

Stonewall

# ABOUT THIS RESOURCE

**This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.**

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

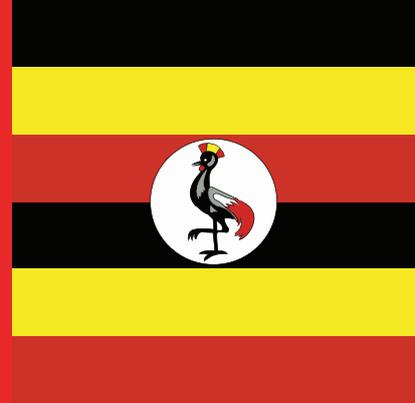
Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at [www.stonewall.org.uk](http://www.stonewall.org.uk)

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.

# UGANDA



Population: 40.8 million



Stonewall Global Diversity Champions: 19



## THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by employers across their global operations.

Uganda is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

To help put this into context, it is important to note that two further zones exist:

In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation.

In Zone 2 countries sexual acts between people of the same sex are legal but but no clear national employment protections exist on grounds of sexual orientation.

### FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Articles 21, 23, 24 and 27 of the Constitution of Uganda protects the **right to freedom of expression, association and assembly**.

There are **no LGBT-specific additions or restrictions** to these rights.

### FAMILY AND RELATIONSHIPS

Any action or attempt to **have carnal knowledge of another against the order of nature is criminalised** and are punishable with up to seven years imprisonment under Sections 145 and 146 of the Penal Code.

While not explicitly stated, **sexual acts between people of the same sex** have long been seen as **falling under this**.

In February 2014, the Ugandan parliament passed an **Anti-Homosexuality Act** but it was **repealed** the following August due to irregularities in the procedure of its passing.

**Same-sex marriage is not legal** as the Marriage Law defines marriage as a union between a man and a woman.

Same-sex couples **cannot adopt children** because their marriage is not recognised by Ugandan law and only married couples can adopt under Part VII of the Children Act.

### EQUALITY AND EMPLOYMENT

**Employment discrimination** based on **sexual orientation and gender identity is not prohibited**.

**No other provisions** exist to **protect against discrimination** based on **sexual orientation and gender identity**.

Article 21 of the Constitution of Uganda guarantees **equality before the law**. There is no explicit reference to sexual orientation and gender identity.

**Hate crimes** based on sexual orientation and gender identity are **not considered an aggravating circumstance** in sentencing.

### GENDER IDENTITY

Trans people **over the age of 18 cannot change their legal gender**.

Trans people **under the age of 18 can change their legal gender** under Section 14 of the Births and Deaths Registration Act.

**Legal gender change** is **subject to** gender reassignment surgery, certification of operation by a **medical doctor**, an **application by the parents** to the Registrar of Births and Death and **approval from the Registrar**.

Legal gender can only be changed to male or female. There is **no option to change legal gender to a third gender**.

Trans people can **legally change their name on all documents and records**, including birth certificates, under Section 12 of the Births and Deaths Registration Act.

**Legal name change** is subject to **publishing a notification of name change** in the Gazette.

### IMMIGRATION

Dependent visas are available to children and spouses, however, there are **no legal provisions that specifically support immigration of same-sex partners**. As same-sex marriages are not legally recognised, this may pose challenges for same-sex couples applying for dependent visas.

## A VIEW FROM UGANDA

Stonewall spoke to **Takao Foundation**, which works to strengthen the wellbeing, health and livelihoods of marginalised groups in Uganda and Eastern Africa through advocacy and individual and community capacity development. The individual Stonewall interviewed at the Takao Foundation did not wish to be named.

Stonewall also spoke to **Dr Adrian Jjuuko**, Executive Director of the **Human Rights Awareness and Promotion Forum (HRAPF)**. HRAPF promotes the protection of the human rights of marginalised people through legal aid, research and advocacy, strategic litigation, legal and human rights awareness raising, capacity development and strategic partnerships.



### Everyday life

**Takao Foundation:** “Increasing numbers of LGBT people are open about their identity in Uganda. This is likely because there are more mechanisms to support their human rights. Despite this, LGBT people still face verbal, physical and sexual violence, arbitrary arrest and detention, and are regularly denied access to housing, education and employment.”

**Dr Jjuuko:** “One of the biggest challenges for LGBT people in Uganda is the legal framework. Exclusion from education, the economy and housing, as well as violence against LGBT people, are all grounded in or facilitated by the law. Cultural and religious attitudes, which are often influenced by the law, as well as a range of other factors, also impact LGBT people’s struggles. For example, white LGBT people in Uganda may have an easier experience. Also, those who are financially empowered face less scrutiny and are generally safer than people who are poor. Finally, gender plays a big part. For instance, gay men are generally treated more harshly than lesbians.”

### LGBT groups

**Dr Jjuuko:** “While many groups work on LGBT issues in Uganda, only one or two are open about this and are visible. The law is increasingly restrictive for LGBT groups, which makes operating challenging. No groups use ‘LGBT’ in their name and cannot organise open meetings as the law doesn’t allow the association of organisations that are seen as promoting illegalities. LGBT activists are also at risk, with several break-ins or murders targeting LGBT organisations and activists.

LGBT groups are focused on changing the law and perceptions and treatment of LGBT people. For example, HRAPF has been training the police on LGBT issues and organisations like Sexual Minorities Uganda (SMUG) are engaging religious leaders and healthcare workers. Legal advocacy has been successful in the past, but recently, this has not been the case. LGBT issues have become increasingly politicised, with courts upholding the status quo.”

### Visibility

**Dr Jjuuko:** “LGBT people are largely not visible in Uganda. When an LGBT person is well known, it is because they are an activist. People may be wary of being visible because in Uganda, the fact that someone is LGBT can often be used against them. LGBT people feel like they need to be invisible to survive, otherwise they will never be able to access the safety and security afforded to others.”

### Workplaces

**Takao Foundation:** “Discrimination, harassment and violence all mean that at work, LGBT people usually hide their identity. The Ugandan context means employers’ ability to externally support the LGBT community may be limited.

However, there are still internal initiatives businesses can implement to help promote LGBT equality and inclusion. Being vocal about their support for the LGBT community internally clearly demonstrates an expectation that LGBT staff should be respected at work. Businesses can also support LGBT organisations by consulting them about their workplace practices. Finally, businesses can support LGBT organisations more publicly in more accepted areas, such as health and HIV/AIDS.

The climate for LGBT people in Uganda means public advocacy is not going to be effective, but businesses can promote favourable messages for the LGBT community in marketing. This should however be done subtly, for example by focusing on wider issues that may impact the LGBT community, such as HIV/AIDS. If you promote LGBT issues from a perspective that all people can relate to, you are more likely to be successful.”

**Dr Jjuuko:** “The number of LGBT people in formal employment is very low and very few are out at work. Those who are face several problems. People are fired for being LGBT and have no access to justice, as discrimination on the grounds of sexual orientation and gender identity is not illegal. LGBT people also face violence and blackmail from both their employers and colleagues. In general, most employees are not treated well in Uganda, but LGBT people tend to experience the worst of this.

While the situation for LGBT people in Uganda can be challenging, there are still steps employers can take to support LGBT staff. For instance, discrimination and harassment policies covering sexual orientation and gender identity are a key way of protecting LGBT staff. Organisations should also carry out equality and diversity training, which many Ugandan LGBT and human rights organisation offer.

Businesses can also support the LGBT community in Uganda more widely. While public promotion and sponsoring events are not really options, providing funding or pro bono services to LGBT organisations can help the LGBT community and is appropriate for the local context.”

### Healthcare

**Dr Jjuuko:** “LGBT people should have equal access to healthcare but this is not generally the case. Mostly, if you told a healthcare centre you were LGBT, you would not be able to go back there. However, the Ministry of Health supports the Most at Risk Populations Initiative (MARPI) which provides specialised services to LGBT persons. There is limited availability when it comes to many LGBT-specific services and treatments, and stigma towards LGBT people makes accessing them difficult. Wealthy people may be able to access LGBT-specific care through private healthcare. However, in Uganda, some treatments are completely unavailable and so international travel would be required to access them.”

## LGBT INCLUSION IN THE WORKPLACE

Despite the challenging context for LGBT people in Uganda, there is great scope for employers to contribute to a Ugandan society that supports equality for LGBT people. There are several ways that an employer can do this through their programmes and policies – however, to ensure that they develop their practices it is important for them to monitor and evaluate their performance.

Stonewall's [Global Workplace Equality Index](#) is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, there are several steps employers can take to create a more inclusive and supportive workplace environment for their LGBT employees that suits the context of Uganda, while being mindful that LGBT-inclusive activity that is appropriate elsewhere may put LGBT staff in danger in Uganda. The safety and security of LGBT staff, both from Uganda and elsewhere, should be paramount at all times and will require careful consideration. Employers should:

1. Implement globally LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies and equal partner and family benefits.
2. Carry out comprehensive diversity **training**.
3. **Engage staff** by ensuring they can access global ally programmes without exposing themselves to risk.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Evaluate your global **procurement** practices to ensure LGBT inclusion is a key part of the tendering process and your relationship with potential and existing suppliers.
6. Work to **understand the local context and support local communities** by partnering with local LGBT groups.
7. Ensure your **mobility** policies account for employee's sexual orientation and gender identity and provide staff travelling to or from Uganda with adequate, LGBT-specific information. Be prepared to evacuate staff in emergency situations that affect your LGBT employees.



## LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

### Citi

Citi ensures that LGBT people are included throughout their policies. Sexual orientation, gender identity and gender expression are explicitly included in Citi's anti-discrimination and bullying and harassment policies. Employees are required to attend online training on 'Fostering an Inclusive Environment', which specifically addresses LGBT identities, and Citi has hosted global LGBT awareness raising webinars with PFLAG and Stonewall. These webinars covered how to be LGBT allies, along with LGBT rights and advocacy around the world. The sessions were advertised and available to Citi employees in Uganda and were attended by staff based there. Citi has also created a collection of LGBT Travel Safety guides for the 54 countries in which Citi has a presence in Europe, the Middle East and Africa. Citi's EMEA CEO sent these guides to employees in each of these countries, accompanied by a strong message on Citi's commitment to LGBT equality across all countries in which it operates.



## GET INVOLVED



### FIND LGBT GROUPS AND COMMUNITIES

**Cámara de Comerciantes LGBT de UGANDA** – a feminist organisation promoting the rights of lesbian, bi and queer women. [www.faruganda.org](http://www.faruganda.org)

**Icebreakers Uganda** – a local group that works to raise awareness for LGBT people on the human rights aspects of health, particularly HIV/AIDS and tackles discrimination and bullying based on sexual orientation and gender identity. [www.sexualminoritiesuganda.com/icebreakers-uganda](http://www.sexualminoritiesuganda.com/icebreakers-uganda)

**Sexual Minorities Uganda (SMUG)** – a non-governmental organisation that supports LGBTI people by advocating for policy reform and an end to discrimination as a partnership of 18 Uganda LGBTI organisations. [www.sexualminoritiesuganda.com](http://www.sexualminoritiesuganda.com)

**Human Rights Awareness and Promotion Forum** – an organisation working to achieve equality, non-discrimination and access to justice for the most marginalised populations, including LGBTI people. [www.hrapf.org](http://www.hrapf.org)

**Takao Foundation** – a local non-governmental organisation working to strengthen the wellbeing, health and livelihoods of marginalised groups in Uganda. [www.takao-africa.org](http://www.takao-africa.org)



### GET LOCAL LGBT NEWS

**Kuchu Times** – an online media platform for LGBT people. [www.kuchutimes.com](http://www.kuchutimes.com)



## STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 19 ORGANISATIONS OPERATING IN UGANDA.

The *Global Diversity Champions* programme gives you the tools you need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep you informed of legal changes and implications for your staff wherever they are in the world. Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact [memberships@stonewall.org.uk](mailto:memberships@stonewall.org.uk)

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