan politicians should not be equated or even properly compared, I maintain that a similar sense of threat and urgency is what led the Ugandan Parliament to draw up the *Anti-Homosexuality Bill* in 2009. As previously explained, the rhetoric surrounding the *Bill* involved the vital need to protect the children and traditional family structure of Uganda. In January of 2010, shortly after the *Bill* in its original form was proposed, thousands of Ugandan children demonstrated in the streets of Kampala. Many of these children expressed that they stood adamantly in favour of the *Bill*. One fifteen-year-old publicly claimed that he was “happy to be part of those demonstrating to show the world that gays have no place in Uganda.”<sup>86</sup> As Hiebert elucidates, perceptions of threat have the potential to elicit powerful sentiments of hatred toward a victim group.<sup>87</sup>

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<sup>82</sup> *Supra* note 9.

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

<sup>85</sup> *Supra* note 68 at 332.

<sup>86</sup> Barrie Sander, “A Nation at War with Itself: The Potential Impact of Uganda’s Anti-Homosexuality Bill”, (2011) *Centre for Capital Punishment Studies Report*, online: < <https://ssrn.com/abstract=1751729> > 1 at 6.

<sup>87</sup> *Supra* note 68 at 331.

As social scientists Bilewicz and Krzeminski explain, scapegoating is a tactic used to increase discriminatory sentiment toward a distinct group, in a way that may eventually lead to their dehumanization and attempt at systematic elimination.<sup>88</sup> In his piece "Protecting the Human Rights of LGBT People in Uganda in the Wake of Uganda's Anti-Homosexuality Bill, 2009," Daniel Engländer writes that he believes in the possibility of a "looming gay genocide."<sup>89</sup> Analyzing the recent development of the Ugandan antigay sentiment within the theoretical framework of identity constructions, I argue that the bleak possibility of a gay genocide in Uganda should not be overlooked.

### PART III

#### Theoretical Framework

Based on the recent and current states of Ugandan legislation on homosexuality, I am not convinced that focusing exclusively on legal advocacy and formal change is the most effective way in which to improve the status of homosexual people in Uganda. Therefore, my approach to formulating strategies for change is of the extralegal nature; I will employ Sally Engle Merry's concept of localizing transnational human rights by attempting to apply it to the issue at hand. In essence, I will offer strategies through the issue may be framed in a way that I expect would resonate with Ugandans on a largescale.

In her piece "Transnational Human Rights and Local Activism: Mapping the Middle," American anthropologist, Sally Engle Merry, asks, "How do [human rights ideas] move across the gap between a cosmopolitan awareness of human rights and local sociocultural understandings [...]?"<sup>90</sup> She explores how global ideas move from one sociocultural setting to another, and how concepts can be translated between cultural and social contexts.<sup>91</sup> The author also explains the critical task of "vernacularizing" human rights grievances by "refashioning global rights agendas

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<sup>88</sup> *Supra* note 66 at 235.

<sup>89</sup> *Supra* note 68 at 328.

<sup>90</sup> *Supra* note 3 at 207.

<sup>91</sup> *Ibid* at 210.

into local contexts.”<sup>92</sup> Shw uses ‘vernacularize’ to mean “adapting ideas to local institutions and meanings.”<sup>93</sup> She writes, “Human rights language is [...] extracted from the universal and adapted to national and local communities.”<sup>94</sup> In this way, human rights ideas may become subjectively meaningful.

### *A Rejection of Cultural Relativism*

In her piece, Engle Merry outlines the basic differences between the relativist and universalist schools of thought in their application to the topic of human rights. She explains that, while universalists claim that human rights apply equally to all human beings and derive their inherent power from that very characteristic, relativists argue that human rights ideas, which they imply are Western in origin and nature, “should not be imposed on societies with different value systems.”<sup>95</sup> Engle Merry proceeds by taking the middle-ground “pragmatic approach”, which is to argue that human rights ideas are essentially universal, but that they may be spread more effectively and with more legitimacy if adapted to local settings.

Engle Merry writes that, outside of the Western world, local leaders tend to resist human rights claims of subordinate groups, by asserting that the very concept of human rights is “an alien, Western import not suited to local normative systems.”<sup>96</sup> Ugandan leaders represent no exception. For example, at the 127<sup>th</sup> Inter-Parliamentary Unions Assembly in 2012, Canadian Minister of Foreign Affairs, John Baird, criticized Uganda’s treatment of homosexuality. In her rebuttal, Ugandan Parliamentary Speaker, Rebecca Kadaga, responded, “When we came for this Assembly, [...] we expected respect for our sovereignty, our values and our country. I, [...] on behalf of [...] the people of Uganda, protest in the strongest terms the arrogance exhibited by the Foreign Minister of Canada.” She continued by saying, “[I]f homosexuality is a value for the people of Canada, they should not seek to force Uganda to embrace it. [...] Please respect our sovereign rights, our cultural values and

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<sup>92</sup> *Supra* note 3 at 211.

<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid* at 227.

<sup>95</sup> *Supra* note 3 at 209.

<sup>96</sup> *Ibid* at 208.

societal norms.”<sup>97</sup> By labelling homophobia a ‘cultural value’ and a ‘societal norm’, Kadega inadvertently illustrates the danger of absolute cultural relativism. As Canadian Supreme Court Justice, Rosalie Abella, stated at the Wallenberg Lecture at McGill University in 2017, “Silence in the face of intolerance means intolerance wins.”<sup>98</sup> In this vein, I argue that developing strategies to be implemented within Uganda for improving the status of homosexual people neither paternalistic nor unethical.

In her piece, Engle Merry describes the process of ‘framing’. Framing is a method that social movement theorists have developed in order to better understand what makes an idea persuasive in a given context. Frames are not ideas in and of themselves, but rather “ways of packaging and presenting ideas that generate shared beliefs.”<sup>99</sup> The frame is considered “an interpretive package surrounding a core idea.”<sup>100</sup> Engle Merry compares it to religious conversion, in that framing can function to produce significant change in consciousness about a given issue.<sup>101</sup>

#### *“Framing” the Issue in Question*

Engle Merry bases her theory on the assertion that “human rights ideas will spread more effectively and with greater legitimacy if they are adapted to local cultural contexts.”<sup>102</sup> This is the pragmatic approach. To explain the kind of work that is done by people who localize transnational ideas, Engle Merry writes, “They take ideas from larger systems and remake them in local terms.”<sup>103</sup> The kind of work Engle Merry describes, which she dubs “vernacularizing”, can be done by various people, including local activists, human rights lawyers, and academics.<sup>104</sup> The key is finding the middle ground between familiarity and the

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<sup>97</sup> As cited in *supra* note 4.

<sup>98</sup> Rosalie Abella, “Wallenberg Lecture with Supreme Court of Canada Justice Rosalie Abella” (Public lecture delivered at Faculty of Law, McGill University, 13 November 2017), [unpublished].

<sup>99</sup> *Supra* note 3 at 213.

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid* at 209.

<sup>103</sup> *Supra* note 3 at 214.

<sup>104</sup> *Ibid.*

foreign idea in order to produce a shift in consciousness; it is about packaging “radical ideas in familiar boxes.”<sup>105</sup> My analysis of the discourses and legislation regarding homosexuality in Uganda has allowed me to gain insight into some of the values and ideals that ground Ugandan culture. I will use this understanding to try and frame the topic of respect for the human rights and dignity of homosexual people in Uganda. In essence, I will attempt to employ the discourses of religion and African pride to vernacularize the issue in a way that may resonate with Ugandans on a large scale.

I propose that the best way to frame the issue of homosexuality is to ensure that it is presented overwhelmingly as a human rights issue. Of the many Ugandans with whom I have discussed this topic, most have framed their opinions along religious lines, and/or used the argument that homosexuality is simply “unnatural”. Despite these views, almost every one of them has stated that they disagree with the current Ugandan laws on homosexuality, because they believe that each and every human being is worthy of having their basic human rights respected. For example, a Kampala lawyer, who shared that her religion teaches that homosexuality “is against the word of God,” has nevertheless said about homosexual people, “I would advocate for equal treatment and their human rights. I think homosexuals should be accorded dignity, justice and privacy deserving of all human beings in Uganda.” This response is highly representative of the aggregate. Each respondent stated without prompt that the issue comes down to a question of human rights, and that the basic human rights of homosexual people ought to be fully respected in Uganda. Working with the values that underlie the popular Ugandan discourses on homosexuality, I will propose framing strategies whose focus is on the humanization of homosexual people and the corresponding concern for the respect of their basic human rights.

### *Appeal to Religion*

It is clear that religion is a major driving force in Ugandan society. Therefore, I propose that framing respect for the human rights of homosexual people in religious terms may prove to be a successful tactic. Sylvia Tamale writes, “All religions teach the

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<sup>105</sup> *Supra* note 3 at 213.

virtues of tolerance and urge their followers to desist from passing judgment.”<sup>106</sup> One of my more devoutly religious respondents stated, “My church teaches that homosexuality is sin [but] it also teaches that we love one another whether we agree or disagree with their lifestyle /life choices/upbringing or nature!” At the time the *Anti-Homosexuality Bill* was proposed, there were many religious leaders who agreed with its overarching spirit, but rejected the severity of some of its provisions. Some of Uganda’s Catholic and Anglican Church leaders have publicly condemned the *Bill* as “un-Christian”.<sup>107</sup> The framing of homosexual people as God’s creatures worthy of basic love and respect provides a realistic and reasonable starting point for the humanization of homosexual people. Framing homophobia in religious terms has proven to be massively successful; I therefore feel hopeful that if the focus can be shifted, then religion can be engaged to try and gear Ugandan attitudes in a more neutral direction.

### *Appeal to National Pride and Identity*

The notions that homosexuality does not really exist in Uganda and that it is fundamentally “un-African” are indicative of the Ugandan value of national identity. This can be used to advocate for the general respect of basic human rights by framing such respect as a fundamental Ugandan value. An appeal to the country’s *Constitution* as its supreme law provides a useful starting point for this tactic. For example, Section 32 of the *Constitution* is titled “Affirmative action in favour of marginalised groups”. The first paragraph of this section reads, “Notwithstanding anything in this Constitution, the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them.”<sup>108</sup> If the values of inclusivity, equal opportunity, and protection, as embodied in this provision, can be emphasized as core Ugandan values, this will constitute a positive step in the direction toward garnering support for respecting and protecting the basic human rights and dignity of homosexual Ugandan people.

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<sup>106</sup> *Supra* note 71 at 54.

<sup>107</sup> *Supra* note 8 at 87.

<sup>108</sup> *The Constitution of the Republic of Uganda, 1984* (Uganda), Republic of Uganda at s. 32.

## **Strategies for Application: Humanization and Personalization**

As I previously remarked, I do not believe that restricting reform to legal and political institutions offers the strongest means to the end of improving the status of homosexual members of Ugandan society. I take the approach that working from the ground up, by reframing the issue in a way that may ignite an attitude shift among the general public, presents as a better strategy. I therefore advocate for a more practical, hands-on approach. I will attempt to put forth suggestions for applying in practice the previously outlined frames by drawing on my own experience working with a human rights advocacy organization in Uganda.

This past summer, I worked as an intern at the Centre for Health, Human Rights, and Development (CEHURD) in Kampala. While working with their Research, Documentation, and Advocacy Program (RDA), I partook in a consultative meeting with local police representatives. The topic of the meeting was harm reduction in cases of nonmedical abortion, which is a very serious public health concern in Uganda. Abortion is criminalized, a fact which results in the common performance of clandestine abortions by Ugandan women. These unsupervised procedures regularly end in the physical harm or even death of the woman. RDA's aim for this meeting was to effect a transformation in the police representatives' attitude toward abortion. At the beginning of the meeting, a member of RDA asked those present to reflect on whether or not saving lives and abiding by law were of equal importance. Many seemed unsure of how to respond at first. However, once the RDA member asked them to reflect on their answer if it were their own child, sister, or wife who was in need of an abortion, I witnessed a palpable shift in their attitudes begin to take shape. When the RDA member asked for their reflections, all of them seemed to agree that the meeting had effected a genuine change in their views on the matter. Several remarked that they had always thought of abortion exclusively in criminal terms, but that once the issue had been humanized and personalized by having them imagine that it affected woman close to them, they began to conceive of it differently. This meeting was one of the most significant, meaningful, and encouraging experiences of my internship, because I witnessed firsthand the attitudes and understandings toward the issue of criminalizing abortion shift significantly in the police representatives' minds in just a few short hours.

My research and experiences have led me to believe that reframing the topic of homosexuality in terms of values and discourse that resonate with Ugandans may prove successful in effecting an attitude shift. To apply this in practice, I recommend that actors working toward this goal conduct meetings with influential members of Ugandan society, such as police officers and religious leaders. Beginning with influential groups would increase the likelihood of success in this endeavour, as a change in their attitudes provides a stronger chance of provoking a trickledown effect. In these meetings, the actors should attempt to personalize the issue. This may involve asking questions such as, "Could you choose to become gay if you so desired?" in order to begin developing a conception of homosexuality as innate rather than learned or chosen. It may then involve asking questions that help to undo the dehumanization of homosexual people in Uganda. This could mean having the individuals imagine that it was their own child, sibling, or friend who was a homosexual person, and then asking how their views on the current status of homosexual people might change given such a scenario. Given the significant attitude shift toward the issue of abortion that I witnessed among police representatives in Kampala, I feel hopeful about the potential that personalizing and humanizing the issue of homosexuality. This tactic just might prove to be successful in effecting a shift away from the antigay sentiment in Ugandan society.

## Conclusion

To say that I was initially struck by the potency of the homophobic sentiment in Uganda would be an understatement. I never expected that the genuine and rampant belief of myths that I judged as laughably absurd would live in the minds of even the most highly educated Ugandans. I have endeavored to show that the strength of religious beliefs and national identity have paved the way for the extensive spread of antigay sentiment among Ugandan people. The *Anti-Homosexuality Act* of 2014, regardless of its current state, constitutes the institutionalized embodiment of such homophobic attitudes. I have argued that the conditions and events that have led to the current status of homosexual people in Uganda may represent the potential of an eventual gay genocide. I have advanced this point to ensure that the true gravity of the situation is made clear. Finally, I have formulated conceptual and practical strategies by which I humbly



suggest that a progressive shift toward tolerance might be affected.

A shift in collective attitude will not transpire overnight. Adrian Jjuuko remarks, "Like it or not, changing traditional mindsets takes time, even when people are willing and armed with the tools to change."<sup>109</sup> Canada itself criminalized homosexuality until 1969, labelling gay men as "psychopaths" and "dangerous sexual offenders",<sup>110</sup> only to boast its title as the third country in the world to legalize same-sex marriage 36 years later.<sup>111</sup> The current status of homosexual people in Uganda is indeed dire, and the prospect of effecting a shift toward a more tolerant society will entail strategic hard work and abundant patience. "Culture is not static,"<sup>112</sup> and my own experiences have shown me that attitudes, no matter how deeply embedded, have the potential to be transformed. If effected properly, the status of homosexual people in Uganda can be significantly improved. On this, I remain optimistic.

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<sup>109</sup> *Supra* note 19 at B-50.

<sup>110</sup> Bill C-150, Criminal Law Amendment Act, 2nd Sess, 28th Parl, 1969.

<sup>111</sup> Kathleen M. Hill, *Same-Sex Marriage: The Politics of Love and Law* (Cambridge: Cambridge University Press, 2006).

<sup>112</sup> *Supra* note 28 at 136.

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