

LGBTQ+ (in)activism in the context of enhanced criminalisation: The case of Uganda

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Introduction

LGBTQ+ activism in Uganda is largely criminalised. While the Constitution protects the right to freedom of association and assembly, the Anti-Homosexuality Act criminalises the ‘promotion of homosexuality’, effectively targeting any support work for LGBTQ+ persons. This brief discusses how activists navigate an increasingly restrictive environment and identifies emerging strategies under conditions of legal and social repression.

The legal status of LGBTQ+ activism in Uganda

Uganda’s legal framework combines constitutional provisions, statutory restrictions, and judicial interpretation in a way that significantly limits LGBTQ+ activism. While Article 29 of the Constitution protects freedom of association, this right is restricted by the ‘public interest’ clause in Article 43. The Courts have consistently held that organisations supporting LGBTQ+ persons are essentially not protected by the Constitution as their work is seen to be against the public interest.

Section 11 of the Anti-Homosexuality Act reinforces this position. It criminalises the ‘promotion of homosexuality’, a broad term that essentially refers to any support work for LGBTQ+ persons, including providing financial support or running organisations that are seen as encouraging or normalising same-sex relations. In April 2024, the Constitutional Court upheld this provision, arguing that its meaning was clear.

Adding to these acts, other provisions further extend criminal liability, including the Penal Code. In sum, both same-sex relations, and any efforts to do support work, advocacy, or activism for LGBTQ+ equality are criminalised. No other groups in Uganda are targeted specifically by the law to such an extent, and as such the Ugandan case is one of ‘overcriminalisation’. The latest addition to this legal arsenal is the Protection of Sovereignty Act, 2026 which regards ‘any activities aimed at influencing, imposing or normalising ideologies which are inconsistent with the Constitution or which conflict with any culture, customs or norms of any of the communities listed in the Third

Key messages

- LGBTQ+ activism in Uganda is effectively criminalised under overlapping legal provisions.
- The prohibition of ‘promotion of homosexuality’ enables broad restrictions on organising and advocacy.
- Activists rely on low-visibility, informal, and transnational strategies to navigate the restrictions.

Schedule to the Constitution’ as political work. This language is like that used in the Anti-Homosexuality Act and so this provision targets persons working on LGBTQ+ issues. The effect of this work being designated political is that the person or entity is required to register as a foreign agent and declare any funds beyond four hundred million shillings (slightly over 100.000 US Dollars) received in any twelve month period.

The sum of all these provisions is that both consensual same-sex sexual relations, and any efforts to do support work, advocacy, or activism for LGBTQ+ equality are criminalised – under multiple laws and legal frameworks. Any person, act, or support of those identifying as LGBTQ+ is criminalised. This is a typical case of ‘expanded criminalisation.’

The courts have used the concept of conspiracy to extend the already existing restrictions. In the case of *Kasha Jacqueline v Attorney General & Rev. Simon Lokodo* (2014), for example, the High Court upheld the shutdown of an LGBTQ+ skills workshop. The court based its decision on the laws that criminalise and prohibit same-sex marriage. The judge stated that it is not only illegal to commit an offence, but also to encourage, assist in, or plan an offence with others even if the offence does not actually take place. Therefore, people involved in activities that encourage members of the LGBTQ+ community to engage in conduct considered to be criminal are effectively supporting illegal acts.

Similarly, in the case of *Frank Mugisha & 2 others v Uganda Registration Services Bureau* (2014), the High Court upheld the refusal to register an LGBTQ+ organisation asserting that the organisation was formed for illegal purposes.

Non legal drivers of repression

On top of legal restraints, the Ugandan LGBTQ+ community is met with strong societal hostility. Consecutive polls indicate that many are in favour of the current criminalisation. For example, in 2013 the Pew Research Centre found that 96% of Ugandans did not accept homosexuality, while in 2016, the Afrobarometer survey found that 95% of Ugandans would not tolerate having a homosexual neighbour. In 2023, a new Afrobarometer survey found that only 5% of Ugandans would tolerate same sex relations – marking no difference since 2016.

Uganda has a powerful lobby of conservative religious leaders supported by evangelicals mainly from the US who work to ensure that homosexuality and activism related to it remains criminalised and suppressed. For example, in March 2023, during the time the Anti-Homosexuality Bill was pending before Parliament, the African Inter-Parliamentary Conference on Family Values and Sovereignty, was held at State House Entebbe, Uganda in March 2023 hosted by the Speaker of Uganda’s Parliament and attended by among others, Sharon Slatter, President of Family Watch International – an anti-gay religious rights group. At this conference, participants advanced a coordinated, anti-LGBTQ+ and “pro-family values” agenda, culminating in a draft continental charter aimed at resisting Western influence in law, health, and education.

Support for LGBTQ+ activists is dwindling also beyond Uganda. The Trump administration has cut funding and political support, a move that makes activism much more precarious and dangerous as Ugandan activists are now left to fend for themselves.

In addition, the decline of multilateralism with weak UN human rights bodies and many intergovernmental agencies undermined by funding cuts, political propaganda, and inaction as well as resurgence of conversations on ‘traditional values’ makes it difficult to rely on international solidarity for protection.

A dramatically shrinking space for LGBTQ+ activism

The combined effects of criminalisation and homophobia have decimated LGBTQ+ organising in Uganda. Hardly any organisations speak out publicly against the law or challenge discrimination. US evangelist Scott Lively described the first version of the Anti-Homosexuality Act as aimed at having the effect of an ‘atomic bomb’ on Uganda’s LGBTQ+ organisations. The 2023 version of the Act has essentially achieved this effect. Many activists have gone back to the closet, been forced to leave the country, or to go silent.

Activism has clearly become riskier with leading activists being threatened. Even before the Anti-Homosexuality Act, Advocate Nicholas Opiyo, the then Executive Director of civil rights organisation Chapter Four Uganda, was arrested and charged with money laundering for receiving money from a funder supporting LGBTQ+ rights, among other things, in 2021. As at the end of June 2026, chapter 4 remained closed as one of the organisations suspended in January 2026. Sexual Minorities Uganda, the umbrella for LGBTQ+ organisations was ordered to stop operations as it had no valid registration in August 2022. In 2022, Human Rights Awareness and Promotion Forum (HRAPF), a legal aid service provider was placed under investigations for sponsoring a bylaw for inclusive HIV services in Kasese District, and has since not been granted an operational permit. These and the increased arrests under the Anti-Homosexuality Act, all point to an environment of repression that makes it difficult for activism to thrive.

Adaptive short-term strategies

In a context where the choice lies between continuing activism and breaking the law or remaining within the law by keeping silent, many have opted for a middle ground or simply left the country continuing their activism from abroad.

Yet, some short-term steps have been taken, hoping to keep hope alive and people safe. Some of these strategies are not “new” but they are recalibrated to respond to a more restrictive and punitive environment:

1. Challenging the law in courts of law has been the most visible response. The challenge was partially successful with parts of the Anti-Homosexuality Act overturned, but with the provisions on criminalisation of the sexual act and promotion of homosexuality untouched. The challenge now continues at the Supreme Court.
2. Closer coalescence around addressing the impacts of the law has also happened under the auspices of the Convening for Equality which brings together different LGBTQ+ organisations working to oppose the law. So far this is working in terms of emergency response, joint strategising and joint challenging of the Anti-Homosexuality Act as well as developing joint position statements on the law.
3. Emergency support to people facing risks, which includes legal responses in cases of arrests and emergency relocation in cases of evictions or violence.
4. Engaging national human rights bodies particularly the Uganda Human Rights Commission and the Equal Opportunities Commission to use their constitutional mandates and influence to ensure protection of LGBTQ+ persons and activists.
5. LGBTQ+ groups have joined broader struggles for democracy, rule of law and good governance, including participation in anti-corruption protests, where some have been arrested for their anti-corruption activism.

6. Documenting human rights violations and doing more research on the impact of the law is another strategy. This helps to build evidence for future use in courts of law or in lobbying efforts.

The way forward: Long-term strategies for LGBTQ+ activism in Uganda

As a scholar, lawyer and human rights activists within this field in Uganda, I suggest the following as long term strategies, that will help to move activists away from being fire fighters, to a more sustained and proactive approach to ensure protection of LGBTQ+ persons in Uganda:

1. Tapping into activism from the closet strategies espoused by scholars like El Menyawi for Egypt - use less of the visible (what he calls Stonewall) strategies and engage in a much less obvious way. For example, for strategic litigation this would mean bringing cases challenging general laws that have a disproportionate impact on LGBTQ+ persons as was done in *Jjuuko Adrian v Attorney General* (2016) on a provision of the Equal Opportunities Commission Act and *Francis Tumwesige v Attorney General* (2022) on vagrancy laws.
2. The second approach would be to continue documenting the incidence of violations of LGBTQ+ rights over a longer period of time. This will build an evidence base of violations that can later prove useful in courts of law, international bodies or the executive.
3. Finally, there is need for older activists to mentor younger activists who can take the struggle for equality forward. It is clear that this is a struggle for the long haul, and activists need to prepare mentally for a longer struggle. In such a context, passing on knowledge to and engaging more younger activists will go a long way in preparing for the future.

Conclusion

It is clear that the times have changed, and there is a serious onslaught against LGBTQ+ activism. It would thus not be wise to continue doing the exact same things as before.

The political and judicial opportunity structures in Uganda at the moment do not support continued open advocacy and activism as it is too dangerous for activists. Activists continue to come together selectively through low-profile coordination, particularly around emergency response, strategic litigation, and documentation, including under coalitions such as the Convening for Equality.

In the short to medium term, activism is best understood through strategies of survival. "Activism from the closet" has become a defining approach, with activists embedding their work in broader human rights struggles, prioritising protection, and pursuing incremental change rather than overt advocacy.

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