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UGANDA's anti-homosexuality law poses free speech fears for journalists

By [Muthoki Mumo](#)

[Committee to protect Journalists](#) (20.07.2023) - Kuchu Times was founded eight years ago to give voice to Uganda's LGBTQ+ community. Now, a new anti-homosexuality law is threatening this mission at a time when LGBTQ+ Ugandans are [facing beatings and evictions](#). "People will tell us their stories and ask us not to put them out there, not until it is safer," Kuchu Times deputy director, Ruth Muganzi, told CPJ. "We are meant to ensure LGBTI voices are heard but we are gagged. This is the pain we suffer since the law was passed."

Uganda's [Anti-Homosexuality Act](#), enacted in May, punishes consensual same-sex relations with life imprisonment, entrenching restrictions in a [1950 penal code](#). Those convicted of "aggravated homosexuality" for same-sex relations with minors, the elderly, or the disabled, face the death penalty. There are [reports](#) that the law has [sparked](#) "increased vigilantism" against LGBTQ+ Ugandans, and that some have been [forced](#) into [exile](#) or [hiding](#).

Kuchu Times still posts on its [website](#). But its annual magazine, [Bombastic](#), is on hold in part because the team is grappling with how to print a publication that [mostly features](#) personal accounts without endangering sources.

The law has potential ramifications for the press beyond issues with sourcing. Anyone convicted of printing, broadcasting, or distributing material "promoting or encouraging homosexuality" could be imprisoned for 20 years. Free speech advocates [fear](#) that this provision [poses a risk](#) to the media.

"This law, in so many ways, is an anti-publication law. The broad terms in which it talks about promoting homosexuality can be interpreted to mean anything," said Nicholas Opiyo, a human rights activist and one of the lawyers in a [petition challenging](#) the law's constitutionality. "Covering a story that depicts the community in a positive light could be interpreted to mean promoting homosexuality."

Companies found to be promoting homosexuality face license revocations or fines of up to one billion Ugandan shillings (US\$269,000). It is a financial penalty akin to "strangulation," said Robert Ssempera, executive director of Human Rights Network for Journalists-Uganda, a press rights group.

For Kuchu Times, which [derives](#) its name from the slang that queer Ugandans use to identify themselves, the implications of these provisions are clear — and grave. But there are signs that the law may have a [chilling effect](#) on news organizations that don't solely focus on the LGBTQ+ community, too.

CPJ interviewed 13 journalists about the new law. Most requested anonymity, fearing professional and social repercussions of talking about a law they perceive to have [popular support](#), including within the media industry. Nine told CPJ that while they have not cut back their reporting, and their newsrooms still cover the LGBTQ+ community, the law is affecting the way they work.

Two Ugandan reporters contributing to international media say that they've had trouble finding LGBTQ+ Ugandans to interview about the law's impact on [access to HIV treatment](#), and about incidents of persecution. A third journalist has decided to forgo a byline on some LGBTQ+ coverage "out of an abundance of caution." A newspaper editor and a television reporter told CPJ that company lawyers have been brought into editorial discussions to advise on what copy might breach the law.

"Are you promoting homosexuality if you give a story about a gay person a lot of space in your paper? Or are you just reporting? Should you give these stories lower prominence?" the newspaper editor said. "It is a thin line; journalists might not know where it is until they've crossed it."

Fox Odoi-Oyweloyo, a ruling party politician who voted against the law and is now petitioning against it in court, told CPJ that he recently declined four broadcast interview invitations after journalists called in advance and asked him to tone down his views once on air. Ssempala said that in two instances, broadcast journalists warned him not to "go there" when he broached the law's press freedom implications.

Three of the journalists who spoke to CPJ also expressed concern that given Uganda's [spotty press freedom record](#), which includes [physical attacks](#) on journalists, [arrests](#), and the [use of criminal libel charges](#) against the press, the law might be used as a pretext to target critical media.

"It is a trap that you eventually walk into. You might be punished not because anyone is necessarily outraged because you interviewed an LGBTQ person, but because they are unhappy with your [other] coverage," said Lydia Namubiru, news editor of the Pan-African weekly e-paper, [The Continent](#).

Authorities in Uganda have previously sanctioned the media for its coverage of LGBTQ+ issues. In 2004, regulators [fined](#) a radio station US\$1,000 for depicting homosexuality as an "acceptable way of life" and in 2007, a radio show host was [suspended](#) after interviewing a lesbian activist. Bombastic has also [faced threats](#).

"History has shown us it has happened. It is not inconceivable that the same will happen again," said Opiyo.

Namubiru told CPJ she also worries that the media will "not grow better" at reporting on the LGBTQ+ community while the law makes it difficult or dangerous to publish their voices.

Ugandan media have a [record](#) of [homophobic, even inflammatory](#), coverage of the LGBTQ+ community. In 2010, a now-defunct newspaper [called](#) for the hanging of homosexuals. One of those named in the publication, gay rights activist [David Kato](#), was [bludgeoned to death](#) a few months later. In 2014 the Red Pepper tabloid [exposed](#) the names of people it called the "200 top homos."

In [court filings](#) responding to petitions challenging the law, Uganda's attorney general Kiryowa Kiwanuka said the law does not infringe on human rights, including freedom of

expression. The attorney general said that the law is “intended to protect the traditional family” and is “unambiguous and purposeful.”

Some journalists share similar opinions. A broadcast reporter based in eastern Uganda feels empowered to investigate sexual crimes by a section of the law requiring the public to report “reasonable suspicion” of the “offense of homosexuality,” the reporter told CPJ. CPJ’s emails to the office of Attorney General Kiwanuka were unanswered. CPJ called Asuman Basalirwa, the opposition legislator who [authored the law](#), and sent requests for comment via his parliamentary email address and text message but did not receive any replies.

Other African journalists may also soon face freedom of expression concerns surrounding [anti-LGBTQ+ laws](#). Ghana is [considering](#) a law which carries the [potential for censorship](#). In Kenya, one lawmaker has [called](#) for [abanon](#) “any discussions, publications and spread of news on same-sex relationships” while another has [drafted a law](#) similar to Uganda’s. Cameroon’s media regulator has [threatened to suspend programs](#) “promoting homosexual practices.”

As Ugandans [wait](#) on the courts to decide the constitutionality of the Anti-Homosexuality Act, Muganzi remains defiant. This law, she said, is just another battle for the country’s LGBTQ+ community and Kuchu Times will not stay away from the frontlines.

“We must keep speaking up so that Ugandans have a wider picture of LGBTI people. We must keep saying: We are not a myth. We are not an import of the West. We are your friends, your neighbors, your brothers, and your sisters,” she said. “As a lesbian woman, I do not have the privilege to remain afraid and silent.”

UGANDA: New anti-homosexuality law bans identification as LGBTQ

Law could be the first to criminalise identifying as lesbian, gay, bisexual, transgender and queer (LGBTQ): Rights Watch

[Al Jazeera](#) (22.03.2023) - Uganda’s parliament has passed sweeping [antigay legislation](#) that proposes tough new penalties for same-sex relationships and criminalises anyone identifying as LGBTQ.

While more than 30 African countries, [including Uganda, already ban same-sex relationships](#), the new law passed on Tuesday appears to be the first to outlaw merely identifying as lesbian, gay, bisexual, transgender and queer (LGBTQ), Human Rights Watch said.

“The ayes have it,” Parliamentary Speaker Anita Annet Among said after the final vote, adding that the “bill passed in record time”.

Legislators amended significant portions of the original draft law, with all but one speaking against the bill. Supporters of the tough legislation say it is needed to punish a broader array of LGBTQ activities, which they say threaten traditional values in the conservative and religious East African nation.

The legislation will now be sent to President Yoweri Museveni to be signed into law.

Museveni has not commented on the current legislation but has long opposed LGBTQ rights and [signed an anti-LGBTQ law in 2013](#) that Western countries condemned before a

domestic court struck it down on procedural grounds. Nevertheless, the 78-year-old leader has consistently signalled he does not view the issue as a priority and would prefer to maintain good relations with Western donors and investors.

Discussion about the bill in parliament was laced with homophobic rhetoric, with politicians conflating child sexual abuse with consensual same-sex activity between adults.

"Our creator God is happy [about] what is happening ... I support the bill to protect the future of our children," legislator David Bahati said during the debate on the bill.

"This is about the sovereignty of our nation, nobody should blackmail us, nobody should intimidate us."

In addition to same-sex intercourse, the law bans promoting and abetting homosexuality as well as conspiracy to engage in homosexuality.

Violations under the law also involve steep penalties, including death for so-called "aggravated" homosexuality and life in prison for gay sex. Aggravated homosexuality involves gay sex with people under 18 years old or when a person is HIV positive, among other categories, according to the law.

In recent months, conspiracy theories accusing shadowy international forces of promoting homosexuality have gained traction on social media in Uganda.

Frank Mugisha, executive director of Sexual Minorities Uganda, a leading gay rights organisation whose operations were suspended by authorities last year, told the AFP news agency earlier this month that he had already been inundated with calls from LGBTQ people over the new bill.

"Community members are living in fear," he said.

In an opinion submitted to a Ugandan parliamentary committee earlier this month, Human Rights Watch said the new law "would violate multiple fundamental rights guaranteed under Uganda's Constitution and international human rights instruments to which Uganda is a party".

"Criminalization of consensual same-sex conduct contributes to a climate in which [violence and discrimination against LGBT](#) people is widespread," the organisation said.

Last week, police said they had arrested six men for "practising homosexuality" in the southern lakeside town of Jinja. Another six men were arrested on the same charge on Sunday, according to police.

"One of the most extreme features of this new bill is that it criminalizes people simply for being who they are as well as further infringing on the rights to privacy, and freedoms of expression and association that are already compromised in Uganda," said Oryem Nyeko, Uganda expert at Human Rights Watch.

"Ugandan politicians should focus on passing laws that protect vulnerable minorities and affirm fundamental rights and stop targeting LGBT people for political capital," he said.

Further reading

[Human Rights Watch](#)

HRWF additional comment

Between the lines, Uganda is sending a very clear signal to the West, which is echoing the civilizational crisis currently opposing Russia against Europe and North America. In essence, Kampala is saying: "Do not force us to adopt laws that our people do not want in exchange for economic aid and investment. That would be blackmail, arrogance, the return of white supremacy and cultural colonialism." A number of African churches have broken away from their mother churches in the West over ethical-theological issues. Evangelical churches imported into Africa are fighting homosexuality. China, Russia and Muslim-majority countries do not link the development of their political and economic relations with African countries to human rights. While remaining true to its values, the West should re-examine its conditionality policy in order to avoid the accusation of neo-colonialism. Otherwise, African countries may also in their own way follow the example of Putin to restrict the activities of local NGOs funded by the West.
