



UGANDA

LGBT+ Business Climate Score

Out Leadership's snapshot of the current state of affairs for LGBT+ people, through the lens of international business.

The business Climate Score rating is out of ten possible points, and is based on ten independently verifiable indicators of the legal, cultural and business context for LGBT+ people.

1.5

0 1 2 3 4 5 6 7 8 9 10

1. Are consensual homosexual acts between adults legal?	0 No	6. Is sex reassignment surgery at birth for intersex children prohibited?	0 No
2. Is marriage or civil unions for same-sex couples available?	0 No relationship recognition	7. Are sexual orientation and gender identity discrimination in employment prohibited?	0 No
3. Is being LGBT+ punishable by death?	1 No	8. Is there a US State Department warning against travel for LGBT+ individuals?	0 Yes
4. Are sexual orientation and gender identity discrimination in the provision of goods and services prohibited?	0 No	9. Do companies sponsor Pride or other means of promoting LGBT+ visibility?	0 No
5. Can transgender people legally change their gender markers?	0 Yes	10. Are there laws prohibiting freedom for assembly or speech for LGBT+ people (i.e. "Anti-propaganda" laws, media gags, etc)?	0.5 No, but officials act as though they were

How to Use This Brief

As a business leader, you have the opportunity to create change for LGBT+ people around the world – both within your organizations and in the countries where you do business. This brief provides valuable information to inform your conversations with:

Internal Staff: Ensure that staff at your company who do business in-country are aware of the laws and other regulations that impact LGBT+ people there, and that they've adopted the appropriate internal policies for their location.

Government Leaders: In your meetings with government leaders, particularly those focused on business expansion or diplomacy, we encourage you to bring up the information shared in this brief in an appropriate way, and help them understand how LGBT+ inclusive policies are part of your company's best practices, and acknowledged as global standards. You are the best person to judge whether you have the ability to have such a conversation with a local leader in an appropriate way. Your Government Affairs officer, Diversity & Inclusion head, or equivalent may be appropriate to include in these conversations.

In-country Business Partners: In conversations with business partners, when appropriate, ask them what they're doing to address LGBT+ inclusion, and help explain why inclusion positively impacts your ability to conduct business there.

Talking Points

"The criminalization of same-sex intimacy creates a hostile environment for LGBT+ people and anyone who supports LGBT+ rights in Uganda. This causes serious obstacles to global talent mobility for many multinational companies."

"The anti-LGBT+ statutes in Uganda make it challenging for international corporations and institutions to do business here without incurring intense criticism from the global LGBT+ community."

"Uganda would be a more attractive country for foreign investment, tourism, and development aid if Sections 145, 146, and 148 of the Penal Code Act, Chapter 120, Laws of Uganda, which criminalize homosexual acts, were repealed."

"Parliament's 2013 passage of the Anti-Homosexuality Act, annulled by the Constitutional Court the following year, and continued threats by some MPs to push for new anti-gay legislation have severely damaged Uganda's reputation as an open society that is friendly to international business, globally."

"The 2005 constitutional amendment that made same-sex marriage illegal (Article 31, section 2a) makes it hard to consider relocating top LGBT+ talent to Uganda."

"Even based on conservative estimates reporting that 4-6% of the general population identifies as LGBT+, there are between 1.5 and 2.3 million LGBT+ people in Uganda. If the government repeals its anti-LGBT+ laws, hundreds of thousands of LGBT+ people will be able to participate more fully and openly in the economy."



Current Legal Status of LGBT+ People

Legal Status of the Lesbian, Gay, and Bisexual Community

Uganda's Penal Code criminalizes "carnal knowledge of any person against the order of nature" under Section 145, carrying a maximum sentence of life in prison, and "gross indecency" under Section 148, carrying a maximum sentence of seven years in prison. Both male and female same-sex relations, though not explicitly referenced in these sections, have been interpreted as violating the code de facto. LGBT+ people have been prosecuted, convicted, and imprisoned accordingly.

Uganda's legislature passed the Anti-Homosexuality Act in December 2013 to explicitly codify same-sex relations as a crime. The law, which was annulled by the Constitutional Court in August 2014 due to a procedural error, punished "homosexuality" with life imprisonment and prohibited "homosexual propaganda."

In 2005, Uganda's constitution was amended to make same-sex marriage illegal.

Legal Status of the Transgender and Gender-Diverse Communities

The concept of "gender identity" is not recognized in Uganda. In addition, Uganda's legal system and culture privileges males, resulting in heightened discrimination against those transitioning from male to female.

Transgender people are detained according to the gender listed on their identity documents, not their gender identity. Detained transgender people have reported being groped, stripped, raped, and sexually assaulted by officers and other detainees.



Current Legal Status of LGBT+ People

Government Statements and Actions

The Constitutional Court ruled in November 2016 that part of the Equal Opportunities Commission Act that prohibited the commission from investigating anything "considered to be immoral or socially harmful, or unacceptable by the majority of the cultural and social communities in Uganda" was unconstitutional, allowing for the possibility of the courts hearing cases related to LGBT+ discrimination.

Ugandan officials have prevented pride celebrations in the country's capital for two years. In August 2016, police raided a fashion show that was part of Kampala's pride, shutting down the festivities and causing the following day's event to be canceled. The LGBT+ community tried to hold an event the following month, but that too was halted by law enforcement. A year later, after months of negotiations between LGBT+ activists and the government to organize low-key pride celebrations, police surrounded the festivities' venue and shut down Kampala's pride.

Through the country's NGO Board, a government regulatory body that approves and denies NGO registrations, there have been increased restrictions around human rights and LGBT+ advocacy groups. The NGO Board is authorized to deny registration to organizations focused on issues deemed "undesirable" or "prejudicial" to the "dignity of the people of Uganda." Currently, anti-gay politicians are seeking to pass a law that gives the NGO Board even more control to ban groups that it deems not in the "public interest," particularly LGBT+ advocacy groups and foreign humanitarian aid groups who are believed to support LGBT+ rights.

LGBT+ people are culturally perceived to be predatory. In turn, politicians use anti-LGBT+ rhetoric and fear-mongering tactics regularly in governmental discourse to present themselves as "heroes" and defenders of the public good.

Socio-cultural Environment of LGBT+ People

Status of LGBT+ Organizing and Community

Pride events were brutally shut down by police forces in 2016 and 2017, as were International Day Against Homophobia, Biphobia Intersexism and Transphobia and HIV/AIDS conferences in 2018, but Pride Uganda and Sexual Minorities Uganda. Sexual Minorities Uganda currently plans to hold an event in 2018.

Isaac Mugisha, a co-coordinator of Pride Uganda, told reporters in 2018 that in recent months "cases of people being arrested, put in police cells, and tortured have been greatly reduced."

The hostile legal and cultural climate means that being "outed" is a daily fear for LGBT+ people in Uganda. The media spreads fear and harassment through tabloid publications with headlines like "Top Homosexuals." Outing often leads to LGBT+ individuals being evicted from their homes.

Cultural Views of the LGBT+ Community

Homophobia is a colonial import to Uganda and deeply rooted in colonial laws. Over the past few decades, American Evangelical Christians have exacerbated the colonial and Christian underpinnings of homophobia through anti-gay religious propaganda and tactics. As a result, nearly 90% of Ugandans believe homosexual behavior is morally unacceptable.

Impact of LGBT Discrimination on Business & Talent

1 • NO RISK

2 • LOW RISK

3 • MODERATE RISK

4 • NOTABLE RISK

5 • HIGH RISK

BRAND RISK **HIGH**

There is high brand risk in supporting the LGBT+ community in Uganda due to the possibility of provoking negative reactions from Ugandan politicians.

CLIENT RISK **HIGH**

For many companies, doing business in Uganda involves significant compromises on diversity and inclusion policies. Given the global LGBT+ community's increased scrutiny of Uganda's anti-LGBT+ laws, LGBT+ clients may choose to move their business away from companies that conduct business in Uganda.

TALENT RISK **HIGH**

Many top LGBT+ identified employees cannot be relocated to Ugandan offices due to a reasonable fear of imprisonment and violence. Because anti-LGBT+ actions can be based on the mere perception of homosexuality or support for LGBT+ rights, even heterosexual employees may be at risk of discrimination and prosecution.

MARKETING RISK **HIGH**

As a result of anti-LGBT+ laws, corporations cannot undertake any LGBT+ specific marketing efforts when doing business in Uganda. Furthermore, because of loose interpretation of laws, support for the LGBT+ community in Uganda could lead to legal prosecution.

Local Leaders Advocating for LGBT Equality

Out Leadership encourages you and your firm to engage in safe and cautious discussion with local leaders around LGBT+ equality and to leverage your firm's influence to support their work. Below are several key leaders who are advocating for LGBT+ equality in Uganda:

Dr. Frank Mugisha
Executive Director
Sexual Minorities Uganda (SMUG)

Rev. Mark Kiyimba
LGBT+ Activist, Founder & Senior Minister
Unitarian Universalist Church of Uganda

Kasha Jacqueline Nabagesera
Co-founder and editor of Uganda's first and only LGBT+ publication, *Bombastic*; head of sole LGBT+ news outlet *Kuchu Times*; founder of the LGBT rights organization Freedom & Roam Uganda (FARUG)

Pepe Julian Onziema
Programme Director
Sexual Minorities Uganda (SMUG)

Warry Senfuka
Executive Director, FARUG

Purpose

Multinational companies face operational and reputational risk when they do business in countries where the legal and/or social atmosphere makes it difficult for LGBT+ people to live openly. Discrimination against LGBT+ people creates serious challenges for talent mobility, retention, and development.

Out Leadership's LGBT+ CEO Business Briefs seek to help C-Suite leaders understand and respond to these risks. Secondly, these Briefs seek to inform and empower corporate executives to engage in conversations with trade officials and other local stakeholders about why discrimination against LGBT+ people negatively impacts their ability to do business.



Additional Resources

2016 International Gay and Lesbian Association State Sponsored Homophobia Report

This report contains a country-by-country analysis of anti-LGBT laws and policies around the world.

2016 Human Rights Watch World Report

This report contains a country-by-country analysis of human rights concerns for 2014, and includes specific information pertinent to LGBT issues.

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