

Christian fundamentalism lies behind harsh new anti-LGBTIQ bill in Uganda

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Only two MPs voted against Uganda's anti-LGBT bill, passed this week. We talk to one of them, Fox Odoi-Oywelowo

Fox Odoi-Oywelowo is one of only two Ugandan MPs who voted against the country's controversial and draconian Anti-Homosexuality Bill 2023, which was passed by Parliament this week and punishes homosexuality by life in prison - advocating for the death penalty in certain cases.

Odoi-Oywelowo, a longtime member of Uganda's ruling party and President Yoweri Museveni's legal adviser for more than 15 years, also signed a [minority report](#) disagreeing with the new anti-gay bill.

The bill - [read our explainer here](#) - will not go into effect until Museveni signs it into law.

In an exclusive interview with openDemocracy, Odoi-Oywelowo explains the forces and politics behind the bill, and the work needed to counter homophobia in Uganda.

What personal philosophy inspires you to defend LGBTIQ rights in the midst of all this hysteria - not just today, but also in 2014 when you helped kill a very similar anti-gay bill? And where would you say you fall politically: liberal, centrist or conservative?

I am a liberal, perhaps a radical liberal. I believe that you cannot claim to be a human being, if you do not respect human rights. And this imposes on you an obligation to promote and protect the rights of other human beings.

Nelson Mandela held the view that love is inherent and inborn. Hate, on the other hand, is taught, acquired. I think we are all born good human beings and we're all born to love - to love ourselves, to love other human beings, to love our neighbours, regardless of colour, regardless of sexual orientation, regardless of stature.

I know that's a bit of an idealistic position. We live in a world where hate is constantly preached, and where we all have markers and identifiers. My first marker is probably my clan and tribe, then religion, then you introduce complications such as my sexual orientation and the last thing that comes to mind is the lowest common denominator, which is just love.

"I don't want anyone to hurt my children. I expect everyone to protect their rights, and so I have a duty to protect other people's children"

The people of West Budama have elected me twice to Parliament, in 2011-16, and again in 2021. I owe society a duty - especially the weakest - to protect them, to promote their rights and to speak up for the vulnerable.

From a very selfish point of view, I don't want anyone to hurt my own children. I expect everyone to

protect their rights, and that places on me a reciprocal duty to protect other people's children, not to hurt them. I can't sit in Parliament and pass a law that criminalises them. It's as simple as that.

Or it ought to be as simple as that. But there are people who find it easier to abuse power and authority. They pass the law simply because they can, define cultural values simply because they can. And they don't want us to have a debate about this.

The framers of Uganda's constitution were alive to the fact that, if we allowed ourselves to walk down the religious divide, and also defined our morality with it, it caused a lot of problems.

One of the bill's objectives was supposedly to protect the "traditional", "moral", "religious" values of Uganda. What you are saying is that we have [one set of] "religious" values in a country where you have predominant Christian churches, Muslims, Hindus, Sikhs and pagans.

Homophobia has never been part of traditional African societies. Perhaps they had a lack of understanding, but they let them live in peace.

What are the external factors and influences that have led us to this point, where we legislate against LGBTIQ people and criminalise their existence?

Leading up to the first Anti-Homosexuality Bill in 2014, we knew that radical Pentecostal communities from the US were sponsoring the introduction of anti-LGBTIQ laws throughout Africa. There are still a few US pastors - I call them hate-mongers because that's all they excel in, vending hatred in Uganda.

Their initial point of entry was the [Ugandan] [National Prayer Breakfast](#), a collection of religious and radical people here who introduced that ideology of hate. They sit over breakfast and pray and make radical hate speeches. They also introduced some money. They hold fellowships in expensive hotels, attended by MPs. They also sponsor trips for MPs - to Jerusalem, for example - and basically indoctrinate them.

That was the cycle we had from 2011 to around 2016. They were successful in introducing the anti-homosexuality law to Parliament and having it passed; we were successful in having it struck down. We also had lengthy discussions with the LGBTIQ community here, and advised them to file lawsuits against those fellows back in the US. It scared away a number of them.

Last year I was told that those Pentecostal communities spent well over \$26m in East Africa to - again - promote this anti-homosexuality law. We tried to fight it politically. At one point, we were convinced we had won the battle until it hit us this month. They have never gone to sleep. Also, we lowered our guards and were not very aggressively following the money.

"We rested on our laurels after 2016 and thought the battle was won and so was the war. Unfortunately, that wasn't the case"

This is the third attempt by Parliament to pass an anti-LGBTIQ law. Why does it keep coming up, and how many cycles are we going to go through?

I hope this is the last cycle - if we get the law struck down, they may give up. I think we also rested on our laurels after 2016 and thought the battle was won and so was the war. And unfortunately, that wasn't the case. We need to, as human rights activists in this country, build a critical mass of people who understand LGBTIQ+ rights.

Of course, now 'promotion' of homosexuality has been outlawed. This 2023 law should be observed

more in breach than in observance. Now we need to ramp up education among the local population.

You've said that your constituents are surprisingly understanding of minority rights, even though it hasn't always been the case. Tell me more.

I am very proud of my constituents. I find those poor women or men, uneducated members of our society, very wise. The explanation I offer them (about homosexuality) is that these are human beings like us. That is their sexual orientation, like your sexual orientation could be heterosexual. You owe them what they owe you. Leave them in their lane, they will also leave you in your lane. These are productive members of our society going about their business. Why must you hurt them?

Are you saying it's the Ugandan elites who are hell-bent on hate?

Yes. I guess they're the ones who have the most contact with hate propaganda, and therefore propagate and practise it the most.

Tell me about LGBTIQ rights as minority rights - how are they supposed to fare in a country like Uganda where the majority are against them?

Justice Mulenga [then a supreme court justice] set out the duty to protect minorities in the case of Charles Onyango Obbo vs Attorney General in 2004. He ruled that we, society, have a duty to protect those we do not agree with - much more than those we agree with.

When I'm looking at the LGBTIQ community and minority rights, I look at it from that perspective - that heterosexuals in Uganda don't need any protection. They have the protection they've had for millennia. In our social construct, the only right thing to do is to be heterosexual.

I don't understand why heterosexuals are so timid in their skin, why they think that the LGBTIQ community is the greatest threat to the survival of mankind.

We need to ask the basic questions. What prejudice do you suffer if you just let your next-door neighbour live in peace, if you let them contribute to the economy by being productive, let them do their job, let them identify as they, please? If they are gay, let them live. You all contribute to nation-building. What prejudice do you suffer? None. Absolutely none. The air you breathe will not be any less.

Do you get any institutional backing regarding LGBTIQ rights?

Our institutions are terribly primitive and terribly homophobic. But that's not to say that we don't have very progressive individuals in those institutions. You will find very progressive, rights-oriented officers and men in the police. In the army, same story. In our party ranks too.

So, where were they? Only two of you voted against the bill.

Most of them were scared and intimidated. There was a lot of blackmail. All those MPs got calls - from their powers that be, from their constituents. Their constituents were mobilised. Basically, they were told they will get voted out of office.

So you're saying plenty of MPs are progressive regarding these issues?

Let me illustrate to you how the number of progressive MPs is quite high.

Parliament had over 500 voting members today, including those who attended via Zoom, but more

than 100 members abstained from the vote. Ask yourself: where are the 100+ MPs? They opted not to appear in the house. They elected not to appear on Zoom. Yeah, simply because they could not support this bill. They preferred to opt out.

“We need to interrogate the limitations that Parliament intends to impose on people’s rights. Are they justifiable in a free and democratic society?”

A lot of the anti-gay hysteria leading up to the new bill can be traced back to the [King’s College Budo sex abuse scandal](#) in January. Following that, we started getting narratives in the media, and in Parliament, that homosexuals were recruiting and abusing children in Ugandan schools. Is anyone in Parliament interested in investigating if these stories are true?

I believe the problem is this. Our people, including legislators, do not know the difference between homosexuality and non-consensual sex. And they mix it up with paedophilia.

People in Parliament know that if you want to get people to vote without thinking, tickle their emotions. Say ‘a little kid in Budo was raped by a teacher’, and they will not stop to think. They will make fundamental and radical decisions on the basis of their emotions.

But they have now whipped up sentiments to the level where, as I told them, we are now in an anti-LGBTIQ panic. Even if we find that there was no such case in Budo, the amount of hatred that has already been whipped up, it’s like a runaway train.

Are you saying that MPs actually believe the things they are voting on?

I believe that my voters who didn’t go to school make better judgements than members of Parliament. We give MPs more credit than they deserve. They don’t have the patience and capacity to listen – except to the National Prayer Breakfast people, because, as I said, hate is a very simple thing to sell. They were reading the Bible, the Book of Leviticus, in Parliament today. These are justifications.

We’ve been talking about the influence of Christian fundamentalism on the Anti-Homosexuality Bill. But Asuman Basalirwa, the MP who sponsored the bill, is a Muslim, and earlier this year the Uganda Muslim Supreme Council called for country-wide protests against homosexuality. What are your thoughts on this?

The initial sponsor was Charles Onen, who used to be a Catholic priest. Basalirwa was only a seconder, along with Sarah Opendi. I think the leadership of Parliament decided to ask Basalirwa to sponsor the bill. It was a good move because he’s a lawyer, he’s eloquent – he was a better salesman for the bill than Onen would have been.

But it was first discussed in 2022 – they’ve been sitting on that bill for a very long time. And I’ve been fighting them quietly since then.

Also, don’t forget that the Church of Uganda and the Church of England recently fell out over blessings for same-sex couples. That’s where the problem started, before the Muslims jumped on the bandwagon. This has always been fuelled by Christian fundamentalism. Islam is a very conservative religion, but I don’t think they had the capacity to pull this off without their Christian brothers and sisters.

Interestingly, we’re talking about a foreign religion here. This is a religion we imported from England; now we’re supposedly better at it than them.

Now that the bill has passed, do you plan on petitioning the Constitutional Court again for this one?

I will take it all the way to the Supreme Court. The Constitutional Court ruled that the 2014 anti-LGBTIQ law was null and void because it was passed without the requisite quorum in Parliament. But the 2023 bill contravenes several other court judgments, so that would be our first line of attack: unconstitutionality.

But also we need to interrogate the limitations that Parliament intends to impose on people's rights. Are they demonstrably justifiable in a free and democratic society? I think it's high time we had that discussion. But we should have that discussion on the merits, and let the courts pronounce themselves.

So you think that if the court pronounces on the merits of this law, it will go a long way to protect LGBTIQ rights?

Yes. We shall raise the technicality but also raise the merits. We need to know to what extent our judicial system is prepared to protect the rights of Ugandans.

Khatondi Soita Wepukhulu

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