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Navigating the Pink Line? LGBTQ+ Ugandans as Neither ‘Victims’ nor ‘Deviants’.¹

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Abstract

With the introduction of the Anti-Homosexual Act (2023) in Uganda, LGBTQ+ Ugandans have faced significant socio-historical challenges in terms of shifting legal landscapes and the accompanying prejudice and discrimination which have emerged from this. Constructed as both ‘deviants’ of native Ugandan culture, or as ‘victims’ of a homophobic regime. Whilst a clear ‘pink line’ (Gevisser, 2020) has formed internally and externally to the Ugandan state, which has been impacted by a range of actors and social forces such as US evangelicals, the Ugandan state, the globalising of LGBTQ+ international rights and international actors, LGBTQ+ Ugandans have often been polarised and framed into the two narratives outlined above. However, whilst some post-colonial states such as Uganda are beginning to strategically renew their beliefs in ‘traditional’ sexual relations in opposition to the influence of LGBTQ+ identity politics as posited from the West, this has drawn a (pink) line in the sand. Using Gevisser’s (2020) concept of the ‘pink line,’ this article will examine the changing socio, political, and legal challenges faced by LGBTQ+ Ugandans, as well as the variety of forces which have enabled the Ugandan state to seek stringent legal responses toward LGBTQ+ Ugandans, including how this has affected LGBTQ+ Ugandans on the ground. We argue that due to this global polarisation of ‘traditional’ Ugandan values versus the modernity of LGBTQ+ identity politics, LGBTQ+ Ugandans have been framed as either helpless victims in a homophobic society by global responses to the introduction of the Act,

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or as deviants living within a traditional society which pose a threat to Ugandan social norms. Contrary to both perspectives, LGBTQ+ Ugandans have been present and active in their own agency to push for change for LGBTQ+ populations in Uganda, despite the introduction of the darkening climate set against the Anti-Homosexuality Act (2023).

Keywords: *Pink Line, Anti-Homosexuality Act (2023), Uganda, LGBTQ+ Ugandans, Human Rights, Colonialism.*

Navigating the Pink Line? LGBTQ+ Ugandans as Neither ‘Victims’ nor ‘Deviants’.

In 2023, the Pink News produced an article discussing the flight of LGBTQ+ Ugandans into nearby nation states such as Kenya, after the passing of the Anti-Homosexuality Act (2023) and the heightened discrimination which mobilised alongside it. The article interviewed several activists, including Henry MuKiibi, the Executive Director of the LGBTQ and Human Immunodeficiency Virus (HIV) organisation Children of the Sun Foundation, about why they had to leave Uganda. Due to the change in law, Henry had witnessed landlords throwing out suspected LGBTQ+ tenants, public beatings, and the denial of healthcare access, stating that preachers were delivering sermons to beat the ‘homosexuality out of children.’ This climate of fear and the continuous updating of anti-LGBTQ legislation by the state has led Uganda to be framed as one of the worst places to be LGBTQ+ (Pink News, 2023). LGBTQ+ people in Uganda However, how did Uganda end up this way and how is this climate of anti-LGBTQ+ rights maintained?

It is important to outline the socio-historical forces which have led to the growth of anti-LGBTQ+ legislation in Uganda, whereby their ripple effects have impacted on the wider global geopolitics of LGBTQ+ human rights, and what this means for LGBTQ+ Ugandans who navigate, and are framed by, a ‘pink line’ of being perceived as both ‘victim’ and ‘deviant’ by opposing forces. However, to understand this, it is vital to examine the changing legal landscape of Uganda regarding LGBTQ+ rights, to understand both the development of anti-LGBTQ+ legislation and the framing of LGBTQ+ Ugandan lives.

The Changing Legal Landscape of Uganda

Paradoxically, what is now known as ‘Uganda’ (originally ‘Buganda’) has a rich sexual history, which has been deeply affected and reimagined by the impact of colonialism, with evidence now revealing sexual and gender non-conforming behaviour across all post-colonial cultures (Wilets, 2011). Before the 1860s in pre-colonial Uganda, social attitudes

were largely indifferent to same-sex relationships by the majority Baganda people, with King Mwanga II of Buganda (1868-1903), being openly bisexual and having relationships with his wives and (often under force) his male subjects (Rao, 2015a). Simultaneously, amongst the Lango people, the *Mudoko Dako* were thought to form a ‘third gender’ in Lango society, who were largely effeminate men who were believed to be women, and so could marry other men to be their ‘wives’ without societal punishment. Other ethnic groups also acknowledged same-sex behaviours and non-binary gender identities, seeing evidence of these within the Teso, Behima, and Banyoro peoples (McNamara, 2018; Moore, et al., 2022; Oliver, 2012).

After the death (at British hands) of King Mwanga II in 1903, and the forming of Buganda as a ‘protectorate’ of the British Empire, Christian missionaries were able to become more established in Buganda society, converting local people and influencing local cultures (Rao, 2015a; Moore, et al., 2022). As a result of this, homosexuality in the newly formed ‘Uganda’ was criminalised in 1902 using Victorian morality laws, later strengthened by British colonial laws, which were also directly imported wholesale via the Penal Code Act (1950), which similarly began to disturb, and destroy, established ecosystems of gender, gender relations, and sexuality (Han & O’Mahoney, 2014). At this point, the control (to British eyes) of non-normative sexual behaviour and non-binary gender identities meant that, “the colonialist did not introduce homosexuality to Africa but rather intolerance to it – and systems of surveillance and regulation for suppressing it” (Murray & Roscoe 1998, p. XVI). Under the banner of ‘civilising’ native cultures, the colonists thought that ‘native’ cultures did not punish ‘perverse’ sex enough, and therefore, compulsory re-education in sexual mores was needed (Human Rights Watch, 2008).

Once the Penal Code Act (1950) was introduced by the British, this charged same-sex sexual relations between men as a felony as an act ‘against the order of nature,’ with life imprisonment for the act of sex itself (Section 145), seven years for any attempt to commit an

act of sex (Section 146), and seven years for ‘gross indecency’ (Section 148). Gross indecency is not defined in the Penal Code Act (1950) and is only couched in vague terms leaving it open to interpretation, however the UK Labouchere Amendment Act (1885) was the first to introduce and define gross indecency which criminalised sexual acts between men. The *Penal Code Act* (1950) was kept on the statute books after Ugandan independence in 1962 and remained there for almost forty years. However, this Act was later altered in 2000, changing the language from ‘any male’ to ‘any person’ in the *Penal Code Amendment (Gender References) Act* (2000), which extended same-sex sexual activity to now include women, with up to seven years’ imprisonment. Additionally, and for the first time in Uganda’s modern history, heterosexual sex acts involving oral sex and anal sex, were also outlawed (Jjuuko, 2013).

In 2005, the *Ugandan Constitution* was modified to become even more restrictive toward LGBTQ+ people, adding Article 31(2)(a) which stated that marriage between persons of the same sex is prohibited, fuelled by ongoing debates about the growth of same-sex unions in Europe and Latin America. In additional acts of discrimination, Section 15(6)(d) of the *Equal Opportunities Commission Act* (2007) now prevented the Ugandan Equal Opportunities Commission from investigating any matters which were to be regarded as either ‘immoral’ or ‘unacceptable’ by most of the social and cultural groupings in Uganda. Parliamentary Hansards at the time note that “the homosexuals and the like have managed to forge their way through in other countries by identifying with minorities. If it is not properly put in the clause, they can easily find their way through fighting discrimination. They can claim that since they are part of the minority, they can fight against marginalisation” (Jjuuko, 2013, p. 388).

By 2009, a private members Bill was introduced by the Member of Parliament David Bahati, known now as the Anti-Homosexuality Bill (2009) or colloquially as the ‘Kill the

Gays Bill' due to its proposal of introducing the death penalty, was signed into law in 2014. The new *Anti-Homosexuality Act* (2014) would now criminalise an individual who "aids, abets, counsels, or procures another to engage in an act of homosexuality." Its far-reaching powers could also imprison a person for seven years for conducting a same-sex marriage, have their licenses revoked by organisations who did so, and stating in nebulous terms that any person who 'promotes' homosexuality, could be fined, or imprisoned for up to seven years. The proposed introduction of the death penalty was dropped at the Bill stage. Despite this broadening of the law and its powers, many Ugandan LGBTQ+ people noted that this law was rarely enforced, however, it was used as a sword of Damocles by the state and to cast fear into local queer communities (Vox, 2014).

The *Anti-Homosexuality Act* (2023) has since been further amended and signed into law by president Yoweri Museveni in May 2023. Whilst the original Bill proposed in parliament in March 2023 was watered down at the bequest of the president, seeing some amendments, such as removing proposed measures to criminalise that of simply identifying as LGBTQ+ and of urging the mainstream public to report 'homosexual activity' (unless a child was present). However, this represented one of the most stringent and controversial anti-LGBTQ laws enacted globally, as former Ugandan anti-LGBTQ+ laws were strengthened. A new crime of 'Aggravated Homosexuality' for same-sex relations for 'repeat offenders' was introduced which would punish same-sex activity with a person who is elderly, who has a disability, and sex which leads to HIV transmission to another partner (either intentionally or unintentionally) which would all now carry the death penalty (Reuters, 2023). Further to this, transgressions for the 'promotion of homosexuality' were also passed, which can now sentence individuals engaging with this with a much longer twenty-year term of imprisonment, leading to the closing down of many organisations offering support to LGBTQ+ people, driving services underground, and leading to 'queer flight' from the

country, despite the law containing extradition processes which could target and extradite LGBTQ+ Ugandans for prosecution (OHCHR, 2023a; Open Democracy, 2023; Southern Law Poverty Centre, 2024).

Later in 2023, it was also becoming clear to Ugandan and global LGBTQ+ activists that this law was not simply a showcase or posturing on behalf of the Ugandan government, but a very real enacted law as two men were arrested for ‘aggravated homosexuality’ in August 2023, with a court case pending (BBC News, 2023). Aggravated homosexuality is defined in the *Anti-Homosexuality Act* (2023) as same sex acts with children and vulnerable people where a person is unable or does not give consent and it carries the death sentence (Anti-Homosexuality Act, 2023). However, was this example simply a motivated crackdown of LGBTQ+ Ugandans by the state, or were there other social forces behind the changes in Ugandan state attitudes toward LGBTQ+ people and their communities?

American Evangelical Interference

Before the private members bill was introduced to the Ugandan parliament in March 2009, US evangelical leaders and activists, Scott Lively, Don Schmierer and Caleb Lee Brundidge had arrived from the USA in Kampala to lead a conference, attended by parliamentarians, police officers, and teachers. Their presentation entitled ‘Seminar on Exposing the Homosexuals Agenda,’ focused on key themes which were to set the groundwork of the later *Anti-Homosexuality Act* (2009), and to the subsequent revitalisation of the Act in 2023.

The themes which emerged from this conference stated that:

- (1) A ‘gay agenda’ was set by the West to destabilise the African state, families, marriage, and monogamous relationships
- (2) Homosexuality was a ‘risk’ to children
- (3) Homosexuality shared a link between same-sex acts and paedophilia, and

- (4) Homosexuality was a threat to Biblical (and therefore, Ugandan) values.

Whilst anti-LGBTQ+ sentiment was already prevalent within post-colonial Uganda, White evangelical churches, and leaders, such as Scott Lively, have played a significant part in homophobia flourishing, exporting a pre-packaged 'made-in-the-USA' ideology and movement (Okereke, 2023). Within these narratives at play there lies within them, a paradox. Whilst LGBTQ+ organisations in Uganda have been supported by several Western-based NGOs, "so too homophobia is also globalised, usually through religious-based organisations" (Altman & Symons, 2016, p.103). The irony of political remarks from Ugandan leaders and social entrepreneurs such as 'homosexuality is Un-African' and of a 'gay agenda' being sponsored by the West, was not lost on many LGBTQ+ rights campaigners in Uganda, who saw the pushing of American ideological systems as a case of western interference by predominantly white evangelical churches (Tamale, 2013). With significant support behind this anti-LGBTQ+ movement, it is estimated that American anti-LGBTQ+ and evangelistic groups have spent more than \$50 million on resources to influence laws, policies and public opinion on LGBTQ+ people since 2007 across Africa (Open Democracy, 2020). This international polarisation of LGBTQ+ rights has now become a core instrument of governance alongside the strategic weaponisation of LGBTQ+ people (Weiss & Bosia, 2013). Postcolonial states such as Uganda, have used this strategically, for it contains a range of merits such as:

- (1) It deflects attention from wider economic and social problems. For example, Uganda is ranked 129 of 167 nation states on the Legatum Prosperity Index, shifting up only five places from 2011 (Legatum Prosperity Index, 2023).
- (2) It also reacts to queer mobilisation and pre-empts it in advance.

- (3) Furthermore, it raises the spectre of same-sex marriage to both reaffirm and assert ‘traditional African family values’ as the foundation against that of deviant Others (Weiss & Bosia, 2013).

Alongside this, a postcolonial backlash has emerged against both actual, and perceived, western liberalisation around sexuality politics, whereby western ideas are viewed with suspicion by states such as Uganda and so are framed as forms of neo-colonial control which are to be resisted. The growth of this “conservative international” (Altman & Symons, 2016, p. 103) has ensured that interference from conservative evangelical voices in the USA can be both tactfully and usefully used by the Ugandan state to sideline and regress the rights of LGBTQ+ communities, whilst deflecting attention away from other social and economic issues. This allows for one set of these polarised voices to be given ‘outsider status’ (such as LGBTQI+ people and identity politics positioned as ‘un-African’) whilst another set of voices are given an ‘insider status’ (such as external interference from US churches, which can then be casually ignored or downplayed). This has developed a ‘pink line’ (Gevisser, 2020), both within, and external to, Uganda.

The Emergence of the ‘Pink Line’

The impacts of globalisation on the growth of urban metropolitan centres and rapid urbanisation, alongside the impact of the digital revolution, and the shifts of younger population demographics moving within states and external to them, have meant that much more identifiable LGBTQ+ communities have now formed across cities in Sub-Saharan Africa, with Uganda being no different (Tamale, 2013). Similarly, a new form of global geopolitics has emerged from this global shift, with sharp divides setting opposing narratives, such as former coloniser nations and postcolonial states, secular liberal democracies versus religious theocracies, ‘Eastern’ versus ‘Western’ values, and rural identities (the ‘traditional’) and city identities (‘the modern’) (Gevisser, 2023).

A fear of loss from many conservative thinkers underlies this binary, as the ‘traditional village’ has been framed as being ‘corrupted’ by the modern world of the globalised city, threatening to harm, or destroy, a supposedly ‘fixed’ indigenous culture and identity. Within this changing social order, younger LGBTQ+ people are burgeoning in many cities, who in some cases, have rejected ‘traditional’ chrono-normative markers of identity and behaviour (marriage, children, different dress, and expression) and instead, have laid claim to city and public spaces, thereby becoming more visible as a social movement (Gevisser, 2023). A narrative spun from this through political discourse has both represented LGBTQ+ people in the Global South as ‘enemies’ of the state, fuelling a sense of ‘sovereignty anxiety’ (Gevisser, 2020) which is felt by some ‘traditional’ religious and political leaders. This is particularly accurate amongst African states such as Uganda, as they enter neoliberal capitalism, fearing a loss of control under globalisation, and seeking to form an identity as a postcolonial state. Gevisser (2020) argues that at this point, we are seeing an emergence of a ‘pink line,’ which forms clear global fault lines over the acceptability of LGBTQ+ social attitudes, or not, and thereby entrenching LGBTQ+ rights as a politicised marker of globalisation.

Gevisser (2020) argues that due to this, a pink line has been drawn between “those places increasingly integrating queer people into their societies as full citizens, and those finding new ways to shut them out now they have come out into the open” (p. 12). Despite a rich queer history in Uganda, the impact of colonialism and the organised growth of recent political homophobia has staked a pink line along LGBTQ+ rights in Uganda, disrupting age-old ways of existing socio-historical practices around sexual and gender variance. Western notions of the gender binary or LGBTQ+ identity politics have seen a cultural transfusion from a wider global narrative and have settled and been diffused as part of local cultures in societies where gender and same-sex behaviour were previously more fluid (Martel, 2019).

Additionally, globalisation has reinforced and firmed up identity markers of 'LGBTQ,' however, at the same time, elements of globalisation such as digital and media technologies, movement across borders (both real and virtual) and rapid urbanisation and new claims to city spaces, have created new categories of people demanding rights (Martel, 2019). These changes have allowed people to consider what it means to be human and to restructure family and personal lives, with claims that equity and new ways of living are part of a progression narrative. Therefore, the 'pink line' moves through time and space (Gevisser, 2020), with a line of time being presented as a progression of eras from an oppressive past to an equitable future, and a line of space between parts of the world who 'accept' LGBTQ+ equality and the spaces who are hostile or deny it. The two pink lines of time and space converge as a border between different knowledge systems, which understands sexuality as something you do (who you have sex with), and something you are (an identity marker). As governments have shifted from ruling their subjects to managing their populations (Foucault, 1978), these forces of time and space have converged to create a visible LGBTQ+ community in all parts of the globe.

In parallel to this, it has created a challenge for some global LGBTQ+ populations as they feel the tensions of both the increased liberation of sexuality and gender, as well as seeing LGBTQ+ identities become visible online compared to that of the constraints felt by their offline lives and lived experiences. In response to this, a formation of a well organised and panicked resistance against the pink line of LGBTQ+ politics, gains, and visibility has also emerged as a backlash to these increasingly visible identities. As Gevisser states, the pink line runs "through TV studios and parliaments, through newsrooms and courtrooms, through bedrooms and bathrooms, through bodies themselves" (Gevisser, 2020, p. 16). As a result of this, media institutions and government-led moral panics, due to a real or perceived loss of control or 'tradition,' can be strategically utilised as nationalistic and populist panics,

whereby the world is divided through international and domestic policies, which continue to be shaped by globalisation, colonialism, and its legacies.

Additionally, the “policing of the imagination” (Wieringa & Sívori, 2013, p. 17) via the insistence that LGBTQ+ people have no place in Ugandan culture, has meant that a process of “postcolonial amnesia” (Wieringa & Sívori, 2013, p. 13) has led to a revitalisation of ‘tradition,’ despite the queerness of Uganda’s own past.

The rise of global LGBTQ+ politics had also emerged whilst borders and boundaries had started to become more porous, as global ideas about sexual equality and gender equity become more popular, with same-sex decriminalisation in nation states rapidly reducing in recent years and new categories of ‘being’ emerging (Weeks, 2010). Yet a backlash reaction by conservative social forces fearing a loss of control have not only led to the spread of US evangelical leaders like Scott Lively and his contemporaries, but also via anti-transgender social movements, and existing anti-LGBTQ+ laws which have been actively strengthened in parts of the world such as Russia, Nigeria, and Bhutan. Alongside this, campaigns to protect the ‘ordinary public’ from behaviours and values of a global or cosmopolitan elite (usually viewed as coming from the west) have grown in pace, with campaigns to promote ‘traditional values’ or a ‘natural order’ which offer protection toward a nation state against a perceived corruption of its values (Gevisser, 2020).

This pink line has been enmeshed in wider global geopolitics and was clearly illustrated as the revitalised Anti-Homosexuality Act (2023) was signed into being. During the official announcement of the law coming into power, President Museveni stated that homosexuality was a “deviation from normal” and urged Ugandan lawmakers to resist “imperialist” pressure, using this narrative to power older and well-established narratives of homosexuality as ‘un-African’ and ‘western values’ as a weapon of neo-colonialism (Guardian, 2023). As evidence of this, Stephen Langa, a supporter of the Act and long-time

anti-LGBTQ+ campaigner, stated that the “homosexual agenda” from the west must be resisted, and he would defend “the sovereignty of Uganda and to protect, preserve and defend their children from being molested” is reported that Langa has planned a ‘One Million Man March’ for 2024, with an accompanying petition, to ensure that pressure is placed on the government to maintain the Act (PML Daily, 2023).

The Ugandan state has been able to mark and regulate its citizens, as this “pink line blocks LGBTQ visibility by belittling them as passive replicas of the West and marginalizing and excluding them from the heteronormatively defined” Ugandan public (Altay, 2022, p. 60). This pink line in Uganda via anti-LGBTQ+ legislation urges a polarisation of beliefs about tradition versus modernity, with the framing of a locally based heteronormative moral superiority which exists in tension (and opposition) with that of a globalised ‘global gay’ identity which has diffused into nation states, including Ugandan LGBTQ+ identities (Martel, 2019). This is also framed against wider narratives of threat which include immorality, a threatening of cultural values, and a rise of degeneracy alongside a movement and development of ‘hetero-activism,’ whereby heterosexual actors reassert the superiority and centrality of both heterosexual and gender normative individuals and families as a foundation for perceived stronger and healthier societies (Nash & Brown, 2020).

A clear state solution is therefore offered and used to distance itself from the ‘global gay’ (Martel, 2019), which is strengthened through state political homophobia. In Uganda, this use of the pink line creates a binary of local, heteronormative, ‘authentic’ Ugandan set of identities and values, versus a global, degenerate and ‘queer’ set of Western identities and values (Altay, 2022).

Global Responses to Changing Ugandan Anti-LGBTQ+ Legislation

Sexual minorities in Africa have often been “portrayed as hapless victims of predatory homophobic practices on the continent” (Ukpokolo, 2016, p. 198) whereby the continent has

been reimagined as a negative space awaiting a wider fury and incandescence of the West (Ukpokolo, 2016) and needing the “politics of rescue” (Ukpokolo, 2016, p. 198). Other authors have argued that LGBTQ+ rights have been placed at the heart of an “enlightened Judaeo-Christian *West*, which confronts a uniformly homophobic *non-West* sunk in ignorance, superstition, barbarism, and moral darkness” (Rao, 2015a). As such, Western LGBTQ+ activism, or the ‘gay international’ has been propositioned as a harmful orientalist practice through replicating western LGBTQ+ activism elsewhere (Massad, 2007) whereby ‘coming out’ makes local people more vulnerable. Massad’s (2007) imperialist critique of the pushing of LGBTQ+ identity politics, due to their success in the west, has shifted the desire (what we do) to identity (who we are) as a marker, and in doing so, has alerted governments who previously ignored same-sex behaviour, to crack down on newly visible minorities.

However, Massad’s work is problematic, in that it often flattens out the nuances of LGBTQ+ activism in the west and “tends to think of the west in monolithic terms, even as it resists the essentialisation of the Orient” (Rao, 2015b, p. 356). Furthermore, it levels fractious discussions in the West of whether this ontology should be imported elsewhere (Rao, 2015b).

Nonetheless, international organisations have become increasingly concerned with the vulnerability of LGBTQ+ populations with increased movements for the inclusion of LGBTQ+ rights within the wider human rights agenda through examples such as the 2014 ‘Resolutions on Sexual Orientation, Gender Identity and Sex Characteristics’ (Maietta, 2019; OHCHR, 2023b). This growing awareness has allowed the international community to put pressure on states to adopt rights for LGBTQ+ people as protections under the umbrella of wider human rights arguments.

In response, some members of the international community have publicly condemned *Uganda’s Anti Homosexuality Act* (2023) with human rights organisations, LGBTQ+ organisations, and many of Uganda’s key donor countries, stating deep disdain for the content

of the Act on the grounds of human rights abuses (CSIS, 2023). Despite this, there remains a further paradox in which Uganda's national laws around sexual and gender minorities contradict and negate the inalienable nature of international human rights laws, which have been ratified by Uganda (UN Human Rights Treaty Bodies, 2023). Although Uganda have not adopted the Resolution on Sexual Orientation, Gender Identity and Sex Characteristics (2014), they have ratified various international laws which promote individual human rights. In ratifying these international laws, Uganda has made an internationally binding agreement to adhere to the articles set out within each treaty, yet their recent *Anti-Homosexuality Act* (2023) restricts freedom, promotes discrimination, violence, and supports the active use of the death penalty.

In reaction to the introduction of the Act, the United Nations stated that they were “appalled” by the new Act as it is an “egregious violation of human rights” which will “exacerbate and legitimise continued stigmatisation, violence, harassment, and discrimination against LGBT persons” (UN, 2023, para. 5). Similarly, the European Union have also responded to the Act stating that they “regret” the signing of the law by the Ugandan President, Yoweri Museveni, as it “is contrary to international human rights law and to Uganda's obligations under the African Charter on Human and People's Rights” (European Union EA, 2023).

Global donors have also responded to the Anti-Homosexuality Act (2023) in the form of cutting aid, an action taken by the World Bank who made the decision to cease all funding to Uganda, putting out a statement that the “Anti-Homosexuality Act fundamentally contradicts the World Bank Group's values” (World Bank, 2023a, n.p.). Uganda has continuously been one of the main recipients of international aid, with the World Bank's portfolio in Uganda standing at 5.2 billion across 23 projects in 2022 (World Bank, 2023b). The Ugandan President, Yoweri Museveni, responded to this on the social media site X,

stating “It is, therefore, unfortunate that the World Bank and other actors dare to want to coerce us into abandoning our faith, culture, principles, and sovereignty, using money. They really under-estimate all Africans” (Museveni, 2023, n.p.). This has strengthened debates around Western imperialism, with Uganda's state minister for foreign affairs, Okello Oryem, labelling the decision as hypocritical due to other countries having similar or harsher laws which also condemn homosexuality (BBC, 2023).

Maietta (2019), draws attention to the use of ‘geopolitical homophobia’, a political tool used by governments to challenge cultural imperialism which is used as a deliberate tactic to scapegoat the LGBTQ+ population and redirect the public's social grievances towards a convenient target, whilst diverting attention from governmental failures. People are chosen as targets as they are regarded ‘safe targets’ with extraordinarily little “power to retaliate against the wider political and social system” (Maietta, 2019, p. 3). Ironically, the accusation of cultural imperialism that the Ugandan government are currently weaponising to ignore concerns from the international community was responsible for the importation of homosexuality into African nations in the first place. It is evident that the Ugandan government are using geopolitical homophobia and the narrative of cultural imperialism to defy international human rights policies signed by Uganda, which in turn, have promised to uphold human rights through ratifying multiple conventions.

Despite current debates around cultural imperialism, United Nations experts have utilised human rights rhetoric, stating that culture cannot be a justification for the continuation of human rights abuses, a view which has been very much adopted by the international community around the new Anti-Homosexuality Act (2023) (UN, 2023). This is evident where global health organisations, including UNAIDS, the Global Fund, and the U.S. President's Emergency Plan for HIV and AIDS Relief (PEPFAR) have followed suit, showing grave concern for the health of Ugandan citizens and the progress with AIDS response

(UNAIDS, 2023). Joint efforts from these global health organisations have previously led to successful results through the implementation of stigma free prevention, diagnosis, treatment, and care programmes, and PEPFAR (President's Emergency Plan for HIV and AIDS Relief) has invested over \$5 billion in funds to Uganda to support with HIV and TB treatment and research (US Embassy in Uganda, 2023). Yet, efforts in tackling HIV and AIDS are now under further threat through Uganda's Anti-Homosexuality Act (2023, pp. 8-9) which states that the contraction of a terminal illness as the result of a homosexual act will be treated as 'aggravated homosexuality' which is punishable by death. This Act has solidified existing stigmas around HIV and Acquired Immune Deficiency Syndrome (AIDS) in Uganda resulting in a decline of people accessing services due to a fear of marginalisation and punishment, regardless of their sexual orientation (UNAIDS, 2023). This has the potential to reverse the progress made in Uganda with HIV and AIDS and the wider global health agenda, as part of the United Nations Sustainable Development Goals.

The accumulation of this has created a deepening pink line between the Ugandan state who have attempted to justify their actions through a cultural lens whilst rejecting perceived Western-centric cultural imperialism. This tension stands in opposition to the international community, who have framed their condemnation of the Anti-Homosexuality Act (2023) through a broader human rights rhetoric. This pink line exists amongst the solidification of binaries which upholds a stark divide between Ugandan and 'Western' values (Gevisser, 2023).

How Has This Been Felt by the LGBTQ+ Ugandans?

The *Anti-Homosexuality Act* (2023) has created a more hostile environment than ever before, providing justification and legality for state and non-state actors to lawfully carry out acts of hatred and discrimination (SRT, 2023). This has resulted in an intensified climate for LGBTQ+ people, creating a breeding space for 'hot homophobia' which is marked by an

active promotion of persecution at a government and community level (Martel, 2019). Whilst there has been a significant loss of safe channels to seek protection, allowing a considerable number of abuses and violations against LGBTQ+ people to go unreported (SRT, 2023).

Since the introduction of the Anti-Homosexuality Act (2023), Uganda has seen a shift in the perpetrators of human rights abuses, with abuses being committed by non-state actors (SRT, 2023). This is markedly different to previous years where government actors have played a dominant role in enforcing human rights abuses, showing how ‘sousveillance’ has manifested itself at an emboldened community level to ensure that social control is embedded from the bottom up (Mann et al., 2003). This is further compounded by the legal framework where “exclusion from education, the economy and housing, as well as violence against LGBT people, are all grounded in or facilitated by the law” (Stonewall, 2019, p.3). The problematic mix of sousveillance and surveillance which has consumed the landscape of Uganda, has led to a culture of discrimination which is legally supported and has reinforced the persecution of the LGBTQ+ community on all levels. As a result of this, many nation states such as Kenya and South Africa, are now witnessing a growing visibility of LGBTQ+ Ugandan’s seeking asylum across the African continent on the grounds of sexual orientation and gender identity (Pink News, 2023), which has created “refugee population without refuge” (Camminga, 2021, p. 370).

In their research *OUT in Uganda*, working in partnership with seven Ugandan based organisations, Dalton, Butler, & Weatherston (2020), also found that the Ugandan LGBTQ+ community face multi-level forms of prejudice and discrimination from the government, social services, and within public and online spaces. Findings from our research evidenced that 53.9% of respondents noted that social services staff had actively discriminated against them because of their sexual orientation or gender identity, as well as 51.3% reporting discrimination from health care staff, 46.1% reporting discrimination from the police, and

52.6% reporting discrimination from other government departments (Dalton, Butler, & Weatherston, 2020). Educational institutions, workplaces and housing were other key areas identified as places where LGBTQ+ people faced discrimination, with 55.3% stating they faced discrimination in school/university, 63.2% whilst searching for a job and 51.3% when renting or buying a house (Dalton, Butler, & Weatherston, 2020). This discrimination also seeped down into public and online spheres with just below half reporting discrimination in bars, cafes, restaurants (48.7%), and places of worship (47.4%), and just over half reporting discrimination in shops and markets (53.9%). High rates of abuse were evident in online spaces, with 72.4% of respondents facing abuse via email or on social media sites, and 78.9% facing abuse via WhatsApp (Dalton, Butler, & Weatherston, 2020).

This data also evidenced how discrimination manifested itself through the form of physical attacks, mob, and sexual violence, with 60.5% of respondents said that they had been tortured with the previous twelve months because of their sexual orientation or gender identity. Our findings indicated that prejudice and discrimination was deeply entrenched at all levels from government and institutional levels to public and online spaces, leading to extensive and complex web of intersectional issues. Work-based discrimination has led to higher levels of unemployment, perpetuating levels of extreme poverty, compounded by housing discrimination leading to higher rates of homelessness, creating development problems for LGBTQ+ Ugandans. Whilst we concluded that LGBTQ+ people in Uganda “continue to be one of the most vulnerable minorities” facing a multitude of discrimination-based issues (Dalton, Butler & Weatherston, 2020, p. 41); however, we also found hope for the future felt amongst LGBTQ+ Ugandans as a common theme.

Despite the lack of visibility of the LGBTQ+ community in Uganda in everyday life, their lived experiences are often presented to the world as being a silent group who are discriminated against, abused, and arrested (Stonewall, 2019), and as a direct result of this,

lacking agency. However, our data flipped the framing as LGBTQ+ Ugandans as helpless victims at the whims of governments and actors, as we found that LGBTQ+ Ugandan's were making active gains in their activism, increasing their local service delivery, and offering wide-ranging support for their own queer community. Within the spaces of navigating the pink line of Uganda, both internally and externally, LGBTQ+ Ugandans were fighting back against repression, despite the side-effects of the changing legal and social landscape around them.

With the tide of anti-LGBTQ+ legislation raising its head with the introduction of the Act, homophobia has been amplified in Ugandan society more than ever. In response to this, the Strategic Response Team, a coalition of LGBTQ+ Ugandan organisations, have recently documented 180 cases of evictions, displacement, and banishment of LGBTQ+ people from January to August 2023, including 176 cases of torture, cruel, inhumane, and degrading treatment, and punishment, 18 verified accounts of forced anal examinations by police officers, and 360 accounts of privacy violations (SRT Uganda, 2023). On the 3rd of January 2024, Steven Kabuye, a prominent LGBTQ+ Ugandan activist, returned to Uganda after exile due to death threats, and was filmed stabbed in the arm and stomach by two unknown assailants during broad daylight (The Guardian, 2024). The climate of impunity for anti-LGBTQ+ attacks by non-state actors is growing due to wider state messages and intensified atmosphere of the public mood, bolstered, and caused by the renewed Act. The purpose of the article is to set out how LGBTQ+ people in Uganda are either regarded as victims or deviants with no autonomy. The reason there are opposing views, shows the reality of how LGBTQ+ people do not regard themselves as either of those things and to demonstrate that they are agents of change and have autonomy. We argue that despite the narratives which frame LGBTQ+ Ugandans as deviants or victims with no autonomy, they are neither of these.

Fighting Back? Ugandan LGBTQ+ Communities and Navigating the Pink Line.

As stated, LGBTQ+ Ugandans face a unique tension in that they are framed and constructed as either ‘deviants’ or ‘victims’ from opposing narratives on either side of the pink line, with much of the framing leaving little space to highlight that they are agents of their own change. Furthermore, it appears that throughout this geopolitical divide of the pink line, the voices of the Ugandan LGBTQ+ community have been framed on both sides of the debate, as powerless and lacking in agency. This is not the case however, as LGBTQ+ Ugandans have skilfully navigated the pink line, and in doing so, have been present and active throughout this socio-historical shift in legislation.

In 2007, four LGBTQ+ activists sat down at a pre-arranged media conference at the Speke Hotel in Kampala. Responding to recent murders of LGBTQ+ people, and wearing anonymous rainbow masks, they stated (Nichol, et al., 2018):

We step into the public today to give a face to the many of us who are discriminated against every day in our country...many of come before you today with masks to represent the fact that you see homosexuals and transgender people every day without realising that it is what we are. We do not harm anyone. We are your doctor, your teacher, your best friend, your sister, maybe even your father or son. (p. 328)

The Ugandan LGBTQ+ community have been pushing back against political and religious homophobia long before that of the inflaming of it via Christian evangelicals such as Scott Lively and the first Anti-Homosexuality Act (2014), with Uganda’s LGBTQ+ community organisations being some of the oldest in Africa (Nichol, et al., 2018). The LGBTQ+ movement, despite seeing a flight of queer people from Uganda to neighbouring nation states such as the Kenyan Kakuma Refugee Camp, and internationally, have still

mobilised and are not simply waiting for the rest of the world to save them via international aid or as a pawn of Western influence (Nichol, et al., 2018).

The framing of the Ugandan LGBTQ+ community by many Western media outlets, as both a rhetoric of tragedy and ‘the worst place to be gay’ are forces which hold back the movement as a whole and which veil the progress made by Ugandan LGBTQ+ activists themselves, despite living in a hostile environment. This approach is what Waites (2019) describes as the ‘human rights rainbow’ as an imaginary in mainstream Western human rights and media discourses, whereby a top-down model of LGBTQ+ human rights, guided by the United Nations, permeate state institutions. This approach increasingly takes a one-directional passive model whereby “human rights are imagined as travelling from their home in the West, to somewhere over the rainbow” (Waites, 2019, p. 6). However, many LGBTQ+ Ugandans and activists have resisted this essentialist framing in numerous ways, which are set out as follows.

Firstly, as an organised activist collective, the Ugandan LGBTQ+ community have instigated both national and international campaigns, won global awards, hosted Pride events (four times in a row until later police interference), engaged in police sensitisation training, whilst also providing support for their own community. They have continued advocacy and litigation, despite the social challenges faced (Jjuuko & du Toit, 2017; SMUG, 2023). In December 2023, for example, activists presented a challenge to the Ugandan Constitutional Court against the Anti-Homosexuality Act (2023), arguing that it violates their constitutional rights. Activists have grounded their defence on local and international mechanisms, such as the African Charter on Human People’s Rights, the Protocol to African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, and the Conventions against Torture along with the Convention on the Rights of the Child (Southern Poverty Law Centre, 2024).

Secondly, whilst HIV and AIDS funding enabled a historical filter for LGBTQ+ organisations in Uganda to proliferate and grow organically from this (Nichol, et al., 2018) the public health argument has also been utilised to develop a way of pushing back against legislation, as well as crucially using wider public health narratives. Richard Lusimbo, the Director-General of the Uganda Key Populations Consortium (UKPC) stated publicly that the Act will “be a disaster to the Human Rights of LGBTI people, a disaster to public health and the fight against HIV/AIDS, and a disaster to the important human rights work of various institutions” (Nakkazi, 2023, p. 662). Uganda was making steady progress in tackling HIV by 2023, and between 2010 and 2021, the country’s new HIV infection rate decreased by 39% (AIDSInfo, 2023). Now, with 1.4 million Ugandans living with HIV and AIDS (US Embassy in Uganda, 2023), activists have pointed toward obstructed healthcare workers who will be forced to report fellow Ugandans, and therefore, driving LGBTQ+ people (and others) living with HIV, away from services. This has been evidenced with historical precedent, whereby in April 2014, after the passing of the first Anti-Homosexuality Act (2014), police falsely raided a healthcare provider and arrested an employee for “training youths in homosexuality” (Aljazeera, 2014, p.). During the revision and passing of the recent law, drop-in centres only saw an average of two clients per week from fifty per day in March 2023, a significant client drop accessing condoms and Anti-Retroviral Treatments (ART) (NAM Aidsmap, 2023).

On May 29th, 2023, the Ugandan Health Minister Dr. Jane Ruth Aceng Ocero responded to a concerned post on X from the US Global AIDS Coordinator, Dr. John Nkengasong, stating that “The Government of Uganda will ensure that prevention programs for HIV Epidemic control remains accessible to those that need them in a non-discriminatory manner observing principles of confidentiality and equity” (New Security Beat, 2023, para. 4). However, obfuscating this issue further, the Anti-Homosexuality Act (2023) has a ‘duty to report’ those suspected of having, or even those intending to have, same-sex sexual

relationships. Alongside this, language is used within the same Act to protect healthcare workers from violating confidentiality provisions, and so technically they should report all cases of LGBTQ+ sexual conduct to the police. The cultural memory of events after previous legislation passing, and the decline in HIV clinic attendance, has led to doctors and healthcare workers being concerned about the law's repercussions not only on LGBTQ+ populations, but also regarding doing their own work (SMUG, 2023). This strategic amplification of healthcare workers concerns has been raised by Ugandan LGBTQ+ activists as another method in which to push back against recent legislation.

Linked to this, LGBTQ+ Ugandans have utilised the 'boomerang effect' in which the LGBTQ+ community, lacking state support or facing hostile responses, have engaged with, and activated transnational mechanisms. The aim of this is to press their national government to abide by their own international human rights commitments (Keck & Sikkink, 1998). LGBTQ+ Ugandans are then provided with access to the international arena and may then leverage resources for conducting campaigns and raising awareness of human rights abuses. This trade off with international LGBTQ+ civil society ensures that these linkages provide legitimate claims for the organisation to show that they are "struggling with, and not only for" Ugandan LGBTQ+ organisations (Keck & Sikkink, 1998, p. 13).

Yet, this is not always a straightforward process of 'throw and return' as a boomerang does from sender to a receiver, as a simultaneous 'ricochet' has also been set into motion by Ugandan LGBTQ+ organisations. This is described by Holzhacker (2012) as a purposeful effect through "a process in which information and arguments ricochet rapidly across a set of institutions and civil society that press national governments" (Holzhacker, 2012, p.2), thereby amplifying voices and reflecting campaigns and activism at a much wider level. This simultaneous rapid crossfire (or ricochet) of ideas, exchanges and idea diffusion allows institutions such as Ugandan, western LGBTQ+ organisations, and other agencies, to work

together to achieve objectives that they may not be able to reach separately. Examples of this have seen LGBTQ+ activists from Uganda attending training courses hosted by LGBTQ+ organisations in the Global North and developing South-South networks and learning from LGBTQ+ activist successes in other states such as South Africa, in the Global South (Nichol, et al., 2018).

Since the revised *Anti-Homosexuality Act* (2023) has come into effect, Ugandan human rights organisations such as Chapter Four Uganda have suggested sanctions on leaders who have engaged with human rights abuses (CSIS, 2023). Dr. Frank Mugisha, Executive Director at Sexual Minorities Uganda (SMUG) has stated that religious leaders should be held accountable for spreading hatred, alongside imposing travel restrictions against those spreading harm and exposing extreme conservative groups from outside of Africa that are advocating on the continent (Wilson Centre, 2023). This tactful change of narrative framing which considers all human rights abuses, not just LGBTQ+ abuses, ensures that international actors and their interventions do not only single out LGBTQ+ people as the only Africans who are ‘cared for’ by the West, therefore preventing further stigmatisation and animosity (Wilson Centre, 2023).

Conclusion

During a shifting legal landscape and with the atmosphere of the renewed Anti-Homosexuality Act (2023), LGBTQ+ Ugandans have been entangled within a pink line which they have been forced to navigate. This Act has built upon a socio-historical succession of anti-LGBTQ+ legislation from colonial times onwards. Queer histories of the former empire of Buganda have been reformed via a deliberate cultural amnesia which has allowed for increased interference of Western churches in collaboration with the state. Anti-colonial sentiment as an existential crisis of Ugandan identity, alongside economic downturns, have formed this anxiety into the framing of LGBTQ+ identity politics as ‘un-

African.’ Through the positing of a ‘purity’ narrative of the Ugandan state, this subsequently frames LGBTQ+ Ugandans as ‘pawns of the west’ and as ‘deviants’ who need state-led measures to regulate and control them. Whilst doing this, it ironically uses western involvement via American churches, who have fed into this anxiety and elevated levels of homophobia. Some global responses from the West and from international organisations and their framing of LGBTQ+ Ugandans as passive ‘victims’ of the *Anti-Homosexuality Act* (2023) have sought to reinforce these narratives as the Ugandan state deepens its own position.

Sat within the middle of this pink line being drawn both within and external to the state, LGBTQ+ Ugandans have found themselves navigating an increasingly thinner pink line, as they fight back against both macro narratives of being both ‘deviant’ and ‘victim.’ Whilst undoubtedly facing numerous human rights harms and violations in an increased climate of homophobia, they have also formulated their own strategies as agents of their own change, to seek opportunities to frame their own narratives in fighting back against the Act itself, whilst ensuring that their own LGBTQ+ populations are protected. It remains to be seen what will happen if the Acts’ contestation is rejected by the Constitutional Court in the future and what this means for LGBTQ+ Ugandans, however, simplistic narratives of both victim and deviant need to be reworked if the LGBTQ+ community need support to navigate their own future with agency.

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