

Faith-Based Efforts in East Africa to Combat Discrimination Based on Sexual Orientation and Gender Identity



ISSUES	GOAL	OBJECTIVES
<ul style="list-style-type: none"> • Texts of terror in the bible • Culture • Legal regime in the country • Ignorance • Lack of knowledge about LGBTQ+ persons 	<p>An environment that welcomes and respects all persons where no prerequisite prerequisites exists for participation by 2030</p>	<ul style="list-style-type: none"> • To sensitize advocates and religious leaders about radical inclusivity. • To create an inclusive and out standing advocacy plat forms. • To build the capacity of affirming and non-affirming religious leaders about the importance of inclusion and acceptance of the marginalized persons.

Page 1

Arcus commissioned this report in the context of strategic planning of its Social Justice Program. The report was commissioned as part of an effort to learn about LGBTQ+ communities in Arcus' focus geographic regions and countries, where the foundation aims to increase safety, legal protections, and acceptance and inclusion. The following information reflects the opinions of its authors and not necessarily those of Arcus. Arcus uses some but not all of the findings to guide grantmaking decisions.

Table of Contents

Acknowledgments.....	1
Acronyms.....	2
Introduction.....	3
Executive Summary.....	4
Contextual Overview in East Africa.....	5
Key Comparative Findings	6
What More Can Be Done?	12
Key Recommendations to Arcus.....	14
Country Chapter: Burundi.....	15
Country Chapter: Rwanda	20
Country Chapter: Uganda.....	26
Country Chapter: United Republic of Tanzania.....	31
Country Chapter: Kenya	36

The abbreviation LGBTQI—referring to Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, and Intersex persons—appears in various forms and combinations throughout this report depending on its use by the organization(s) referenced.

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Acronyms

The following acronyms appear in the text:

CAC	Cosmopolitan Affirming Church
CSO	Civil Society Organization
CWS	Church World Service
ITGNC	Intersex, Transgender and Gender Nonconforming
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
LGBTQ	Lesbian, Gay, Bisexual, Transgender, Queer
NGO	Non-governmental Organization
SOGIESC	Sexual Orientation, Gender Identity, Expression and Sex Characteristics
UN IE SOGI	United Nations Independent Expert on Sexual Orientation and Gender Identity
UPR	Universal Periodic Review
URT	United Republic of Tanzania
YCR	Youth and Community Rehabilitation

Introduction

Arcus Foundation (Arcus) commissioned this report to evaluate, map, and analyze faith-based work in East Africa in support of SOGIESC (sexual orientation, gender identity and expression, and sex characteristics) human rights. The aim of the exercise was to identify concrete needs and opportunities for change toward which Arcus might contribute consistent with its three strategic goals of: 1) increased safety for and decreased violence against LGBTQ communities; 2) increased policy protections; and 3) increased acceptance and inclusion.

Arcus seeks to support LGBTQ groups of faith, LGBTQ groups engaging faith leaders and communities, and faith allies throughout its focus regions of the Caribbean, Central America, and Mexico; East and southern Africa; and the southern tier of the United States. Given Arcus' values of self-determination, providing authentic partnership to grantees, and supporting movements to lead and choose priorities, it is imperative for Arcus to periodically reevaluate the contexts in which it works by engaging in consultations with movement representatives. Arcus' current focus countries in East Africa are Kenya and Uganda. However, this study also incorporated Rwanda, Burundi, and the United Republic of Tanzania (URT) to gain understanding of the broader region.

Specifically, the report seeks to:

1. Ascertain what has been achieved to date by faith-based and other non-faith entities engaged in faith-based work in East Africa to combat discrimination against LGBTQ people;
2. Identify challenges and/or gaps in this work;

3. Outline effective strategies and/or learnings that are being applied to advance inclusion and acceptance of LGBTQ people;
4. Establish why some LGBTQ organizations in East Africa are not engaged in advancing inclusion within communities of faith;
5. Identify state and non-state actors who are allies and opponents that influence faith and SOGIESC issues in East Africa to establish their priorities and strategies;
6. Determine future funding opportunities and priorities, anticipated impact, and appropriate strategies to be applied at the country level for Arcus to advance faith-based work to combat discrimination against LGBTQ people in East Africa.

The report is based on findings obtained from Burundi, Rwanda, the URT, Uganda, and Kenya. Primary data was collected between February 24 and May 22, 2021, through in-depth interviews conducted online and in focus group discussions where it was possible with COVID-19 protocols observed. The languages used were English, Swahili, and French. In total, 47 individuals drawn from civil society organizations, faith-based communities, and funding organizations were interviewed.

The report opens with a contextual overview of LGBTQ rights and religion in East Africa. Subsequently, it presents key findings under each of Arcus' three strategic goals while linking them to the objectives of the report stated above. Thereafter follow detailed country chapters on each of the five countries.

Executive Summary

The report's findings show that nascent collaborations with faith-based communities are generally limited to training and sensitization workshops. In more advanced movements, such as in Kenya, faith leaders have been involved in litigation, safety, and protection of LGBTIQ people. Overall, however, the current primary focus is on creating and maintaining inclusive spaces of worship. There is still a great need for building trust between LGBTIQ rights campaigners and faith-based communities, with lack of trust keeping some civil society organizations from engaging in collaborative efforts, compounded by an active, well-resourced anti-rights movement that hinders efforts to advance LGBTIQ rights.

Activists interviewed called for more donor flexibility and long-term funding cycles to advance collaborations with faith-based communities, as cultivating allies takes time and results are often not immediately visible. They recommended, as a priority, funding collective strategies at the national and regional levels to advance collaboration with communities of faith. Such an approach would also be a way to more effectively counter opponents who are better organized, coordinated, and resourced.



Contextual Overview in East Africa

In East Africa, religious fundamentalism is generally associated with negative perceptions toward LGBTIQ people. This obstacle comes in addition to the challenge of criminalization of consensual same-sex relationships in Uganda, Kenya, and URT due to existing British colonial legislation. Burundi in 2009 also introduced legislation that criminalizes consensual same-sex relationships in its penal code. Rwanda does not criminalize consensual same-sex relationships.

Notably, all five countries have inclusive constitutional provisions that guarantee rights and freedoms for all, although sexual orientation and/or gender identity are not specifically mentioned as protected against discrimination. These countries are all parties to core international and regional human rights instruments.

Religiosity is deeply ingrained in all aspects of life in East Africa, to the extent that it influences culture. Modern religions, such as Christianity and Islam, have almost eroded traditional spiritual practices. In some instances, traditional and modern rituals and practices are integrated.

Religious leaders and religiosity play a central role in influencing key spheres of life in East Africa, including politics, law, the educational curriculum, and other social norms. A status quo along conservative lines continues to be maintained and shapes attitudes toward sexual and gender minorities. It has also emboldened public officials to speak out against the LGBTIQ community, fueling stigma, discrimination, and exclusion from public policies and discourse. In Uganda and Kenya, heads of state have used the LGBTIQ community as a tool to gain political mileage. The campaign for LGBTIQ rights is frequently labeled as ungodly and “un-African.”

Civil society organizations (CSOs) that overtly advocate for the rights of LGBTIQ people often go unregistered or face high levels of scrutiny from government officials and

agencies. To escape such challenges, some CSOs operate covertly or align their work with the government’s agenda of responding to HIV/AIDS as a front to carry out their mandate and access resources. Generally, civic space in the East Africa region is marred by obstacles to attainment of fundamental rights and freedoms. This presents a double jeopardy for LGBTIQ rights campaigners, who are often perceived as outsiders by many of the mainstream human rights organizations.

The people of East Africa possess similar linguistic and cultural characteristics with notable convergences and divergences. Due to this commonality and increased sharing of information resulting from technological advances, events happening in one country have a ripple effect in the neighboring country. For example, when Uganda adopted the since-annulled Anti-Homosexuality Act in 2014, parliamentarians in Kenya also pushed for a similar law to be enacted. Religious leaders seeking to maintain the status quo capitalize on such events and fear-mongering to assert their views and influence public opinion.

Given limited government control over religious institutions in East Africa, there is no oversight authority to hold them accountable for their actions. As such, violence from religious spaces such as conversion therapies, which constitute torture under international law, often go unpunished. Sermons that perpetuate discrimination, violence, and stigma toward LGBTIQ people are widespread. These conditions persist because governments in East Africa do not want to fall out of favor with communities of faith, given their significant influence over the political agenda. CSOs advocating for LGBTIQ rights, being aware of this state-religion relationship, have devised strategies to carry out their work by either taking advantage of or completely steering clear of any collaboration with religious actors.

Key Comparative Findings

This section outlines key findings, organized by country and according to each of the [Arcus Social Justice Program](#)'s three strategic goals, while forging linkages with the objectives of the study. Refer to specific country chapters for more nuanced detail.

1. Increased Safety/ Decreased Violence

Burundi: The weaponization of religion by public officials and through institutional policy interventions made by the government to control morality exacerbate the situation of LGBTQ individuals. It has also made LGBTQ human rights defenders more susceptible to violence.¹ Late President Pierre Nkurunziza and the former first lady, Denise Bucumi, both used the pulpit to gain political mileage, scapegoating LGBTQ people to exacerbate the tension between religion and the LGBTQ community.² They also advocated for conversion therapy.

Rwanda: Reaching out to parents, family, and friends of LGBTQ people and involving them in dialogue has expanded the protection space for some community members. These interventions have enabled some members of the LGBTQ community to receive needed psychosocial support and to be welcomed by their family and friends. Generally, there was no active violence from state actors. Instances where local police have harassed LGBTQ human rights defenders exist, but are isolated. Transgender people and activists are most susceptible to harassment.

URT: Empowerment of the LGBTQ community as rights claimants has led to increased retention of learners in educational facilities and fewer LGBTQ people losing employment. This has also contributed to a decrease in harassment by law enforcers, particularly in Zanzibar, where previously LGBTQ people had reported being subjected to anal examinations while in detention.³

Uganda: Widespread sensitization of local police has led to a decrease in violence by officers, although isolated incidents are still perpetrated, including by local government authorities, community members, and leaders (including some faith leaders). Advocacy targeting the police has led to increased safety of the LGBTQ community in some localities.⁴

Kenya: Increased collaboration between the local government administration, police, and leaders of the LGBTQ

movement has proven beneficial to ensuring protection of LGBTQ individuals and shows that not all state actors are hostile to the community. Some senior police officers have been crucial in securing the release of wrongfully arrested LGBTQ people, or in other instances, in protecting them from the violence of the local community. In Mombasa, some Muslim clerics have taken on similar roles of protectors.⁵ There has also been a significant reduction in hate spewed from religious circles in Mombasa since 2010.⁶

The intersex, transgender, and gender nonconforming (ITGNC) community has pursued direct collaborations with some religious leaders independently because of specific matters that affect them. This has been helpful for case identification⁷ and having a constructive dialogue that is specific to gender identity,⁸ without being tied to the often more loaded conversations on sexual orientation.

2. Increased Policy Protections

Burundi: Civil society contributions on the situation of LGBTQ people in Burundi to UN treaty body mechanisms and the Universal Periodic Review (UPR) have helped to put the spotlight on the state. The government has been urged to repeal the criminalizing law hindering the realization of the human rights of LGBTQ people in Burundi.⁹ Most LGBTQ CSOs in Burundi operate covertly because they are not registered, limiting the extent to which they can reach out to some entities¹⁰. LGBTQ organizations may be able to register upon demonstrating that they support the mandate of the National Anti-AIDS Council.¹¹

Rwanda: While Rwanda did not inherit a penal code that criminalizes same-sex consensual unions,¹² 2009 saw attempts to introduce such legislation, which ultimately failed.¹³ The current Penal Code does not contain criminalizing provisions for consensual same-sex acts.¹⁴ Article 16 of the Constitution provides protection from discrimination for all Rwandans.¹⁵ However, strict laws governing the operation of non-governmental organizations and misuse of a constitutional provision have forced LGBTQ organizations to operate covertly.

URT: The plight of LGBTQ people in Tanzania has gained increased visibility at the regional and international level as a result of advocacy before the African Commission on Human and Peoples' Rights and the UN Human Rights

Council’s UPR process.¹⁶ The Penal Code of Tanzania under Section 154 prohibits “carnal knowledge of any person against the order of nature,” with a prescribed penalty of 30 years to life imprisonment. Sections 138a and 157 also prescribe five years’ imprisonment for “gross indecency.”¹⁷

The Constitution prohibits all forms of discrimination. While there is no explicit mention of prohibition of discrimination based on sexual orientation and/or gender identity, the language employed is inclusive. The Constitution further defines discrimination and details steps that the authorities should take to ensure equality before the law.¹⁸

Religious leaders in URT have significant influence in shaping public policies adopted by the government. As a result, LGBTQ organizations such as Stay Awake Network Activities (SANA) are fiscally hosted by Youth & Community Rehabilitation (YCR) to avoid becoming negatively targeted by the government. The executive director, a pastor and activist, capitalizes on the access he has with government stakeholders to support efforts of LGBTQ organizations.

Uganda: Same-sex consensual relations are criminalized under Penal Code Section 145.¹⁹ In February 2014, President Yoweri Museveni signed into law an Anti-Homosexuality Act, which criminalized the undefined “promotion” of homosexuality. The Constitutional Court subsequently nullified the Act on procedural grounds. Widespread international outcry, including from some world leaders, and suspension of aid from the World Bank are also believed to have contributed to the swift nullification of the law.²⁰

On May 4, 2021, the Ugandan parliament adopted a Sexual Offences Bill, which reintroduced aspects of the annulled Anti-Homosexuality Act from 2014.²¹ At this writing, the bill had not been signed into law.

The Ugandan Constitution pronounces all people to be equal under the law and states that the views of minorities will be considered in making national plans, programs, and decisions. While the clause on non-discrimination does not include sexual orientation and gender identity among the protected grounds, the language used is inclusive.²²

The judiciary has been used to challenge the constitutionality of various rights violations faced by the LGBTQ community. Turning to courts²³ to seek remedy has contributed to increased retention of other rights such as employment and increased political participation by some members of the community.²⁴

Kenya: Following the promulgation of the Constitution of Kenya in 2010, policy and judicial interventions have expanded

the space for the exercise of rights by LGB/ITGNC people. Notably, during Kenya’s UPR in 2015, the government agreed to adopt a comprehensive anti-discrimination law affording protection for all individuals, irrespective of their sexual orientation and/or gender identity.²⁵ The judiciary, meanwhile, has issued important decisions protecting the rights of LGB individuals, including a Court of Appeal decision banning the use of anal testing as a way of collecting evidence of same-sex conduct between consenting adult males.²⁶

Significantly, Kenya’s High Court has determined that the right to equality and non-discrimination applies to “every person,” and that an individual human being, regardless of their gender or sexual orientation, is a “person” for the purposes of the Constitution.²⁷ The courts have also made other positive judgments that pertain to transgender²⁸ and intersex²⁹ rights.

3. Increased Acceptance/Inclusion

Burundi: One-to-one dialogue with identified faith leaders is the pathway that seems to be most effective given the political climate and the limited space to overtly carry out organizational mandates. In an atmosphere where political leadership has weaponized religion against the LGBTQ community, relatively minimal advancements have been made toward impactful inclusion and acceptance of LGBTQ people within communities of faith.

Rwanda: Fear of the stigma that comes with association keeps away some worshippers who would like to join services at overtly queer places of worship, such as The Fellowship of Affirming Ministries (TFAM). Entities like TFAM are deemed as “advancing a Western/foreign agenda” and “promoting homosexuality.” While some religious leaders and communities of faith are welcoming to LGBTQ people, there is reluctance to have them hold responsibility or roles beyond just being part of the congregation within their institutions.

URT: Involving friends and families of LGBTQ members in dialogue on respect of human rights, coupled with the theme of sexuality and spirituality, has led to increased acceptance and tolerance of LGBTQ individuals at the family level. This in turn has resulted in more frequent interventions by parents and other family members during arrests of LGBTQ individuals. Including law enforcers such as the police during dialogue has also proven to be effective.

Uganda: A proliferation of online affirming worship spaces and activist-led spaces of worship—such as Faithful Catholic Souls, Adonai, Minority Women of Faith, TFAM, Affirming

Ministries, and Universal Love Ministries—has expanded the safe space for inclusive worship, although some deem this development exclusionary, as it lacks participation from the general public. In some communities, dialogue with family and friends has led to increased acceptance of LGBTQ community members, and in select cases, to family reunification. This process has attracted more allies at the community level in support of their kin or friends who identify as LGBTQ.

Kenya: LGBTIQ-affirming faith spaces maintained by the Cosmopolitan Affirming Church (CAC) act both as an infrastructure of care for LGBTIQ individuals and as a tool for empowerment, agency, and advocacy, increasing their safety, acceptance, and inclusion.

Some of the clergy trained³⁰ have set up welcoming congregations³¹ and an informal support network among clergy to advance the work.³² The presence of supportive clergy in the courtroom during the hearing of the decriminalization petition was an indication of decline in hostility between LGBTQ people and religious communities.³³

Regarding the urban LGBTIQ refugee situation, the National Council of Churches in Kenya (NCCCK) provides medical services at their premises without discrimination, acting first and foremost as a health facility, as opposed to fronting as a religious entity. They are informed on specific vulnerable cases, make appropriate referrals, and follow up where needed. It is felt that this evolution is largely the result of a shift in perspective on the part of the senior leadership within NCCCK.

The following sections highlight the main takeaways, organized according to the study objectives.

(a) Effective Strategies and Learnings

One-on-one dialogue: Where collaboration with communities of faith is relatively minimal or nascent, the movement establishes relationships with clergy through one-on-one dialogues. These encounters aim to build trust and identify clergy who can be engaged in the long term.

Sensitization workshops: These awareness-raising workshops with religious leaders last two to three days per cohort. Due to their short-term and *ad hoc* nature, these engagements have not been sufficient to bring about long-term change to move the faith leaders involved beyond inclusive preaching. Sometimes officials who are not in a position to make decisions are sent as representatives, which hinders obtaining meaningful commitments from them.

Use of mainstream media: In URT, Zanzibar in particular, the media has been used as a platform to foster dialogue and

influence public opinion by one of the sheikhs who participated in the focus group discussion. This sheikh is a host of a TV show, *Usiku Wa Faraja*, that discusses social issues affecting the lives of Zanzibarians.

Non-mainstream denominations: Reaching out to non-mainstream denominations, such as the Pentecostals, Protestants, and indigenous churches has been easier than initiating dialogue with mainstream denominations, such as Roman Catholics and Anglicans. Unlike mainstream denominations, the non-mainstream denominations are often autonomous entities and therefore better placed to make decisions.

New generation clergy: Approaching younger generation Muslim faith leaders has proven more effective than more generalized outreach. Younger faith leaders are more open to dialogue and receptive to views that are not limited to inherited religious doctrine.

Technical skills training: Three organizations interviewed—Amkeni Malindi, Bridge Initiative Organization (BIO), and My True Colors (MTC)—have staff dedicated to working with religious leaders. The staff have spent months under the residency of Sheikh Muhsin of the Inner Circle in South Africa and are now able to employ confidently the skills acquired in their interaction with Muslim clergy.

Sharing of lived experiences: Strategically sharing lived experiences to show how harmful rhetoric and practices emanating from religious spaces have impacted the lives of LGBTQ people has been effective in shifting some faith leaders' attitudes positively.

Peer-to-peer engagement: Pastor-to-pastor engagement appears to have been effective for training and dialogue. As a peer, the lead facilitator, being a pastor, is naturally more relatable and amiable to the other clergy. Pastors who are activists appear to carry out this role particularly effectively.

HIV/AIDS as an entry point: HIV/AIDS has shown to be effective as a theme for initiating dialogue with religious actors who are new to SOGIE-related conversations. Faith leaders who are part of a network that leads advocacy around HIV/AIDS-related issues can identify with the shared experiences around stigma and discrimination. Responding to HIV/AIDS has also presented an opportunity to push for inclusivity within the healthcare system, by ensuring that government implementation of national HIV/AIDS policies does not leave the LGBTQ communities behind.

Toolkits: CWS, PEMA Kenya, and Nyanza Rift Valley and Western Kenya Network (NYARWEK) each have developed

resource tools for use in training and sensitization workshops. The CWS Resource Tool is available in English and Swahili. While effective in standard-setting and harmonization of messaging, the resource tools and manuals have been perceived as too academic by some faith leaders and are only Christian-based.

(b) Challenges and Gaps

Governments do not tend to respond to rhetoric that is harmful to the LGBTQ community from religious spheres. This is in spite of constitutional protections and governmental participation in key human rights treaties at the regional and international levels. Their silence gives anti-LGBTQ-rights religious leaders immunity and the confidence to spread hate against LGBTQ people.

Limited financial and non-financial resources, including staffing shortages, prevent heightened engagement with communities of faith. Organizations that reach out to faith communities have at most only one fully dedicated staff. These staff are driven by personal conviction and are not necessarily trained in religious studies.

Similarly, efforts for LGBTQ people to be supported through the psychosocial programs of welcoming churches have failed. These churches perceive that inclusion of LGBTQ people in existing psychosocial programs strains their resources. Some feel that any inclusivity beyond allowing them to be part of the congregation would attract unwanted risks.

Mainstream religious groups such as Roman Catholic and Muslim are more challenging to involve in advocacy strategies because of their institutional bureaucracies. Fear of being exposed through the media or social media and being perceived as “guilty by association,” which would lead to loss of position within the religious institution, is another obstacle. Interview subjects also felt that training of future clergy is outdated and in need of reform to better reflect current realities.

Some faith leaders employ double-speak to avoid repercussions in various communities, alternating their messages about LGBTQ rights depending on the audience. In Uganda, for instance, they are hostile toward LGBTQ rights domestically while conveying an appropriately acceptable message when abroad. Some pastors in Uganda use LGBTQ members as pawns to gain popularity and attract followers by highlighting “ex-gays”.

In URT, the need for faith leaders to take action to protect LGBTQ people is seen as less important than to address other issues, such as the situation of people who use injectable

drugs (PUIDs). The primary reason for this appears to be the perception that PUIDs can abandon their behavior while LGBTQ people cannot. As a result, while some factions of faith actors have contributed to advocacy efforts to secure government policies to improve the situation of PUIDs, they tend to shy away from advancing the rights of LGBTQ people. The resulting government policies, in turn, have created a public perception that PUIDs deserve more attention than the LGBTQ community. This has also invariably influenced the attitude of religious leaders toward the LGBTQ community.

In Kenya, there is little empirical evidence to show that religion would be a key player in the realization of the rights of LGBTQ people. To the contrary, it is widely recognized that religious bias in Kenya has infiltrated key social institutions, such as the judiciary and the public healthcare system. Religious arguments were also invoked in the decriminalization of same-sex relationship public interest litigation.³⁴

Religious leaders who are affirming are still perceived as outsiders by the queer movement in Kenya and thus are not involved in strategies developed by the community. A case in point was the decriminalization hearing, around which the LGBTQ community had developed common messaging for the media and a security response plan. The lack of meaningful involvement by allied religious leaders in this common messaging raised concern among some factions of the LGBTQ community that some of the clergy may have missed the point when speaking to the media. Communication barriers that occur between the clergy and LGBTQ activists, exacerbated by the frequent age-gap between the two, was another area of concern raised. It was noted that where the age gap between clergy and LGBTQ activists is narrower, there is increased relatability.

In Kenya, actors such as CWS, PEMA Kenya, Amkeni Malindi, and CAC have mostly concentrated their efforts on major urban centers such as Mombasa, Malindi, Nairobi, and Kisumu; rural-based clergy have not been accorded the same attention. This lack of attention has led to low motivation, feelings of isolation, and mental distress from those rural-based clergy who have chosen inclusiveness.³⁵ Furthermore, there is no needed support to help such clergy resolve the personal conflict that often comes with embarking on the journey to inclusivity. It was also felt that there is generally poor followup with clergy who have been involved in training workshops, to measure impact. Additionally, these major actors do not have a culture of working synergistically and in a consistent manner, although they are striving toward it.

Other key challenges raised from Kenya included: difficulty for clergy in applying information obtained to change the

status quo; strained relationships between some clergy and activists; new international organizations entering the organizing space without appropriate operational knowledge; use of blanket strategies that fail to recognize the different dynamics in urban, rural, and refugee camp settings; the hostile legal environment making it difficult to overtly collaborate with faith communities; lack of compensation or support for clergy who have incurred losses as a result of being part of the campaign; and lack of or minimal donor prioritization to support faith-based work.

(c) No Faith Community Collaboration

Respondents that do not engage in collaboration with faith communities provided the following reasons:

Organizational capacity: LGBTQ organizations that are not legally registered prefer to keep a low profile to avoid government scrutiny. Others choose not to reach out to religious communities so as to not appear anti-government. Yet others are constrained by limited financial resources to embark on any meaningful work with communities of faith,³⁶ or feel that their staff are not well-equipped with relevant technical skills.

Limited organizational mandate: The Uganda Human Rights Commission (UHRC), for example, is thought to lack influence within religious circles. Religious institutions at the national level abide by their parent institutions abroad. Furthermore, because faith-based institutions are not state actors, UHRC sees itself as having little influence over them.³⁷ UHRC is prioritizing review of legislation and criminal justice reforms.

Prioritization: Advocacy with religious leaders is often perceived as “un glamorous” compared to other forms of advocacy, such as law or healthcare reforms. As a result, tackling phobia emanating from religious entities has not been prioritized in the same way as other areas requiring reforms, such as the law, healthcare, education, and economic empowerment.

Anti-development: There is a general perception from some factions of activists that religion is “clueless,” a “no-go zone,” and “anti-development.” On the flip side, some religious leaders fear that LGBTIQ activists will force them to doctrinally accept same-sex consensual relationships or marriage, and they view human rights language as hostile.

Poor value return: Some said that significant resources, financial and technical, are put into faith-based advocacy that then do not yield the expected returns. Allies still do

not speak out in spaces where it would be most needed. There are still many limitations to favorable engagement, while actors like the Kenya Christian Professional Forum and other anti-rights organizations have abundant financial and non-financial resources to push for adoption of retrogressive policies toward sexual health and reproductive rights.

Safety concerns: For LGBTIQ rights activists who are living in their own communities, approaching faith leaders may not be viable because it increases their vulnerability and may also increase their risks. For this reason, some LGBTIQ activists who are integrated in their own communities opt to stay away from communities of faith altogether.

Issue conflation: Some transgender rights activists shy away from collaboration with faith leaders because of the conflation of issues of gender identity with sexual orientation. Thus, they feel that because some clergy are rigid on their position on homosexuality, they would not be openminded to understanding matters pertaining to gender identity.

(d) Opponents and Their Strategies

Hate speech: Negative public rhetoric employed by public officials, politicians, and some clergy is not litigable as hate speech due to limitations in legal provisions. The use of fear-mongering, myths, and misconceptions has created an environment that is unfavorable to LGBTIQ rights campaigns. Pandemics such as COVID-19 are blamed on the LGBTIQ community by some religious leaders, sometimes framed in out-of-context interpretation of religious texts such as that of Sodom and Gomorrah. Often populist messaging is used to instill fear in the public by opponents associated with the anti-rights movement.

State-religion relationship: The East African region is under a relatively strong influence of the global anti-rights agenda, which has penetrated all spheres of public institutions and life, resulting in violations toward LGBTIQ people being left unchecked. For instance, the Burundian government has used public resources to organize rallies and protests against LGBTIQ people. In the URT, the office of the Mufti in Zanzibar has more influence over the local community than do government authorities. As a result, LGBTIQ-related dialogue with religious leaders and activities that involve their presence has had to be carried out covertly to avoid repercussions.

In Uganda, many individual faith leaders who are supportive prefer not to come out publicly in support of LGBTIQ rights. This is mainly because they lack institutional support and are at risk of being excommunicated.

Infringement of religious freedom: According to a narrative being pushed by some religious leaders in the URT, their freedom of religion is being suppressed by the government because of interventions around key and vulnerable populations. This narrative deters some activists from approaching religious leaders out of concern that the activists will be accused of infringing on religious freedom, given the level of influence that religious leaders have on government.

Shrinking civic organizing space: The Burundian government has led crackdowns on CSOs that have disproportionately targeted LGBTQ organizations for not contributing to the government agenda. In the URT, the tenure of the late President John Magufuli created a climate of fear, in particular for NGOs that work on LGBTQ³⁸ and reproductive rights. His government suspended NGOs—including for violating Tanzanian “ethics and culture,” restricted their activities, and arrested and harassed NGO workers. This anti-NGO climate preceded him but intensified under his presidency. Government officials have also sent threatening letters and verbally warned NGO representatives not to carry out planned activities.³⁹

Media: Media platforms including radio, television, and print often report the official rhetoric of government and powerful politicians. The pulpit has been used traditionally to convey these messages, whether by government officials themselves or by pastors who promote the official narrative. More recently, podcasts in local dialects have also increasingly been used as a medium. Meanwhile, LGBTQ-themed films are not rated by the Media Council, preventing their certification by the Communication Council and screening in theaters and national television. Advocacy with the Media Council is ongoing to allow for rating, certification, and screening of LGBTQ-themed movies in Kenya and Uganda.

Cultural stigmatization: In Rwanda and Burundi, cultural/traditional gender notions that spell out stereotypical norms for females and males, compounded by conservative religious dogma, have fostered an environment where retrogressive religious leaders and cultural proponents thrive in the attack against the LGBTQ rights campaign.

Conversion therapies: A growing narrative of “ex-gays” has been advanced in Rwanda, resulting in conversion therapies in some communities of faith and propagating the misconception that being LGBTQ is a choice. As highlighted above, the late President Nkurunziza and former first lady publicly advocated for conversion therapy, creating a generalized fear of advancing collaboration with communities of faith. LGBTQ people in Burundi, and especially transgender people, are subjected to conversion therapy by family and friends.

Presidential decrees: The decree by the late President Magufuli of URT on banning pregnant learners from continuing with their education was interpreted as execution of religious doctrine.⁴⁰ This type of decree has been extended to other aspects of life considered forbidden by Christianity and Islam, to keep some religious leaders from being inclusive or meaningfully engaged. It has also allowed for homophobic rhetoric emanating without consequence from some Christian and Muslim factions.

Vigilante groups: In Zanzibar, Tanzania, vigilante groups, such as Simba Wa Mungu, who execute sharia law, deter some LGBTQ organizations from approaching religious actors.⁴¹ Transgender people are particularly targeted, especially during Ramadan. In Mombasa, Kenya, a decline in violence from religious spaces has been accompanied by increased visibility of the LGBTIQ community, increasing the community’s vulnerability to attack by other perpetrators of violence, such as *bodaboda* (public transport motorcycle) operators, *aswar* (fundamentalist Muslim youth who act as haram police and public preachers), and other criminal/vigilante gangs.

Informants: In Zanzibar, individual community members opposed to LGBTQ rights act as informants to the Office of the Mufti, which has decreed that LGBTQ people must be reported to his office by members of the local community. Local government authorities, taking advantage of the close-knit Zanzibari community, manipulate it to have LGBTQ people sanctioned by the Office of the Mufti.

Associating with terrorists: In Uganda, amid heightened political tensions and an election marred by violence and human rights violations, the president used LGBTQ rights as a pawn. The opposition Red Beret Movement, led by Bobi Wine, was accused of receiving funding from LGBTQ rights groups.⁴² The movement was subsequently classified as a terrorist group to permit military action against opposition supporters.⁴³ Associating the opposition with LGBTQ rights and terrorist groups was a deliberate propaganda strategy by the government to turn the public against the opposition in a country with relatively high levels of homophobia.

Limiting roles: Places of worship in Kenya, especially those in more affluent areas, will not chase away LGBTIQ people from their spaces. However, congregants known to identify as LGBTIQ are excluded from other areas of church life, such as positions of leadership and service to the congregation. They may remain only as members of the congregation.

What More Can Be Done?

Respondents were asked to share suggestions for what they felt could be done to increase the impact of working with communities of faith. They shared what they perceived to be priorities and/or possible opportunities for funding. The ideas presented here are not exhaustive. Reference to country reports should be made for a more comprehensive list pertaining to each country.

- a) **Regional network:** Establishing an indigenous regional network of East African LGBTQ organizations advancing inclusion within communities of faith would help curb the perception of LGBTQ inclusion as a foreign agenda. It would also help foster cross-regional collaboration and learning exchanges, offer more autonomy to respond to issues arising in the immediate context of operation, and lend a more homegrown identity.⁴⁴
- b) **National forum for interfaith dialogue:** Establishing a national forum for regular interfaith dialogue on LGBTQ inclusion with faith leaders in the URT from the mainland and Zanzibar, led by religious leaders who are activists with support from LGBTQ human rights defenders, could be beneficial for joint advocacy with state actors, strategizing, and collective security. Such a forum could be hosted by organizations like YCR and BIO, which have carved out a niche with state actors and the religious community respectively.⁴⁵
- c) **National strategy:** Developing a national strategy on religious leaders' collaboration and coordination would ensure harmonization across all relevant actors, including emerging ones, and foster cross-movement building. A national strategy could help augment collective strategizing and engagement among relevant state and non-state actors at the regional and international levels. It would also help build greater synergy among the different LGBTQ actors in Kenya to contribute meaningfully to faith work and vice versa. Given common cross-border themes in East Africa, a national strategy could also feed into a regional strategy in order to draw more collaboration and coordination on issues such as those concerning LGBTQ refugees and asylum seekers.
- d) **Cross-movement building:** Expanding advocacy through cross-movement building—by reaching out more proactively to mainstream movements, such as women's and children's movements, which have more leverage with faith communities than the LGBTQ community—

could be helpful in relationship-building within communities of faith.

- e) **Political-religious alliances:** Some LGBTQ activists are familiar with politicians who are supportive of the campaign but do not speak out for fear of losing political mileage. There is an opportunity to bring together such politicians and friendly religious actors in a space of private dialogue to strategize on how to best advance LGBTQ rights at the national level.
- f) **Registration as faith-based entities:** Securing registration for LGBTQ-led or -friendly NGOs as faith-based entities would allow them to legitimately occupy space within religious spheres, advance sexuality and spirituality education, and develop tools for guidance, leading to more strategic religious community engagement.
- g) **Media monitoring and documentation:** Proactive monitoring of the media to document hate speech from the religious and/or political circles in East Africa is not happening in a systematic manner, despite tangible evidence demonstrating the relationship between hate speech and violence toward LGBTQ people. The creation of an online portal to collect data and monitor trends within East African countries would strengthen such documentation within these countries. The portal could also be used as an online platform for targeted information-sharing.
- h) **Advocacy with the African Commission:** The impact of conversion therapy on mental health could be used as leverage to push dialogue and action from commissioners at the African regional level. In addition to Resolution 275, policies formulated at this level may urge governments to take proactive measures to expand the protection space for LGBTQ people, given the thin line between religion and politics.
- i) **Alternate spaces:** Using religious media channels (print, radio, television) and social media platforms to counter the harmful narrative emanating from these sources was seen as important. Other avenues and platforms such as arts and sports to bring the faith community closer to the LGBTQ community could also be used for advancing inclusion and providing appropriate SOGIE-related information.
- j) **Targeted audiovisual productions:** Production of audiovisual materials (movies, podcasts, documentaries, and so on) whose content speaks to the impact of religion as

catalyst for violence, stigma, and discrimination toward LGBTQ people could be helpful as an entry point for dialogue with religious actors. Media engagement should be strategic, intentional, and controlled by the LGBTQ community.

- k) **Incentives for religious leaders:** Creating incentives to carry out advocacy work should be provided for religious leaders. A starting point could possibly be a grant that a cohort of religious leader could compete for. This grant could be applied for after completing a course on LGBTQ inclusion offered to religious actors who have implementable ideas beyond inclusive preaching.
- l) **Technical skills training:** Activists reaching out to communities of faith would benefit from some foundational training on contextual interpretation of religious texts, to equip them with skills and knowledge on how to counter conservative interpretations that are commonly used against LGBTQ people.
- m) **Academic institutions and research support:** Forging relationships with academic institutions that teach religious studies and theology is a potential approach. Queer theology could be one of the units taught, with academics supporting the LGBTQ community in other areas as well, such as research. Such specific thematic research could help inform strategies that lead to appropriate responses and would also encompass an evidence-based approach that would be helpful for activists in structured interventions with allies in communities of faith.
- n) **Economic empowerment:** Establishing a specific fund for LGBTQ people affected by poverty who are lagging behind in education and economic empowerment could improve their social status. This initiative could be supported through a faith-based entity that the LGBTQ community trusts.
- o) **Synods:** Influencing the voting of the caucus of African faith leaders who participate at synods could counter the anti-rights caucus. Anti-rights groups invest heavily in faith leaders from the developing world to ensure that the voting maintains the status quo. A counter strategy would involve clergy who are supportive in disrupting the status quo during voting in the synods of their respective denominations.⁴⁶

Key Recommendations to Arcus

An overarching recommendation is for Arcus to support collective initiatives proposed in the East African region.

Kenya: Support the development of a national action plan to bring more synergy into faith-based work. The implementation of a national action plan could be co-led by CWS, PEMA Kenya, and CAC. St. Paul's University, as a theological school, could also be considered a co-lead to attract other faith-based entities such as the Muslim Council. All the suggestions made in the Kenya country report could easily be incorporated under a single national action plan, which would also form the basis for measuring impact and accountability.

URT: Given the disconnect between ongoing LGBTQ-rights work in the mainland and Zanzibar, developing a national forum for interfaith dialogue as a start could lead to more advanced strategizing. The mainland-based YCR, given its influence on the government, could be considered as the lead for an interfaith national dialogue forum with BIO and MTC as co-implementers.

BIO and MTC are the only two organizations who have staff equipped to reach out to the Muslim faith community. With adequate resources, BIO and MTC could act as the regional leads for developing tools to engage the Muslim community. Increased support would also enable BIO and MTC to maintain their outreach without disruptions caused by inadequate funding hampering momentum gained.

Uganda: Faith-based organizing in Uganda is still at a nascent stage and limited to creation of inclusive spaces of worship. Some of these spaces of worship are activist-led, such as the Catholic Faith Souls. Arcus would have to be guided by the Catholic Faith Souls on the feasibility of broadening their role to include active faith-based advocacy, so as not to increase their risks.

Rwanda and Burundi: Burundi does not appear to have any proactive work underway with faith communities, largely because LGBTIQ organizing as such is still at the budding stages. While Rwanda has some minimal ongoing work, no indigenous organizations have stood out in faith-based advocacy. Even so, there seems to be early recognition of the need for collective, cross-regional efforts. Actors in Rwanda and Burundi are few, but given their cultural closeness, cross-border collaboration makes sense. As such, Arcus should consider supporting a regional East African network, as highlighted above.

Such a network would not only accord needed support to emerging actors in faith-based advocacy, but would also collate national efforts in URT, Kenya, and Uganda. Given concerns raised about non-African actors, an indigenous organization in Rwanda might be considered for the role of host. Rwanda has no legislation criminalizing same-sex relationships, making it legally viable.

Country Chapter: Burundi

Context in Burundi

Burundi has a population of close to 12 million. Christianity is the dominant faith (about 67 percent of the population), the majority being Roman Catholics. Indigenous religions, Islam, and other faiths also exist.⁴⁷

Burundi is party to key human rights instruments at the international and regional levels. While it did not inherit a penal code that criminalizes same-sex consensual relationships,⁴⁸ its National Assembly in November 2008 voted for an article to the proposed new Criminal Code penalizing same-sex relations between consenting adults.

Civil-society organizations, joined by international allies, lobbied the Burundian Senate to reject the discriminatory provision, which it did by a wide margin in February 2009. But the provision ultimately prevailed, under heavy political pressure from the ruling party, the National Council for the Defense of Democracy-Forces for the Defense of Democracy,⁴⁹ which organized a mass march against homosexuality in the former capital, Bujumbura, the following month.⁵⁰

President Nkurunziza promulgated the new penal code on April 22, 2009, with the provision in place.⁵¹ Article 567 stipulates up to two years in prison for “whoever engages in sexual relations with a person of the same sex.”⁵²

The provision was met by an international outcry from the moment it was introduced. UN special procedures sent urgent appeals in December 2008 and again in April 2009, urging the president not to pass the draft criminal code with the provision.⁵³

During Burundi’s Universal Periodic Review (UPR) before the UN Human Rights Council, in January 2013, the High Commissioner for Human Rights recommended that the provision be repealed.⁵⁴

In a shadow report submission to the UN Human Rights Committee in September 2014, the Burundian organizations Mouvement pour les Libertés Individuelles (MOLI) and Rainbow Candle Light reported an increase in acts against individuals based on real or perceived sexual orientation or gender identity. These incidents were carried out by private individuals as well as government employees, including the police as a source of discrimination, violence, and extortion. They described instances in which victims who had turned to the police for protection were further threatened by the police themselves. The shadow report further highlighted that conditions for

LGBT people in Burundi were exacerbated by statements of intolerance on the part of high-level officials, including the late President Nkurunziza, who called homosexuality a curse.⁵⁵

In a July 2015 submission to the UN Committee on Economic, Social and Cultural Rights (ESCR), MOLI and Rainbow Candle Light further highlighted how the criminalizing law had weakened efforts to prevent and combat AIDS. Sexual minorities, fearing their sexual orientation could be discovered, chose to avoid health care treatment rather than enter a system they perceived as hostile. The submission also argued that the right to education of LGBTI people had come under attack by a ministerial ordinance listing “homosexuality” as “one of the most serious faults for which school children shall be expelled and denied admission to any institution for the remainder of the school year.”⁵⁶

On the occasion of Burundi’s 2018 UPR, a compilation by the UN Office of the High Commissioner for Human Rights highlighted numerous concerns by UN expert bodies relating to LGBTI rights in Burundi. Those concerns included: the illegality of homosexuality, discrimination and threats faced by gay people in a variety of contexts, the potential barring of students from their schools based on sexual orientation, and the obstacles LGBTQ people faced in starting organizations. The compilation cited a recommendation by the Human Rights Committee that Burundi decriminalize homosexuality.⁵⁷

Article 567 not only hampers efforts to eradicate HIV/AIDS and violates the right to privacy and non-discrimination contrary to Burundi’s own commitments to the ICCPR, ICESCR, and African Charter on Human and Peoples’ Rights, but it also contravenes the Constitution.⁵⁸

As a signatory to the African Charter, Burundi has committed to taking legislative, judicial, and administrative measures to ensure that it abides fully by rights as enshrined in the instruments and to ensure non-discrimination for all. Burundi has experienced protracted conflict; hence, its interactions with the African Commission have primarily related to conflict resolution and post-conflict reconstruction. Its second periodic report to the commission, however, included the following statement in invoking the Charter’s right to self-determination⁵⁹ to justify heterosexuality:

The Burundian Parliament recently rejected a law authorizing homosexuality, for in Burundi only heterosexuality is acceptable. This shows the

self-determination of the Burundian people where several areas in the life of the country are concerned.⁶⁰

The report also addressed sexual and gender-based violence exclusively within the context of political tension focused on women, without any mention of violence against LGBTQ people.

The adoption of Resolution 275⁶¹ by the African Commission places an onus on Burundi, as a state party to the charter, to take proactive measures to expand protections for LGBTQ people. The resolution was adopted to urge state parties to apply the charter’s provisions to protection from violence and discrimination based upon real or imputed sexual orientation or gender identity. Resolution 275, as a policy document for Africa by Africans, should catalyze the repeal of the law that criminalizes consensual same-sex relations in Burundi.

Despite constitutional guarantees of equality and non-discrimination, the lived realities of LGBTQ people remain marred by abuse. The promulgation of the 2018 Constitution appears to have had minimal impact on the violations faced by LGBTQ individuals.⁶² Marriage between two people of the same sex remains illegal,⁶³ although according to Article 13 “[a]ll Burundian people are equal in merit and in dignity. All citizens enjoy the same rights and have the same protection of the law.”⁶⁴

Moreover, despite constitutional guarantees of freedom of association,⁶⁵ LGBTQ organizations face significant challenges with registration due to prevailing legal hurdles. Associations in Burundi are governed by Decree-Act No. 1/11 of April 18, 1992, on the organization of non-profit-making associations,⁶⁶ which contains a number of provisions that make it difficult to create associations. These include a confusing registration process that authorities can easily abuse to deny groups their applications. There is no available remedy when a registration request is denied. The decree-act explicitly says that the authorities can deny registration if the organization does not comply with certain conditions, including if its mission goes against the law, public order, or morality.⁶⁷

In addition to the decree-act, Article 24 of Law No. 1/02 (2017) on the Organic Framework of Non-Profit Associations⁶⁸ prohibits the registration of organizations with purposes that contradict the law. The criminalization of consensual same-sex relationships makes it hard for organizations working with sexual minorities to register. However, LGBTQ organizations may be able to obtain registration upon demonstrating that they are supporting the mandate of the National Anti-AIDS Council.⁶⁹

The Constitution defines Burundi as a secular state that respects freedom of religion. Religion and politics, however, became ever more closely intertwined during the rule of the late President Nkurunziza. A devoted Evangelical Christian, the late president, with his wife, Reverend Pastor Denise Bucumi, supported the national anti-homosexuality protest that occurred in 2009. The two were known for often hosting evangelical crusades.⁷⁰

President Nkurunziza routinely used religious rhetoric in his speeches and relied on divine guidance in making political decisions. In 2017, the government launched a campaign aimed at promoting the “moralization of [Burundian] society.” In official events around the country, attended by government and religious figures, his speeches mixed religious, historical, and cultural themes.⁷¹ This campaign further enabled religious leaders and other public officials to speak out overtly against the LGBTQ community, with no reprisal.

Burundi’s primary and secondary schools mandate religion and morality lessons, offering instruction in Catholicism, Protestantism, and Islam. Students can choose to study within these three major religions or take morality classes instead.⁷²

The weaponization of religion by public officials and institutional policy interventions by the government to control morality exacerbate the situation for LGBTQ individuals in Burundi. They have also made LGBTQ human rights defenders more susceptible to violence.⁷³

The media has been a double-edged sword in both perpetuating and countering anti-LGBTQ rhetoric. Since 2013, certain aspects of LGBTQ media coverage have improved—particularly in the areas of protecting interviewees’ safety and dignity, and in sticking to factual reporting. This change can be attributed to informal interactions with some journalists during training workshops convened by organizations such as the Remuruka Community Centre, which invited select journalists to a commemoration of Transgender Day of Remembrance in 2014. Media in Burundi mainly consists of radio, television, newspapers, and online newspapers and magazines.⁷⁴

Findings and Analysis

This section presents views obtained through interviews with representatives of two nongovernmental organizations advancing the rights of LGBTQ people and sex workers in Burundi. Due to COVID-19, the interviews were conducted online. Hence, the constraints of time and technical glitches may have hampered the quality of the experience. The languages used were English and French. Interpreters

helped to facilitate communication. Representatives from Mouvement pour les Libertés Individuelles (MOLI)⁷⁵ and the Solidarity Network for the Rights of Sex Workers and LGBTQ Persons⁷⁶ contributed views for this study. The interviews were held on February 24 and March 05, 2021, respectively. The responses are presented collectively.

1. Achievements and Strategies Employed to Combat Discrimination Against LGBTQ People in Burundi

The respondents were asked to describe what they perceived as achievements and the strategies they had employed to gain them. As a budding movement that began to actively organize in 2009 in reaction to the draft bill penalizing same-sex relationships, the following were reported as wins:

- a) Lobbying the Burundian Senate, in solidarity with allies globally, to reject the proposed Penal Code provision that would criminalize same-sex relations between consenting adults drew attention to and put on the global map the plight of LGBTQ people in Burundi. LGBTQ organizations provided members of Senate with fact sheets that contained core advocacy messages, and the community became more visible.
- b) Submissions to the UN treaty body mechanisms and UPR on the situation of LGBTQ people in Burundi helped to put the spotlight on the state. The Burundian government has been repeatedly urged to repeal the criminalizing law and more generally to take steps to address human rights violations against LGBTQ people.
- c) The established network of solidarity between sex workers and LGBTQ people has been an impactful platform for dialogue with the government, specifically the National Anti-AIDS Council. This has ensured that LGBTQ people and sex workers are included in policy interventions and their issues remain prioritized.

It was noted that there was no religious and/or faith community collaboration to attain the achievements stated. The following section explains why.

2. Challenges and/or Gaps in Combating Discrimination Against LGBTQ People Within Communities of Faith

Respondents were asked to share gaps and/or challenges they faced in reaching out to faith-based organizations and communities. The following were highlighted:

- a) Most LGBTQ CSOs operate covertly because they are not registered, which limits the extent to which they can reach out to some entities, especially those they perceive as

holding opposing views. Lack of legal status also hampers access to some funding opportunities and generally limits the activities that can be undertaken.

- b) The late president and former first lady, having scapegoated LGBTQ people from the pulpit for political mileage, exacerbated the tension between the faith and LGBTQ communities. They also advocated for conversion therapy, creating a generalized fear of advancing collaboration with communities of faith and enabling religious leaders to spew hate against the LGBTQ community and get away with it.

Even so, some effort, albeit minimal, is being made to integrate the faith component into routine work, in a context of much hostility, as demonstrated in the next section.

3. Effective Strategies and/or Learnings Being Applied to Build Inclusion and Acceptance of LGBTQ People Within Communities of Faith

The two respondents shared differing approaches that they are currently employing or seeking to employ to advance collaboration with religious communities:

- a) The Solidarity Network for the Rights of Sex Workers and LGBTQ people, which is not legally registered, has approached individual pastors but shied away from faith-based institutions such as the Catholic Organization for Sex Workers, perceiving faith-based organizations to be unreceptive. Individual pastors, though willing to listen and be engaged in one-on-one dialogue, have so far not been impactful in changing the current context.
- b) MOLI, because of its legal status, has the advantage of operating overtly. It is part of a sub-regional working group on religion and human rights. The working group is multi-country and brings together organizations from Burundi, Rwanda, and Democratic Republic of the Congo. This working group serves as a platform for information exchange. It was noted that the context in Burundi is heavily influenced by developments in Rwanda. Notably, the proliferation of discourse promoting conversion therapy among communities of faith in Rwanda has had a ripple effect in Burundi.

4. Why Some LGBTQ Organizations Are Not Advancing Inclusion Within Communities of Faith

The following were highlighted as reasons why some LGBTQ organizations in Burundi are not advancing collaboration and inclusion within communities of faith:

- a) There is perceived general animosity of religious actors toward LGBTQ rights activists, and the harsh doctrine

being publicly pushed has deterred some activists from approaching communities of faith.

- b) Some organizations are not prioritizing outreach to faith actors because they are underfinanced and lack technical skills to approach them.
- c) Looming political conflict in the country has interrupted some past efforts. For example, in 2013 some LGBTQ people started dialogue with some sheikhs and imams. However, this progress came to a halt when the Muslim community became a target of the government in 2015.

5. Opponents to LGBTQ Rights and Their Strategies

Respondents were asked to share which actors oppose the advancement of inclusion and non-discrimination toward LGBTQ people and what strategies they employ.

The active role played by elected officials at the highest levels was highlighted as a chief cause for the criminalizing law, with the ruling party using public resources to organize rallies and protests against LGBTQ people. The government has also led crackdowns on CSOs, disproportionately targeting LGBTQ organizations because they are seen as not contributing to the government agenda as required.

The thin line between religion and politics in Burundi has catalyzed a push for conversion therapy by politicians, pastors, and politicians who are also pastors. This has led to deterioration in the mental health of LGBTQ people who are subjected to it by family and friends. Transgender people are particularly affected. Conversion therapy cannot be reported as a crime, and this negative public rhetoric is not treated as hate speech.

Media platforms such as radio, print, and television often report political rhetoric. Pandemics such as COVID-19 are blamed on the LGBTQ community by some religious leaders, drawing on religious texts such as Sodom and Gomorrah. During school holidays, there is targeted outreach to young people through youth forums to spread an anti-LGBTQ rights narrative by opponents from the religious and/or political spheres.

Against this background the two respondents were asked to explore what they felt could be done to counter the negative narrative from religious/political spheres.

6. What More Can Be Done to Advance Faith-Based Work to Combat Discrimination Against LGBTQ People

Respondents were asked to share suggestions for what they felt could be done to heighten the impact of working with

communities of faith. They shared what they perceived to be priorities and/or possible opportunities for funding.

- a) The LGBTQ community in Burundi could benefit from cross-border peer learning from movements within the region that have more experience in engaging with communities of faith.
- b) There is a need to proactively monitor the media and document hate speech from religious and/political circles.
- c) An online portal to collect data and monitor trends within francophone African countries would strengthen documentation within these countries. The portal could also be used as an online platform for targeted information-sharing.
- d) There is also a need to map out clergy and/or faith-based institutions that are willing to open their doors for dialogue. BUNERELA+, a network of religious leaders in Burundi living with or personally affected by HIV/AIDS, could be an entry point for mapping and conversation on stigma and discrimination.
- e) The impact of conversion therapy on mental health could be used as leverage to push dialogue and action from commissioners at the African regional level. In addition to Resolution 275, policies formulated at this level could urge governments to take proactive measures to expand the protection space for LGBTQ people.

Organizations Identified in Burundi

The following are organizations identified by the respondents in Burundi as supporting the advancement of LGBTQ and/or sex worker rights:

- 1) Synergía – Initiatives for Human Rights
- 2) Rainbow Candle Light
- 3) Humure
- 4) National Anti-AIDS Council
- 5) The Global Fund
- 6) Youth Association for Sustainable Development Goals
- 7) African Sex Work Alliance
- 8) Together for Women’s Rights
- 9) Urgent Action Fund

This list is not exhaustive or representative of all LGBTQ organizations in Burundi but comprises organizations that the respondents provided as ones they routinely collaborate with.

Researcher's Observations

The following observations point to productive avenues for support of religious leaders and faith communities:

As a nascent movement, the LGBTQ movement in Burundi is still at the foundational phase compared to counterparts in countries such as Kenya and Uganda. However, great strides have been made in engaging with international treaty bodies and the UPR process. The state-religion relationship presents a complex context for organizations. Any measures taken against religious entities may be interpreted as a direct attack on the state or vice versa, requiring careful consideration.

Even so, there is opportunity to use constitutional rights and state responsibility as enshrined in protective instruments ratified to advance the rights of LGBTQ people in Burundi. For example, through the UPR process, Burundi has been called on to repeal the criminalizing provision. Civil society organizations in Burundi, through litigation, could begin advocating for decriminalization. The infringements on the right to association could also be challenged through litigation, to secure registration for LGBTQ organizations through a transparent process. In addition to protective policy advocacy, the local police could be engaged to expand the protection space and reduce violence against LGBTQ people. Shadow reports highlighting the plight of LGBTQ people could also be submitted to the African Commission.

In the strategic litigation process, religious actors who are allies could be involved as petitioners or as interested parties. Through inclusive theology, these allies could also amplify the need of local police to decrease violence toward LGBTQ people.

Given the challenge of gaining access to high-level public officials, the LGBTQ movement could release open letters, including those signed by allies across the globe. Such open letters could contribute to raising awareness on the plight of LGBTQ people in Burundi and influence policy formulations toward more protective measures. Targeted advocacy is also needed to retain LGBTQ learners in school and ensure improved access to healthcare facilities.

The open letters could be signed or endorsed by religious leaders and communities of faith that are allies to the LGBTQ community from the global community. Similarly, the voices of allied religious leaders and communities of faith could be amplified to contribute to the retention of learners in schools and facilitate improved access to healthcare facilities by the LGBTQ community.

Key Recommendations to Arcus

In light of the above findings, the following steps are recommended:

- a) Support cross-regional exchanges and collaborations geared toward building collective efforts in advocacy with communities of faith and religious actors. This way the LGBTQ movement, while still at its nascent stage, will be able to work toward strategic involvement of communities of faith.
- b) Support efforts toward strategic litigation to repeal the criminalizing law and other provisions that unfairly target LGBTQ people in Burundi.
- c) Support efforts toward strategic litigation to enable registration of LGBTQ organizations and ensure more transparency in the process to expand the protection space for LGBTQ people in Burundi.
- d) Support concrete and effective measures to combat and eradicate acts of discrimination against LGBTQ learners in schools and ensure that appropriate remedies are provided when violations occur.

Country Chapter: Rwanda

Context in Rwanda

Rwanda has a population of just under 13 million.⁷⁷ It has no state religion per se, but Christianity is dominant, practiced by about 96 percent of the population in its various denominations.⁷⁸

Post-genocide Rwanda under the leadership of President Paul Kagame has been marked by a mix of criticism and praise. He has been applauded for an impressive developmental track record in rebuilding the country, while coming under heavy criticism for ruling with an iron fist and human rights violations toward those perceived as a threat to his rule.⁷⁹ The LGBTQ community in Rwanda has not been overtly targeted by Kagame's regime. If anything, in statements made in 2016, the president suggested that sexual orientation was to be considered a private matter and not state business.⁸⁰

Rwanda is party to most major human rights instruments at the international and regional levels.⁸¹ In 2019, it voted in favor of renewing the mandate of the United Nations Independent Expert on sexual orientation and gender identity (UN IE SOGI).⁸²

During its first Universal Periodic Review (UPR) before the UN Human Rights Council, in 2011, Rwanda did not receive any recommendations explicitly pertaining to sexual orientation and/or gender identity. There was, however, a recommendation that it rejected, related to the rights of the Batwa community and other minorities. The recommendation urged Rwanda to “adopt concrete measures to avoid discrimination and protect the rights of the peoples of the Batwa community and other minorities as well as request technical assistance from the United Nations to identify their basic social needs.”

Rwanda explained its rejection based on the position that it was fully committed to the prevention of and fight against all forms of discrimination, and had put in place appropriate measures and programs to benefit all vulnerable groups.⁸³ Significantly, during this 2011 cycle, Rwanda issued a standing invitation to all UN special procedures, reflecting a commitment to cooperate with the UN human rights mechanisms.

On the occasion of Rwanda's second UPR, in 2015, UN independent experts and treaty bodies reviewed Rwanda's progress around equality and non-discrimination,

recommending, inter alia, that Rwanda adopt comprehensive anti-discrimination legislation and address patriarchal stereotypes regarding the roles and responsibilities of men and women through gender-equality legislation and policy measures.⁸⁴

Even though sexual and gender minorities did not receive an explicit mention, the framing of the concerns and recommendations provided an avenue to expand the protection space for LGBTQ people in Rwanda.

For Rwanda's third UPR, in 2020, the government's report was starkly absent of any mention of human rights issues relating to LGBTQ people in Rwanda. This was in spite of its support for the renewal of the mandate of the UN IE SOGI in 2019. A joint submission by civil society organizations highlighted “an omission of transgender, lesbians and intersex people in the Government's policies and strategies, which had adhered to the binary vision of gender as man and woman.” The following additional concerns were raised in the submissions by stakeholders:⁸⁵

- a) The lack of legislative protection against gender-based violence for LGBTI people (defining violence not only as bodily or mental harm, but as economic harm as well).
- b) The difficulty accessing health care by female sex workers and LGBTI people. Rwanda's Fourth Health Sector Strategic Plan (2018–2024) did not include LGBTI people or their needs, and transgender people were excluded from guidelines on HIV and STIs.

It appears that human rights treaty ratification at the regional and international levels has had relatively minimal influence on improving the lived realities of sexual and gender minorities in Rwanda. Despite African Commission Resolution 275,⁸⁶ there is no explicit mention of issues related to sexual and gender minorities in the periodic reports submitted by Rwanda to the Commission.⁸⁷

While Rwanda did not inherit a penal code that criminalizes same-sex consensual unions, attempts to criminalize were made in 2009.⁸⁸ The current Penal Code does not contain criminalizing provisions for consensual same-sex acts,⁸⁹ and Article 16 of the Constitution provides protection from discrimination for all Rwandans.⁹⁰ While it does not mention sexual orientation and gender identity among the protected grounds, it is framed in inclusive language that can be applied to the lived realities of LGBTQ Rwandans:

All Rwandans are born and remain equal in rights and freedoms. Discrimination of any kind or its propaganda based on, inter alia, ethnic origin, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural differences, language, economic status, physical or mental disability, or any other form of discrimination are prohibited and punishable by law.

The existence of such a provision in the Constitution should provide an enabling environment for human rights actors advancing the rights of LGBTQ people. However, strict laws that govern the operation of non-governmental organizations—and misuse of a constitutional provision that aims to eradicate discrimination and divisionism and to promote national unity⁹¹—have forced LGBTQ organizations to operate covertly.

Organizations that want to register with the government often conceal their work with the LGBTQ community for fear of being rejected. Those that acknowledge their priorities state that they are human rights organizations serving the LGBTQ community, rather than being LGBTQ organizations. This seemingly nominal difference can determine whether or not an organization is granted legal recognition.⁹²

Article 10(2) of the Rwandan Constitution on discrimination, divisionism and promotion of national unity was framed in this manner in reference to the history of the country in an effort to foster integration of ethnic communities. Nonetheless, this article has been used to target any individual or entity that openly criticizes or falls out of favor with the government. Hence, human rights activists must carefully navigate in advocating for the rights of LGBTQ people so as not to be accused of divisionism.⁹³

Rwanda has an ambivalent state-religion relationship. The Constitution stipulates separation of church and state, defining Rwanda as a secular country. Freedom of religion is guaranteed under several provisions of the Constitution. But after shutting down some 700 churches, Rwanda came under criticism for introducing laws that make it difficult to operate faith-based institutions and imposing stricter requirements for clergy.⁹⁴ Nevertheless, foreign missionaries and NGOs linked to various churches operate and openly promote their religious beliefs; their development assistance is welcomed by the government.

Restrictions on religious freedoms have not spared the LGBTQ community from harmful rhetoric from some religious fronts. The absence of proactive state measures on the protection of sexual and gender minorities has left the

LGBTQ community vulnerable to violations by police and non-state actors. Opposing religious leaders have capitalized on the government's silence and inaction to spew hate toward the LGBTQ community.⁹⁵

The language used by hostile religious leaders reflects negative attitudes and perceptions that persist toward LGBTQ people within communities of faith opposed to inclusivity. The narrative of non-heteronormativity being “un-African,” “ungodly/satanic” and led by a “white/Western agenda” has often been used to oppress LGBTQ people in Africa. Other commonly invoked arguments include the protection of family, often extending to arguments against contraceptives and family planning.

Despite these circumstances, Rwanda still has some affirming religious leaders who open their doors to LGBTQ worshippers.⁹⁶ This has been made possible by persistent efforts from CSOs and NGOs advocating for the inclusion of LGBTQ people in communities of faith, as will be presented in the subsequent section.

Findings and Analysis

This section presents views obtained through interviews with representatives of five non-governmental organizations advancing the rights of LGBTQ people in Rwanda. Due to COVID-19, the interviews were conducted online. Hence, the constraints of time and technical glitches may have hampered the quality of the experience. The languages used were English, Kiswahili and Kinyarwanda. Interpreters helped to facilitate communication where there was a language barrier. Representatives from Health Development Initiative (HDI),⁹⁷ Isange LGBTI Coalition Rwanda,⁹⁸ Horizon Community Association of Rwanda (HOCA),⁹⁹ TFAM Rwanda,¹⁰⁰ and Amahoro Human Respect Organisation¹⁰¹ contributed views for this study. The interviews were held between February 22 and 26, 2021, and responses are presented collectively.

1. Achievements and Strategies Employed to Combat Discrimination Against LGBTQ People in Rwanda

Respondents were asked to provide what they perceived as achievements and what strategies they employed to gain them. The following emerged from the discussions:

- a) Rwanda hosted the International Conference on AIDS and Sexually Transmitted Infections in Africa (ICASA) in 2019.¹⁰² This regional conference was a culmination of sustained collaboration and advocacy with the Ministry of Health.

- b) In 2009, a draft revision to the Penal Code attempted to introduce provisions criminalizing consensual same-sex acts and by the same token criminalizing the work of LGBTQ human rights defenders. Collaboration with regional and international civil society, and engagement with human rights defenders, organizations, and governments globally to call for the withdrawal of the oppressive legislation ensured that it was not adopted by the Rwandan Parliament.¹⁰³
- c) Outreach to parents, family, and friends of LGBTQ people and involving them in dialogue have expanded the protection space for some community members. Thanks to such interventions, some members of the LGBTQ community received needed psychosocial support and have been welcomed by their family and friends. This support helps to reduce the burden on the limited resources for organizations that provide psychosocial support to LGBTQ people.
- d) The use of radio talk shows to demystify stereotypes around sexual and gender minorities has been impactful in providing fact-based information and highlighting the protection needs of LGBTQ people.
- e) Thematic entry points such as HIV/AIDS, sexual and reproductive health rights, and gender-based violence have created opportunities for introducing dialogue around inclusion of LGBTQ people in policy and programming with some stakeholders, including religious actors.
- f) Putting forward organizations that are legally registered to be the face of advocacy for the LGBTQ community, while collaborating with those that are not legally registered, has been impactful in engaging with state actors and some donors. This has also created shared platforms where the LGBTQ community can collectively prioritize and strategize for greater impact.

2. Challenges and/or Gaps in Combating Discrimination Against LGBTQ People Within Communities of Faith

Respondents were asked to share gaps and challenges they faced in reaching out to faith-based organizations and communities. The following were highlighted:

- a) The government does not respond to rhetoric from religious spheres that is harmful to the LGBTQ community. This is in spite of Rwanda’s constitutional protections and the nation’s role as a party to key human rights treaties at the regional and international levels. This silence gives anti-LGBTQ rights religious leaders immunity and the confidence to spread hate against LGBTQ people, including from the pulpit. New methods such as podcasts

in local dialects, television, and radio are also being used as a medium for this rhetoric.

- b) Limited organizational financial and non-financial resources, such as staffing, also prevent heightened engagement with communities of faith. Organizations that reach out to faith communities have at most only one fully dedicated staff. These staff are driven by personal conviction and are not necessarily trained in religious issues.
- c) While some religious leaders and communities of faith are welcoming to LGBTQ people, there is reluctance to allow them to hold leadership responsibilities or roles within their congregations.
- d) Similarly, efforts to ensure support for LGBTQ people through the psychosocial programs of welcoming churches have failed. These churches perceive that inclusion of LGBTQ people in existing psychosocial programs strains their resources. Some feel that it is more than enough to include them in the congregation; anything more would be pushing it too far.
- e) Dialogue events with religious leaders take about two to three days per cohort. These short-term *ad hoc* engagements have not been sufficient to bring about the long-term change needed to move these faith leaders to take action beyond inclusive preaching. Sometimes, officials who are not in a position to make decisions are sent as representatives, which hinders obtaining meaningful commitments from their institutions.
- f) Some invited participants turn hostile and will sometimes leave the meetings in anger when discussions around LGBTQ people are pursued, especially if the entry point was not directly SOGIE-related.
- g) During the government crackdown on churches in 2019, places of worship that were housed in government buildings were not targeted. However, the crackdown made it difficult to reach out to other entities.
- h) Fear of the stigma that comes with association deters some worshippers who would like to join the services at overtly queer places of worship, such as TFAM. Entities such as TFAM are perceived as advancing a Western/foreign agenda and promoting homosexuality.

3. Effective Strategies and/or Learnings Being Applied to Build Inclusion and Acceptance of LGBTQ People Within Communities of Faith

Respondents who reach out to communities of faith to build inclusion and acceptance of LGBTQ people were asked to spell out what they felt was working in advancing their goals. The following information was provided:

- a) Reaching out to non-mainstream denominations such as Pentecostal, Protestant, and indigenous churches has been relatively easier than initiating dialogue with the mainstream denominations such as Catholic and Anglican. The non-mainstream denominations are often autonomous entities, unlike the mainstream denominations, making them better-positioned to act.
- b) Steering away from the subject of same-sex marriage, even if it is brought up during dialogue and trainings, helps to focus the discussion around inclusion and protection of LGBTQ people.
- c) Strategically sharing lived experiences of how harmful rhetoric has impacted the lives of LGBTQ people also has been effective in having some faith leaders shift their attitudes positively.
- d) Pastor-to-pastor engagement appears to have been most effective for trainings and dialogues. As a peer, the lead facilitator, who is a pastor, is more relatable and amiable to the other clergy. Pastors who are activists appear to carry out this role especially effectively.
- e) Monthly forums organized by LGBTQ organizations to share updates on the impact they are having with faith communities have been effective for information exchange.
- f) HIV/AIDS as a theme for initiating dialogue with religious actors has so far worked well. Faith leaders who are part of the network that leads advocacy around HIV/AIDS-related issues are receptive to the shared experiences around stigma and discrimination.

4. Why Some LGBTQ Organizations Are Not Advancing Inclusion Within Communities of Faith

This question sought to find out why some LGBTQ organizations in Rwanda are not advancing inclusion within communities of faith. The following were highlighted:

- a) Perceived general animosity between religious actors and LGBTQ rights activists because of harsh doctrine has deterred some of the latter from approaching communities of faith.
- b) Some activists have in the past endured hurtful experiences that make them want to shun any deliberate interactions with religious actors.
- c) Some organizations are not prioritizing outreach to faith actors because limited financial resources constrain their scope of work. The COVID-19 pandemic has exacerbated socioeconomic and safety concerns for some members of the community.
- d) Some feel they lack the technical skills required to reach out to communities of faith.

5. Opponents of LGBTQ Rights and Their Strategies

Respondents were asked to state which actors oppose the advancement of inclusion and non-discrimination toward LGBTQ people, and to name the strategies they employ.

Generally, it was felt that there is currently no active opposition from state actors. Instances when local police have harassed LGBTQ human rights defenders exist but are isolated. Transgender people and activists face the most harassment. Upon arrest, authorities generally press charges pertaining to petty offenses against them.

Religious-cultural stigma aimed at LGBTQ people has provided an enabling environment for misuse of scripture by religious leaders. Traditional, cultural gender notions dictating stereotypical norms for females and males, compounded by conservative religious dogma, has fostered an environment where retrogressive religious leaders and cultural proponents attack LGBTQ rights.

Some human rights defenders and LGBTQ people are shunned by friends and family until they abandon their sexual orientation and/or gender identity. A growing narrative of “ex-gays” is being perpetuated, which has led to conversion therapies in some communities of faith and propagates the misconception that being LGBTQ is a choice.

6. What More Can Be Done to Advance Faith-Based Work to Combat Discrimination Against LGBTQ People

Respondents were asked to share suggestions for what they felt could be done to heighten the impact of working with communities of faith. They shared what they perceived to be priorities and/or possible opportunities for funding.

- a) Using religious media channels (print, radio, television) and existing social media platforms to counter the harmful narrative emanating from these sources.
- b) Pursuing other avenues and platforms such as arts and sports to bring the faith community closer to the LGBTQ community. These interactions can be used for advancing inclusion and providing appropriate SOGIE-related information.
- c) Longer-term engagement using incentives for religious leaders to carry out the work. A starting point could be a grant that a cohort of religious leaders could compete for after completing a course on LGBTQ inclusion offered to religious actors whose ideas go beyond inclusive preaching.
- d) Foundational training on contextual Bible study for activists currently reaching out to communities of faith. Such training could equip them with skills and knowledge

to counter Biblical verses that are commonly used against LGBTQ people.

- e) Forging relationships with academic institutions that teach religious studies and theology. Queer theology could be one of the units taught, and the academics could support the LGBTQ community in other areas, such as research.
- f) Creating a monthly platform for inclusive religious leaders to ensure that they are able to support each other, maintain motivation, and exchange ideas to be more impactful.
- g) Establishing an indigenous regional network of East African LGBTQ organizations advancing inclusion within communities of faith. This would help curb the perception of LGBTQ inclusion as a foreign agenda. It would also help foster cross-regional collaboration, offer more autonomy to respond to issues arising in the immediate context of operation, and lend a more homegrown identity.¹⁰⁴
- h) Establishing a specific fund for LGBTQ people who have been affected by poverty, and hence are lagging behind in education and economic empowerment. This would be a significant step to improve their social status and could be supported by a faith-based entity that the LGBTQ community trusts.

Organizations Identified in Rwanda

The following are other organizations identified by the respondents in Rwanda as advancing LGBTQ rights:

- 1) My Rights Alliance
- 2) Rwanda Rainbow Rights
- 3) Health and Rights Initiative
- 4) Safe and Friendly Society
- 5) Building Hope for Future Rwanda

This list is not exhaustive, but represents organizations that the respondents collaborate with.

Researcher’s Observations

The researcher made the following observations:

The nascent LGBTQ movement¹⁰⁵ in Rwanda has risen above tensions that often plague social justice movements during the inception stages. As such, there is a symbiotic relationship between legally registered and unregistered organizations advancing inclusion for LGBTQ people. Most of the organizations operate out of the capital, Kigali. There is a need to forge relationships with other, mainstream social justice and human rights organizations, such as those that work on the rights of women and other minority populations.

Legally registered organizations, such as Amahoro Human Respect Organization, and those advancing sexual health and reproductive rights, such as Health Development Initiative (HDI), are beneficial for the LGBTQ community. In an environment where the government is ambivalent about the protection of LGBTQ people, such organizations represent a much-needed avenue for engagement with state actors.

The study also noted that while HDI and Amahoro allow the LGBTQ community to dictate and drive active engagement, these two organizations have no influence over formulation of state policy. They simply implement the government’s policy. This is key for their survival, and any attempt to engage in advocacy on behalf of a specific constituency can have negative consequences for their organizations—even their ability to operate. This of course undermines their ability to play the watchdog role that independent CSOs can play in holding the government accountable.

The precarious operating environment for CSOs in Rwanda and the fear of being accused of divisionism have created a mindset where unregistered organizations that overtly champion LGBTQ rights limit their activities to partnering with registered organizations. As such, they have not explored bolder moves such as litigation as an avenue for challenging the unconstitutionality of their lack of registration. Litigation could also be explored as a strategy for legal recognition of transgender and intersex people, and to combat hate speech against the LGBTQ community.

Rwanda’s support for the renewal of the UN IE SOGI mandate in 2019 and the standing invitation it has issued to all UN special procedures present important openings for CSOs to advance LGBTQ rights in Rwanda.

Facebook is the primary tool for disseminating information by the LGBTQ organizations interviewed. While it is a convenient tool for creating visibility for the community, it also leaves these organizations vulnerable to government reprisals. It would be advantageous to have independent websites to disseminate information, in addition to social media pages. Investing in publication of reports, research, and significant change stories would also be valuable as part of knowledge production and dissemination. These steps could contribute to an improved image with donors, stakeholders, and other partners that might wish to support the work.

TFAM Rwanda has made great strides in encouraging some places of worship to embrace inclusive preaching and welcome LGBTQ people as part of the congregation. However, more could be done to strengthen this component

by forging cross-border collaborations with progressive professors of theology who can impart Contextual Bible Study knowledge to augment the skills of pastors who are also activists. Kenya, where TFAM is also active, has a pool of skilled academics of Contextual Bible Study.

LGBTQ organizations, which suffer from lack of access to government resources, could potentially benefit from development aid partners—predominantly Kigali-based foreign embassies that support social justice initiatives and international bodies such as the European Union and UNAIDS. Since the government places strict restrictions on access to resources for CSOs, development funding is a plausible way for LGBT organizations to access resources. Yet, funds from development aid partners are accessible only through structures set by the government, which simultaneously puts most CSOs at a disadvantage because they are not registered.

Engagement through the Isange Coalition is the preferred *modus operandi* for the respondents interviewed. As a budding coalition, Isange could benefit from financial and non-financial institutional strengthening to effectively execute its mandate. It was noted that representatives are volunteers who may not have all the skills required for the roles they carry out, making it challenging to promote accountability among members and hampering effective management of the coalition. Learning exchanges with other established coalitions from the East African region could be useful for the Isange Coalition during this budding stage.

Key Recommendations to Arcus

The following are recommendations to Arcus:

- a) Take advantage of Rwanda's role in the region and improve its international position by advancing more overt faith-based collaboration on the protection of LGBTQ people. These initiatives ought to be local-led to the extent possible to help debunk some of the cultural myths and misconceptions that surround LGBTQ people in Rwanda.
- b) In relation to the above, directly support institutional strengthening of CSOs that advance inclusion so they can expand their scope of work to other areas involving collaboration with actors in state policy formulation and implementation to benefit LGBTQ people beyond healthcare. Also, given Rwanda's role in the region, it could gradually be considered with caution as a site for advancing work outside of the capital city and throughout the East Africa regional networks in formation.

Country Chapter: Uganda

Context in Uganda

Uganda has a population of close to 43 million. About four-fifths is Christian, one-eighth Muslim, and most of the remainder followers of traditional religions.¹⁰⁶

In a country where same-sex relations were already criminalized under the 1950s Penal Code Section 145,¹⁰⁷ President Yoweri Museveni in February 2014 signed into law an Anti-Homosexuality Act, criminalizing the undefined “promotion of homosexuality.”¹⁰⁸ The law was later nullified over a technicality in August of the same year by the Constitutional Court of Uganda. The technicality was a lack of quorum to pass the bill at the National Assembly. Widespread international criticism, including from some world leaders, and suspension of aid from the World Bank are also believed to have contributed to the swift nullification of the law.¹⁰⁹

The act was widely supported by religious leaders who had rallied the masses with anti-gay ideology. Among the prominent people in Uganda who supported it was the first lady, Janet Museveni.¹¹⁰ The media also played into the already homophobic environment at the time by reporting negatively on LGBTQ issues and outing suspected individuals.

Uganda is a signatory to several international and regional human rights instruments.¹¹¹ It ratified the African Charter on Human and Peoples’ Rights in 1984.¹¹² Its constitution pronounces all people to be equal under the law and provides that the views of minorities will be considered in making national plans, programs, and decision-making. The clause on non-discrimination does not list sexual orientation or gender identity among the grounds of non-discrimination; however, the language used is inclusive.¹¹³

During Uganda’s first Universal Periodic Review (UPR) before the UN Human Rights Council, in 2011, the government gave mixed responses to concerns raised about the rights of LGBTQ people. For example, it accepted recommendations regarding the need to investigate and prosecute perpetrators of violence toward LGBTQ people and activists, and end physical assault and discrimination toward LGBTQ people. At the same time, it rejected all recommendations calling for the repeal of any laws that criminalize same-sex consensual relationships and other related recommendations. Even so, among other voluntary pledges made during this cycle, Uganda committed

to developing and implementing a national action plan on human rights issues and to mainstream human rights in all aspects of governance.¹¹⁴

The first UPR cycle of Uganda took place against the backdrop of a failed first attempt to introduce the Anti-Homosexuality Act, the publishing of photos of gay people by some press outlets, and the killing of the prominent gay rights activist David Kato.¹¹⁵

In its second UPR, in November 2016, Uganda stopped short of accepting any recommendations directly related to improving the human rights situation of LGBTQ people, simply “taking note” of recommendations made in relation to legal reforms to decriminalize same-sex consensual relationships, combating discrimination on the basis of sexual orientation and/or gender identity, and combating harassment and violence against LGBTQ people.¹¹⁶ The second UPR occurred against the backdrop of national elections, in which the LGBTQ community was used as a pawn by President Museveni to maintain political power.

As a signatory to the African Charter, Uganda has committed to taking legislative, judicial and administrative measures to ensure that it abides fully by all rights enshrined in the instrument, including the right to non-discrimination. Uganda is also expected to take steps to expand the protection space for LGBTQ people and human rights defenders by operationalizing Resolution 275, adopted by the African Commission in 2014, urging state parties to the charter to apply its provisions in the protection against violence and discrimination based upon real or imputed sexual orientation or gender identity.¹¹⁷

On May 4, 2021, the parliament adopted a Sexual Offences Bill that reintroduced aspects of the annulled Anti-Homosexuality Act from 2014.¹¹⁸ The adoption of the new bill followed the assuming of office by President Museveni for a sixth term, after an election marred by violence and other infringements on human rights.¹¹⁹ While the 2020–2021 election period did not see the LGBTQ community used as a pawn by the president at the same heightened intensity as the previous election in 2016, the LGBTQ community was affected like all other Ugandans by widespread violence and internet shutdowns, coupled with the effects of the COVID-19 pandemic.¹²⁰

Findings and Analysis

This section presents views obtained through interviews with representatives of five organizations advancing the rights of LGBTQ people in Uganda. Due to COVID-19, the interviews were conducted online. Hence, the constraints of time and technical glitches may have hampered the quality of the experience. The language used was English. Representatives from Tranznetwork Uganda,¹²¹ Freedom and Roam Uganda (FARUG),¹²² Universal Coalition of Affirming Africans in Uganda,¹²³ Uganda Human Rights Commission,¹²⁴ and East African Visual Artists¹²⁵ contributed views for this study. The interviews were held between April 14 and April 20, 2021. The responses are presented collectively.

1. Achievements and Strategies Employed to Combat Discrimination Against LGBTQ People in Uganda

Respondents were asked to provide what they perceived as achievements and the extent to which religious leaders supported the process by which the achievements were attained. The following views were provided:

- a) Movement-building and coordination under the Key Populations Consortium has led to greater access to HIV/AIDS interventions for LGBTQ people in Uganda under the National AIDS Council. Some religious leaders have used HIV/AIDS as an entry point to discuss stigma and discrimination toward the LGBTQ community.
- b) There has been a proliferation of online affirming and activist-led spaces of worship, such as Faithful Catholic Souls, Adonai, Minority Women of Faith, TFAM, Affirming Ministries, and Universal Love Ministries. They are expanding the safe space for inclusive worship, although some interview subjects deem them exclusionary because they lack participation from the general public.
- c) The transgender community has relatively more synergy and engages in collective strategizing, leading to strengthened capacity at some institutions and augmented approaches to collective security. These advances have been demonstrated through joint research and collective responses to the COVID-19 pandemic.¹²⁶ The community is building more resilience and developing prototypes around mental health.¹²⁷
- d) Significant sensitization work undertaken with the local police has led to decreased violence, although isolated incidents still occur in some areas. Advocacy with the police has led to increased safety for the LGBTQ community.¹²⁸
- e) Overall, interview subjects perceive increased awareness of the existence of LGBTQ people by the general public,

even though levels of acceptance are still low. A contributing factor has been the proliferation of information through digital spaces, which has also been key in making relevant information easily accessible to LGBTQ people who seek to claim their rights.

- f) The judiciary has been used to challenge the constitutionality of various rights violations faced by the LGBTQ community. The use of courtrooms¹²⁹ to seek remedy has enabled some members of the community to pursue other rights, such as employment and increased political participation.¹³⁰
- g) In some communities, dialogue with family and friends has led to increased acceptance of some LGBTQ community members, and in some instances family reunification. This process has attracted more allies at the community level in support of their kin or friends who identify as LGBTQ.

These perceived achievements have been made possible with relatively minimal involvement of religious actors. However, some respondents felt that while the doctrine advanced by the majority of religious actors is harmful, mainstream institutions such as the Catholic, Protestant, and Anglican churches, given their significant historical political influence, are well-placed to catalyze policy changes if they wish to do so.

2. Challenges and/or Gaps in Combating Discrimination Against LGBTQ People Within Communities of Faith

Respondents were asked to share gaps and challenges they faced in reaching out to faith-based organizations and communities. The following issues were highlighted:

- a) Many individual faith leaders who are supportive prefer not to come out publicly. This is mainly because they lack institutional support and are at risk of being excommunicated.
- b) The lack of legal protections accorded LGBTQ people in Uganda has fostered an environment of hostility and rights violations. This is compounded by harmful public rhetoric by the president and other public officials who perpetuate open rejection, making it difficult to advance dialogue with some religious actors.
- c) Social media has been a great tool of advocacy but has also frequently been used to fuel hatred toward the LGBTQ community. No action has so far been taken against perpetrators of hate speech via social media. This allows for harmful doctrine in some religious spaces that perceive LGBTQ people as being possessed and having demons that need to be cast out (i.e., conversion therapy).

- d) Mainstream religions such as Catholicism and Islam are more difficult to involve in advocacy strategies because of institutional bureaucracy. Another obstacle cited are individual clergy members who fear being exposed through the media and being perceived as “guilty by association,” leading to loss of position within their religious institutions.
- e) It was felt that teaching and training of potential clergy should be reformed to suit the current context. The world is pushing for respect toward individual rights and liberties, and teachings in religious schools should reflect this.
- f) The Uganda Human Rights Commission (UHRC) lacks influence within religious circles. Religious institutions at the national level abide by their parent institutions abroad. Since faith-based institutions are not state actors, UHRC sees itself as having little influence over them. UHRC is prioritizing legislative review and criminal justice reforms.
- g) LGBTQ-themed movies are not rated by the Media Council, preventing screening and certification by the Uganda Communications Commission. Advocacy with the Media Council is ongoing to allow for rating, certification, and screening of LGBTQ-themed movies.

Despite the obstacles highlighted, some effort, albeit minimal, is being made to integrate the faith component into routine work, in a context of much hostility, as demonstrated in the next section.

3. Effective Strategies and/or Learnings That Are Being Applied to Build Inclusion and Acceptance of LGBTQ People Within Communities of Faith

The respondents shared differing approaches they are employing or seeking to employ to advance collaboration with religious communities:

- a) One-on-one dialogue with faith leaders who are willing to listen has increased levels of tolerance in some specific faith and local communities, as the preaching is relatively more inclusive.
- b) Cross-border collaborations through organizations such as TFAM have led to increased exchange of ideas and information.
- c) HIV/AIDS as an entry point has provided some clergy appropriate messaging to publicly speak out against stigma and discrimination targeting the LGBTQ community in Uganda.
- d) Use of mediums such as short documentaries have proven effective to some extent in amplifying the voices of religious leaders who speak to their congregations on inclusiveness and equal opportunity for LGBTQ people. These short documentaries capture footage of services,

providing short clips of impactful messages that are used online.

4. Why Some LGBTQ Organizations Are Not Advancing Inclusion Within Communities of Faith

This question sought to find out why some LGBTQ organizations in Uganda are not advancing collaborations and inclusion within communities of faith. The following issues were highlighted:

- a) LGBTQ rights defenders lack the appropriate language and technical know-how to meaningfully engage with religious actors. Additionally, homophobia emanating from religious entities has come to be perceived as normal and therefore not prioritized in the same way as other areas where reforms are needed, such laws and healthcare.
- b) There is a general perception that engaging religious leaders is not glamorous compared to other forms of advocacy, such as law and healthcare reform. Furthermore, results take longer to be seen.

5. Opponents of LGBTQ Rights and Their Strategies

Respondents were asked to share which actors oppose the advancement of inclusion and non-discrimination toward LGBTQ people, and what strategies they employ.

In addition to state-propagated structural violence creating barriers to justice for and protection of LGBTQ people, there has been an increase in violence toward LGBTQ people at the community level. Perpetrators include local community members and leaders (including faith leaders), local government authorities, and law enforcers. Acts of violence against the community include conversion therapies, corrective rape, physical assault, evictions, stripping, and blackmail. Hate speech is propagated through retrogressive preaching in some communities of faith.

At the onset of the COVID-19 pandemic and its associated mortality, a public discourse emerged, blaming the LGBTQ community in Uganda. This added to the pre-existing narrative that being LGBTQ is “un-African” and that LGBTQ people are destroying the nation and families. The presence of foreign clergy who advance inclusivity has been countered by a discourse accusing them of distorting religion and attempting to take over or abolish existing traditional forms of religious dogma.

Clergy who are openly supportive of LGBTQ rights, such as Father Anthony Musaala or Bishop Christopher Senyonjo,¹³¹ have been excommunicated from their respective home or national churches, even though they have had the support of their main institutions abroad. Some faith leaders employ

double-speak to appear politically correct and avoid repercussions outside of Uganda. They appear to be hostile toward LGBTQ rights in Uganda while sending out an appropriately acceptable message when abroad. Some pastors in Uganda use LGBTQ members as pawns to gain popularity and attract followers by highlighting “ex-gays.”

Some public health actors charged with implementing HIV/AIDS interventions have branded the LGBTQ community as vectors of the virus, increasing stigma and discrimination toward LGBTQ people. Some organizations serving LBQ people—excluded from official HIV/AIDS programs, because they are not considered “most-at-risk populations,” unlike other sexual and gender minorities—have evolved to include sex worker rights in order to benefit from HIV/AIDS interventions.

6. What More Can Be Done to Advance Faith-Based Work to Combat Discrimination Against LGBTQ People

Against the difficult background outlined above, respondents were asked to share suggestions for what they felt could be done to heighten the impact of working with communities of faith. They also shared what they perceived to be priorities and/or possible opportunities for funding.

- a) The LGBTQ community in Uganda could benefit from legal reforms that would lead to increased access to justice for LGBTQ individuals who are victims of violence and have had their rights infringed (for instance, relating to legal identity for transgender and intersex people).
- b) Combating hate speech through litigation could help curb some of the harmful rhetoric employed by some faith leaders and public figures, including the president.
- c) Strategic litigation to repeal laws that criminalize consensual same-sex relationships would build an environment conducive to realizing other socioeconomic rights that have been denied the LGBTQ community, including allowing more room for expression through arts and removing barriers by the media and communications councils.
- d) Strengthening technical skills capacity would reduce the need to use consultants for research and documentation. This could be helpful in generating the needed information for collaborations with communities of faith.
- e) Production of audiovisual materials whose content speaks to the impact of religion as a tool that catalyzes violence, stigma, and discrimination toward LGBTQ people could be used as an entry point for dialogue with religious actors. The audiovisual materials could include movies, podcasts, documentaries, and so on, and media

engagement should be strategic, intentional, and controlled by the LGBTQ community.

- f) There is also a need to conduct proactive and systematic documentation of hate speech and other forms of violence that emanate from religious spheres, and map perpetrators and their impact on the LGBTQ community. Such specific documentation and/or thematic research could help inform strategies leading to appropriate responses, and also encompass an evidence-based approach when seeking out allies within communities of faith for structured interventions.
- g) Expand advocacy through cross-movement building by reaching out more proactively to mainstream movements, such as women’s and children’s movements, which have more influence with faith communities than the LGBTQ community has. Such movements could be helpful in relationship-building within communities of faith.
- h) There is a need to have more LGBTQ-led or -friendly NGOs register as faith-based entities. This way, they will legitimately occupy space within religious spheres and can advance sexuality and spirituality education, and develop tools for guidance, which could also lead to more strategic engagement with the religious community.
- i) Some LGBTQ activists are familiar with politicians who are supportive of their work but will not speak out for fear of losing political mileage. There is an opportunity to bring together such politicians and friendly religious actors in a private space for dialogue to strategize about how to combat LGBTQ discrimination in Uganda.

Organizations Identified in Uganda

This list includes organizations identified by the respondents in Uganda as supporting the advancement of LGBTQ rights in the capacity of partners providing financial resources, technical support, and responses to other cross-cutting sexual rights issues:

- a) Coalition on elimination of mortality of unsafe abortions
- b) Akina Mama Wa Afrika
- c) UHAI-EASHRI
- d) Open Society Initiative for East Africa
- e) Tides Foundation
- f) American Jewish World Service
- g) Amplified Change
- h) Planet Romeo Fund
- i) Global Fund for Women
- j) Woman Kind International
- k) Stephen Loise Foundation
- l) Defenders Protection International

- m) Human Rights Awareness and Promotion Forum
- n) Icebreakers
- o) Sexual Minorities Uganda
- p) Freedom House Uganda
- q) St. Paul's Centre
- r) Friends of Canon Gideon Foundation
- s) Africa Uncensored

This list is neither exhaustive nor representative of all LGBTQ organizations in Uganda. These are the organizations with which the respondents said they routinely collaborate.

Researcher's Observations

The researcher made the following observations based upon the interviews and review of the literature:

The global anti-rights movement has a strong hold of Uganda, which explains why attempts to reintroduce anti-homosexuality legislation have persisted. The politicization of LGBTQ rights is still rife. No CSO-led activism has had as much influence in critical spaces as that of anti-rights campaigners, as illustrated by the adoption of provisions that further criminalize same-sex consensual relationships in the recently adopted Sexual Offences Act.

Amid heightened political tensions and an election marred by violence and human rights violations, the president used LGBTQ rights as a pawn. The opposition Red Beret Movement, led by Bobi Wine, was accused of receiving funding from LGBTQ rights groups,¹³² and the movement was subsequently classified as a terrorist group to permit military action against opposition supporters.¹³³ Associating the opposition with LGBTQ rights and terrorist groups was a deliberate propaganda strategy by the government to turn the public against the opposition in a country with relatively high levels of homophobia.

Key Recommendations to Arcus

Given the findings highlighted above, the following are recommended:

- a) Consider supporting the work of activist-led religious communities so they can formally organize, involve themselves in advocacy with state actors, and join litigation and legislative-review processes. Today's informal organizing, which lacks legal recognition, hinders such collaborations. Informal groups that are affiliated with mainstream religious institutions, such as the Faithful Catholic Souls, a support group established by Catholic

- LGBTQ activists, could benefit from institutional support to legally register and draw solidarity from other affirming Catholic entities outside of Uganda.
- b) Consider supporting cross-border collaboration around legal reforms in common thematic areas, such as in the litigation process to get the media and communication councils to remove barriers to airing LGBTQ-themed movies. CSOs from Kenya could act as *amicus curiae* or interested third parties in such litigation processes within the permissible legal parameters.
- c) Support strategic cross-border collaborations in developing tools to expand advocacy with religious leaders and harmonize religious leaders' advocacy across the East African region. Tools and methodology developed should be flexible and adaptable to suit the national context. The use of arts and media to initiate dialogue with faith-based communities could be scaled up to the sub-regional level to circumvent licensing requirements in Uganda.
- d) Support documentation and research of faith-based violence toward LGBTQ people in Uganda. The evidence gathered should be able to highlight the need for targeted interventions within the faith community and inform strategies to counter the global anti-rights movement, which has a strong base in Uganda. The strategies developed should not only put the faith communities and LGBTQ people at the center of interventions, but should also consider, to the extent possible, involving other actors working on sexual rights. UCAA Uganda could be considered for this kind of research. Its affiliation with TFAM could provide it leverage against the U.S.-based anti-rights movement. UCAA Uganda is the most established NGO in Uganda that leads faith-based advocacy.

Country Chapter: United Republic of Tanzania

Context in the United Republic of Tanzania

The United Republic of Tanzania (URT) has a population of close to 60 million. Roughly one-third is Muslim, another third Christian, and the remainder considered to hold traditional beliefs.¹³⁴

URT is a unitary republic governed by the Union Government and the Revolutionary Government of Zanzibar (RGZ).¹³⁵ Unlike the mainland, Zanzibar has had to contend with political instability, which has to some extent affected donor relationships.¹³⁶

In recognition of the relationship between mainland and Zanzibar, this report will, to the extent necessary, make a distinction in the context and findings presentation.

Despite being a state party to key human rights instruments at the international and regional levels, URT's Penal Code under Section 154 prohibits "carnal knowledge of any person against the order of nature," with a prescribed penalty of 30 years to life imprisonment. Sections 138a and 157 further prescribe five years' imprisonment for "gross indecency."¹³⁷ The criminalizing law has hindered progress in the realization of human rights of LGBTQ people in Tanzania.

Despite strong religious and cultural influences that stigmatize the LGBTQ community in URT, laws prohibiting homosexual conduct have no link to religious doctrine, either in the formulation of the criminal act or in the prescribed punishment.¹³⁸ Even so, narratives that characterize trans- and homophobia as part of the culture, underlined with religious zeal and the threat of supernatural damnation, have caused widespread hate. In some instances, they have resulted in vigilante-type violence and the persecution of LGBTQ individuals and human rights defenders in Tanzania.¹³⁹

In recent years, there have been incidents in Zanzibar and the mainland where the authorities have asked the public to expose LGBTQ people. The authorities have also carried out raids to arrest LGBTQ people, and some have been subjected to anal examination while in detention. The medical association of Tanzania has never condemned the exams.¹⁴⁰

Since coming into power in 2015, the government of the late President John Magufuli stepped up the crackdown against the LGBTQ community, threatening to deregister NGOs and arrest and expel activists advancing LGBTQ rights. As a result, rights

groups are reluctant to speak out publicly in defense of LGBTQ rights. The country's health ministry banned non-governmental organizations in 2016 from distributing free lubricants to the LGBTQ community as part of HIV/AIDS-control measures.¹⁴¹

The tenure of President Magufuli has created a climate of fear, in particular for NGOs that work on LGBTQ¹⁴² and reproductive rights. His government adopted laws and enforced practices that severely restricted activities, resulting in the arbitrary deregistering and suspension of NGOs, including for violating Tanzanian "ethics and culture," as well as the arrest and harassment of NGO workers. Some of the restrictive trends were in place before the late president came into power in 2015, though they intensified during his tenure. Government officials have also sent threatening letters and verbally warned NGO representatives not to carry out planned activities.¹⁴³

In 2017, the government suspended the registration of new NGOs and began a process of verifying existing NGOs. It introduced complex new requirements, such as submitting authorization letters from the regions or districts in which they work and declaring planned expenditures within 14 days of obtaining funds. Authorities threatened to deregister NGOs that could not comply. Several organizations working on sex rights were deregistered. During the same year, the late president announced that the government would enforce a decades-old rule that bans pregnant girls and teen mothers from attending school. The home affairs minister then threatened to deregister organizations that challenged the decision. Tanzanian police arrested pregnant schoolgirls and forced girls to take pregnancy tests in schools.¹⁴⁴

Interventions from the World Bank and PEPFAR appeared to do little to change the situation of sexual minorities and the treatment of pregnant girls. To date, Tanzania has made no progress on reforming its policies that deny pregnant girls and young mothers access to education. Government officials appeared, for a time, to tone down hostile rhetoric on LGBTQ rights, but access to LGBTQ-inclusive health services tailored to their needs has remained out of reach for many LGBTQ people.¹⁴⁵

Restrictions on freedom of expression and the media, including the Cybercrimes Act adopted in 2015 and the Media Services Act adopted in 2016, led some NGOs to stop publishing information online and stifled local media from reporting on the work of NGOs out of fear of retaliation. The government fined five TV stations about \$27,000 for broadcasting an NGO

press conference. These restrictions have led some civil society organizations to turn to international organizations or agencies and foreign embassies to publicize their work, or to work through international NGOs.¹⁴⁶

During both of its Universal Periodic Reviews before the UN Human Rights Council, held in 2011 and 2016, respectively, URT rejected or simply “took note” of recommendations made pertaining to sexual orientation and/or gender identity.¹⁴⁷

It is critical for LGBTQ organizations to be consistent and persistent in making submissions¹⁴⁸ to treaty bodies and proactively engage with the international and regional human rights bodies to secure their rights to health, education, bodily integrity, and autonomy.

As a signatory to the African Charter of Human and Peoples’ Rights, the URT has committed to taking legislative, judicial, and administrative measures to ensure that it abides fully by the rights enshrined in the charter, including ensuring non-discrimination. URT is also expected to take steps to expand the protection space for LGBTQ people and human rights defenders by implementing Resolution 275, adopted by the commission to urge state parties to the African Charter to apply its provisions to protecting LGBTQ people from violence and discrimination based on real or imputed sexual orientation or gender identity.¹⁴⁹

The Constitution prohibits all forms of discrimination. Even though there is no explicit mention of sexual orientation and/or gender identity, the language employed is inclusive. The Constitution goes further to define discrimination and detail steps that the authorities should take to ensure equality before the law.¹⁵⁰ The new government under President Samia Suluhu could provide an opportunity for LGBTQ, sexual, and reproductive health and rights campaigners to push for rights that are enshrined in the Constitution and ratified treaties but were denied under former President Magufuli.¹⁵¹

Findings and Analysis

This section presents views obtained through focus group discussions with four religious leaders and LGBTQ rights CSOs from the mainland and Zanzibar, conducted in Kiswahili and English. The focus groups were held on March 13, 2021, with a followup session conducted online on March 24, 2021, for the LGBTQ CSOs.

Representatives from Bridge Initiative Organization (BIO), My True Colors (MTC), Zanzibar Youth Empowerment Association (ZAYEA), Southern Highland Youth Initiative, Tanzania Community Empowerment Foundation (TACEF), Eagle

Wings Youth Initiative, Stay Awake Network Activities (SANA), Youth & Community Rehabilitation (YCR), and CENTA provided input.

Four religious leaders provided responses. Two were from the mainland: a pastor, who is also the executive director of YCR, and an ustadh. From Zanzibar, the respondents were an imam and a sheikh.

The following section presents the responses collectively from the two focus groups.

1. Achievements and Strategies Employed to Combat Discrimination Against LGBTQ People in URT

Respondents from LGBTQ organizations were asked to share what they perceived as achievements and the strategies they had used to obtain them. They were also asked to specify the extent to which religious leaders had been involved in attaining the gains.

In Zanzibar:

- a) It was felt that educating the LGBTQ community about their rights invariably increased their exposure to information and knowledge as rights claimants and contributed to decreased instances of harassment from law enforcers.
- b) Involvement of friends and families of LGBTQ members in dialogue on respect of human rights, coupled with the theme of sexuality and spirituality, has led to increased acceptance and tolerance of LGBTQ individuals at the family level. This also has led to increased intervention by parents and other family members during arrests of LGBTQ individuals.
- c) There has been increased dialogue with law enforcers like the police and religious leaders. This advance has not only expanded the protection space for LGBTQ people, but has also led to increased tolerance, albeit minimally, among the religious community.
- d) There has also been a growth of LGBTQ and sex worker organizations in Zanzibar, currently totaling five.¹⁵² This growth has been made possible with some foreign embassies supporting the movement in Zanzibar.

In the mainland:

- a) Using HIV/AIDS as an entry point has provided an opportunity to push for inclusivity within the healthcare system, by ensuring that the government, while implementing the national HIV/AIDS policy, does not leave the LGBTQ community behind. This advocacy has caused the government to provide SOGIE education during forums concerned with HIV/AIDS.
- b) Empowering the LGBTQ community to claim their rights

has led to increased retention of learners in educational facilities, and fewer LGBTQ people are losing employment.

- c) Social media has played a key role in influencing more public discourse around the rights of LGBTQ people. This has facilitated dialogue, albeit minimal, with religious leaders and parents.
- d) There has been a significant proliferation of organizations and activists working on key population issues, including in rural areas, with the current estimates placing the number of such organizations anywhere between 50 and 80.
- e) There has been increased visibility on the plight of LGBTQ people in Tanzania at the regional and international levels as a result of advocacy before the African Commission and shadow reports submitted as part of the UPR process.¹⁵³ These initiatives have included cross-border collaborations with organizations such as Initiative for Strategic Litigation in Africa (ISLA), based in South Africa.

Interview subjects noted that collaborations with religious and/or faith communities in the mainland have not been as proactive as in Zanzibar. Even so, religious leaders from the mainland shared that they had had better success in engaging the government on the rights of people who use injectable drugs (PUIDs) than of the LGBTQ community because of reasons provided in the next section.

2. Challenges and/or Gaps in Combating Discrimination Against LGBTQ People Within Communities of Faith

Respondents were asked to share gaps or challenges they faced in reaching out to faith-based organizations and communities. The following were highlighted:

- a) The need for protection of LGBTQ people in the URT with interventions from faith actors was deemed less important than addressing issues related to the situation of people who use injectable drugs (PUIDs). The primary reason for this is the perception that PUIDs can abandon their behavior while LGBTQ people cannot. As a result, while some factions of faith actors have advocated for the government to adopt policies to improve the situation of PUIDs, they have tended to shy away from advancing the rights of LGBTQ people.
- b) As a result of direct government intervention in the situation of PUIDs, there is a public perception that their issues deserve more attention than the issues of the LGBTQ community. This emphasis has also influenced the attitude of religious leaders toward the LGBTQ community.
- c) Religious leaders who are activists find it challenging to openly advocate among government authorities for the

rights of LGBTQ people the way they do for the rights of PUIDs because of the government officials' attitudes. Instead, they resort to using the banner of key and vulnerable populations with HIV/AIDS as an entry point, which perpetuates the invisibility of the LGBTQ community.

- d) The decree by President Magufuli on banning pregnant learners from continuing with their educations was interpreted as execution of religious doctrine. The decree split religious leaders. Decrees by the president are considered law; hence, this decree was understood to extend to other areas forbidden by Christianity and Islam as a way to keep some religious leaders from being inclusive or meaningfully engaged. It has also allowed homophobic rhetoric to continue emanating from some Christian and Muslim factions without consequence.
- e) Specifically, in Zanzibar, which is predominantly Muslim, the office of the Mufti has more influence over the local community than government authorities have. As a result, dialogue with religious leaders and activities that involve their presence has had to be carried out covertly to avoid repercussions. In one example, the office of the Mufti formally summoned an LGBTQ activist who had informally debated the need for protection for LGBTQ people with a peer, giving them a formal warning to never again go against the teachings of Islam, or face consequences.
- f) Some religious actors who are supportive opt to remain silent rather than speak out because of the stigma that comes with association with the LGBTQ community and fear for their own personal safety.

In spite of these challenges, efforts to reach out and involve religious actors persist, as demonstrated in the next section.

3. Effective Strategies and/or Learnings Being Applied to Build Inclusion and Acceptance of LGBTQ People Within Communities of Faith

The respondents highlighted the following factors contributing to successful collaborations with religious actors:

- a) In the URT, religious leaders are relatively influential over public policies adopted by government. As a result, LGBTQ organizations such as SANA are fiscally hosted by YCR to avoid becoming a target of the government. The executive director—a pastor and activist—uses the access he has with government stakeholders to support efforts undertaken by LGBTQ organizations.
- b) In Zanzibar, one of the sheikhs who participated in the focus groups has used the media as a platform by which to foster dialogue. He hosts a TV show, *Usiku Wa Faraja*, that discusses social issues affecting the lives of Zanzibaris.

- c) Two organizations in Zanzibar, BIO and MTC, have staff dedicated to work with religious leaders. The staff have spent months under the residency of Sheikh Muhsin of The Inner Circle in South Africa. As such, they are able to employ confidently the skills acquired in their interactions with Muslim clergy. However, because of the context in Zanzibar, interactions are limited to holding one-on-one discussions and strategically involving some of the clergy in their activities.
- d) Approaching younger-generation Muslim faith leaders has proven more effective, as they are more open to dialogue and to listening to views not limited to inherited religious doctrine.

4. Why Some LGBTQ Organizations Are Not Advancing Inclusion Within Communities of Faith

This question sought to find out why some LGBTQ organizations in the mainland and Zanzibar are not advancing collaborations and inclusion within communities of faith. The following was highlighted:

- a) According to a narrative advanced by some religious leaders, *their* freedom of religion is being suppressed by the government because of interventions supporting key and vulnerable populations. This perception deters some activists from approaching religious leaders out of concern that the activists will be accused of infringing on religious freedom.
- b) Scripture, specifically Islamic text, is perceived as rigid and counter to LGBTQ rights. Activists who lack the technical know-how to reconcile scriptural prohibition with the reality of LGBTQ lives choose not to include religious communities among the targets of their advocacy.
- c) In Zanzibar, vigilante groups such as Simba Wa Mungu, which execute sharia law, deter some LGBTQ organizations from approaching religious actors. Transgender people are particularly targeted, especially during Ramadan.
- d) The office of the Mufti in Zanzibar has issued a decree requiring LGBTQ people to be reported to his office by members of the local community. Local government authorities, taking advantage of the close-knit society, manipulate the community to have members of the LGBTQ community sanctioned by the office of the Mufti. This has led some in the LGBTQ community to shy away from reaching out to religious actors in Zanzibar.
- e) Some LGBTQ organizations that are not legally registered prefer to keep a low profile to avoid government scrutiny. Others choose not to reach out to religious communities so as not to appear anti-government. Still others are constrained by limited financial resources to embark on any meaningful work with communities of faith.¹⁵⁴

5. Opponents of LGBTQ Rights and Their Strategies

Respondents were asked to share which actors oppose the advancement of inclusion and non-discrimination toward LGBTQ people and what strategies they employ. The following issues were highlighted:

- a) Parliamentarians do not discuss issues related to LGBTQ people and sex workers, preferring to focus on issues related to PUIDs. These issues are framed as matters concerning public health, while LGBTQ people and sex workers are regarded as social ills.
- b) Unnecessary obstacles are put in place by authorities to deter registration of new LGBTQ organizations. It was noted that the Ministry of Health is not as enthusiastic about implementing policies that pertain to other key and vulnerable populations as it is to implementing policies pertaining to PUIDs.
- c) Social media is a double-edged sword. It has been useful in increasing the visibility of the LGBTQ community while at the same time it has been used as a platform to spew hatred.
- d) LGBTQ rights have been seized upon by politicians to gain mileage and by some religious leaders to gain attention from the government through the narrative of infringement of religious freedom, especially in instances where the government calls for respect of rights and freedoms.
- e) Some Muslim clerics spread the doctrine of isolating LGBTQ people until they abandon the “vice.” The pulpit has also been used by some Christian clergy to advocate for conversion.
- f) In Zanzibar, individuals who oppose LGBTQ rights act as informers to the Office of the Mufti.

Against this background, participants from the two focus groups were asked to state what they felt could be done to counter the obstacles highlighted and also suggest what more they felt could be done for meaningful involvement with faith-based actors.

6. What More Can Be Done to Advance Faith-Based Work to Combat Discrimination Against LGBTQ People

Respondents were asked to share suggestions for what they felt could be done to heighten engagement and collaboration with communities of faith, including priorities and/or possible opportunities for funding.

- a) Establishing a national forum for regular interfaith dialogue on LGBTQ inclusion with faith leaders from the mainland and Zanzibar, led by religious leaders who are activists, with support from LGBTQ human rights defenders, could be beneficial for collective advocacy with state actors, strategizing, and security. Such a forum

could be hosted by organizations like YCR and BIO, which have carved out a niche with state actors and the religious community, respectively.¹⁵⁵

- b) There should be targeted funding for organizations like BIO and MTC, which have skilled staff to engage religious actors but lack the financial strength to expand the work. The funding should cover adequate staff time and institutional expenses such as administrative costs, rent, utilities, and so on.
- c) Although not unanimously agreed upon, religious actors could also be involved in public-interest litigation to challenge the constitutionality of freedom of association and assembly surrounding the lack of registration or deregistration of LGBTQ organizations.

Organizations Identified as Supporting LGBTQ Rights Organizations in the URT

This list comprises organizations identified by the respondents in URT as supporting the advancement of LGBTQ rights in the mainland and Zanzibar:

1. UHAI-EASHRI
2. Open Society Initiative for Eastern Africa
3. Stephen Lewis Foundation
4. Frontline AIDS
5. UNAIDS
6. Protection International
7. Defend Defenders
8. European Union through Protecting Defenders Initiative
9. PEPFAR through the government and some embassies

It was shared that the average grant provided ranged from US\$5,000 to 30,000 per year, although some received grants of more than US\$50,000 per year.

Collaborations with allies typically occurred through the Network of Key and Vulnerable Populations.

Researcher’s Observations

The researcher made the following observations:

The clergy who participated in the study, while well-meaning, need more education to reconcile human rights and the spiritual and scientific notions of sexual orientation and gender identity. Some exhibited the tension they felt between compassion and scriptural prohibitions. Incorporation of religious scholars from academic institutions could be useful to support this education.

Negative political rhetoric and other retrogressive trends in the mainland have a direct impact on the LGBTQ community in Zanzibar.

There is a need for improved information exchange between LGBTQ organizations working from the mainland and in Zanzibar. It was observed during the focus groups that organizations from Zanzibar had not been aware of the intention to prepare a shadow report submission for URT’s third UPR cycle. Although financial constraints were invoked as a reason for their exclusion, they felt that they should have been notified and could have made contributions through other, cost-efficient means.

Even though URT is part of the South African Development Community regional block, LGBTQ organizations do not benefit from funding meant for the southern region. Donors whose geographical focus is the southern region could potentially increase funding opportunities for some of the LGBTQ organizations that are finding it challenging to attract donors who are focused on the East African region.

Donors should be sensitive to restrictive laws that govern CSOs in the URT and work out formulas with individual organizations to safeguard the funds, to prevent situations where the CSOs become targets by the government for breaching the law and risk having their bank accounts frozen.¹⁵⁶

Key Recommendations to Arcus

In light of the above findings, the following are recommended:

- a) Support efforts toward strategic litigation to repeal the criminalizing law and other provisions that unfairly target LGBTQ people in the URT.
- b) Support efforts toward strategic litigation that would allow registration of LGBTQ organizations and more transparency in the process, to expand the protection space and agency for LGBTQ people.
- c) Support the efforts of organizations like BIO and MTC that have skilled staff in advancing advocacy with religious communities but lack the financial strength to expand their activities.
- d) Support efforts to establish a national interfaith forum for the advancement of LGBTQ rights with state and religious actors through organizations like YCR and BIO, which enjoy the confidence of their peers and also have track records of leading advocacy with state and religious actors.

Country Chapter: Kenya

Context in Kenya¹⁵⁷

Kenya has a population of just under 49 million. More than four-fifths are Christian, while just over 11 percent are Muslim, with the remainder considered to hold traditional beliefs or identify as non-religious.

Consensual adult same-sex conduct is criminalized under Sections 162(a), 163, and 165 of the Kenyan Penal Code, which punishes contravention with imprisonment of up to 14 years. These sections criminalize “carnal knowledge against the order of nature,” widely interpreted as anal intercourse between men.

This criminalization of consensual relationships between adult males has been used to legitimize discrimination and stigmatization. People who identify as LGBTQ are isolated by the burden of stigma and are often ostracized by family members, religious formations, and society at large. They are also constantly exposed to shame through the media and self-appointed moral policing. Socially, culturally, and politically, their rights of expression have been almost non-existent. Criminalization of same-sex consensual relationships in Kenya provides a legal basis for and contributes to obstacles faced by sexual and gender minority populations in securing non-discriminatory access to healthcare, livelihoods, education, justice mechanisms, and other vital services.

Although Kenyan authorities rarely enforce the anti-sodomy laws, the practical effects of criminal sanction include widespread discrimination in education, healthcare, and employment.¹⁵⁸ Criminalization is also instrumental in inciting threats, abuse, and other violations against actual and perceived LGBTQ people because perpetrators believe that authorities are less inclined to bring full justice to those who pursue violence against these groups. It also exacerbates blackmail and extortion, especially of those living closeted or double lives. Moreover, governmental recognition of anti-sodomy laws, as well as the homophobic rhetoric of state officials, contributes to prejudiced and hateful attitudes that spur violence against LGBTQ individuals.

Organized religion, both Christian and Muslim, is hostile to homosexuality in terms of its preaching and its lobbying of the government to further criminalize gay and lesbian people. An influx of mostly American evangelists who have imported anti-gay bigotry and policies in the name of morality has exacerbated homophobia in Kenya.

Through a network of religious formations in the country, such as the Kenya Christian Lawyers Fellowship and right-wing politicians, the churches continue to instigate violence and discrimination against LGBTQ people. They portray homosexuality as taboo, ungodly, “un-African,” and a threat to the “normal” family unit, and promote beliefs that to engage in same-sex conduct is a mortal sin, one that society should control.

When Kenya’s human rights record came up for scrutiny before the UN Human Rights Council’s Universal Periodic Review process in 2015, a key recommendation presented by a collective of LGBTQ and partnering civil society organizations was the development and enforcement of protective laws for LGBTQ people, including anti-discrimination and hate-crime legislation that forbids violence or incitement on all grounds, including SOGIE. A recommendation along these lines was addressed to Kenya, which it accepted but has yet to implement.

Hate speech against LGBTQ people in Kenya is rampant, including from high-ranking government officials and politicians. William Ruto, the deputy president since 2013, has been openly homophobic, often chastising gays and lesbians from church pulpits. In February 2013, during a televised debate on Capital FM Kenya, he equated homosexuals to dogs. In May 2015, he cited religious beliefs to denounce homosexuals, stating that they are unwelcome and should not be part of Kenyan society. The late former President Daniel Arap Moi also condemned homosexuality during his rule, claiming that it was “un-African” and un-Christian.

Following the adoption of the Anti-Homosexuality Bill in Uganda, Aden Duale, the then-majority leader in Kenya, stated during a news conference in March 2014 that there was “need to go and address the issue the way we want to address terrorism. It is as serious as terrorism and as any other social evil.”

Instigators who use extremist religiosity and conservative interpretations of religious doctrines contribute immensely to the use of violence and discrimination against sexual and gender minorities. A parliamentary caucus against homosexuality, launched in February 2014 by a group of Kenyan members of parliament, led by Irungu Kang’ata, lobbied for stricter enforcement of sodomy laws, including calls for citizens to arrest suspected gays and lesbians where police had failed to act.

Findings and Analysis

This section presents views obtained through interviews with representatives of 24 organizations and individuals advancing the rights of LGBTIQ people in Kenya. Due to COVID-19, some of the interviews were conducted online, and others were conducted face-to-face through focus group discussions hosted in Mombasa by PEMA Kenya. Hence, the constraints of time and technical glitches may have hampered the quality of the experience online. The languages used were English and Kiswahili. The following were interviewed online: a pastor from Kakuma Refugee Camp,¹⁵⁹ the Kuria Foundation for Social Enterprise,¹⁶⁰ St. Paul's University School of Theology,¹⁶¹ The Fellowship of Affirming Ministries (TFAM),¹⁶² Jinsiangu,¹⁶³ UHAI-EASHRI,¹⁶⁴ National Gay and Lesbian Human Rights Commission (NGLHRC),¹⁶⁵ the United Nations High Commissioner for Refugees, Kenya (UNHCR Kenya),¹⁶⁶ Gay and Lesbian Coalition of Kenya (GALCK),¹⁶⁷ American Jewish World Service (AJWS) Kenya,¹⁶⁸ Intersex People Society of Kenya (IPSK),¹⁶⁹ the Network of African National Human Rights Institutions (NANHRI),¹⁷⁰ and the Kenya National Commission on Human Rights (KNCHR).¹⁷¹ The interviews were held between May 14 and May 22, 2021. On May 21, 2021, two separate focus groups were held with clergy and NGOs that advance inclusion within communities of faith. The first group was composed of four clergy members: two Muslim clerics from Mombasa and two pastors from, respectively, Nairobi and Kisumu. The second group comprised representatives from the following NGOs: PEMA Kenya,¹⁷² Amkeni Malindi,¹⁷³ Cosmopolitan Affirming Church (CAC),¹⁷⁴ Church World Service Africa (CWS),¹⁷⁵ and HelpHeal Foundation.¹⁷⁶ The responses are presented collectively.

1. Achievements and Strategies Employed to Combat Discrimination Against LGBTQ People in Kenya

The respondents were asked to provide what they perceived as achievements and the extent to which religious leaders had supported the process to attain them. The following were provided:

- a) There has been increased collaboration between some local government administrations, the police, and some leaders of the LGBTIQ movement, which has been beneficial to ensuring protection of members of the community. These collaborations have demonstrated that not all state actors are hostile to the queer community. Some senior police officers have been crucial in securing the release of LGBTIQ people who have been wrongfully arrested or in other instances have held them to protect them from the wrath of the local community. Specifically, in Mombasa, some Muslim clerics have been instrumental in securing the release of wrongfully arrested LGBTIQ people and intervening in situations where their safety was threatened, preventing physical assaults against LGBTIQ people.¹⁷⁷ Also in Mombasa there has been a significant reduction in hate emanating from religious circles in the period since 2010.¹⁷⁸ In the context of CAC, creating and sustaining LGBTIQ-affirming faith spaces, providing an infrastructure of care for them, and serving as a tool for empowerment, agency, and advocacy have been effective approaches in increasing safety, acceptance, and inclusion of LGBTIQ people.
- b) There has been a proliferation of literature, research reports, and other publications, as well as expressions of art ranging from movies to music by artists, authors, researchers, and academics originating from Kenya or directly addressing the context of LGBTIQ rights in Kenya. This, coupled with visibility through social and mainstream media, has contributed to influencing public discourse and asserting the existence of LGBTIQ people in the country.¹⁷⁹ Some social media influencers have also been instrumental in shaping meaningful dialogue online.
- c) There has been a steady increase in information-sharing within the religious community (predominantly Christian) through training workshops.¹⁸⁰ This has led to mindset shifts for some, and some have been able to set up successfully welcoming congregations¹⁸¹ and an informal support network among clergy to advance their work.¹⁸² The presence of some of the supportive clergy in the courtroom during the hearing on the decriminalization petition was evidence that the hostility between LGBTQ people and religious communities was beginning to decline.¹⁸³
- d) Over the past decade, the movement as a whole has been evolving, and specific issue agitation has been emerging. Following this trend is an increasingly strong presence around specific advocacy on LBQ women issues.¹⁸⁴ Diverse strategies beyond public health are being used for issue lobbying. Mental health and self-care are also emerging and gaining greater visibility.¹⁸⁵ Furthermore, security planning is more proactive and long-term, with strategies amplified around particular situations, such as election periods.
- e) The LGBTIQ movement has gradually started to take advantage of the decentralized government, with initiatives to lobby county governments to adopt more friendly policies and have specific budget lines for key populations. This decentralizing of strategy helps to deploy the collective resources within the movement efficiently and is imperative in lessening the burden of relying on the central government. However, there have

been a few instances where county-level governments have been retrogressive,¹⁸⁶ adding to existing historically negative rhetoric from public officials.¹⁸⁷

- f) Over time, the ITGNC community has been able to have direct collaboration with some religious leaders independently, away from activities organized by CWS. While CWS is appreciated as actively paving the way for more visible work with communities of faith, the ITGNC community has found it more productive to engage some faith leaders directly around issues that uniquely affect them. This has been helpful for case identification¹⁸⁸ and having constructive dialogue targeted toward gender identity¹⁸⁹ without the emotional baggage that comes with conversations pertaining to sexual orientation. Following their recognition in the last national census, the intersex community has made significant progress in advocacy with national policy makers and maintained a steady relationship with some state actors.¹⁹⁰ They are consistently invited into processes that will impact them, such as the amendment of the Registration of People Act.¹⁹¹
- g) Regarding the urban LGBTIQ refugee situation, the National Council of Churches in Kenya (NCKK)¹⁹² has arrived at a point where their doctors and nurses provide medical services at their premises without discrimination, acting first and foremost as a health facility, as opposed to fronting as a religious entity. They are informed on specific vulnerable cases, make appropriate referrals, and follow up where needed. It is felt that this positive evolution is largely the result of a shift in perspective among senior leadership within NCKK.

2. Challenges and/or Gaps in Combating Discrimination Against LGBTQ People Within Communities of Faith

Respondents were asked to share gaps or challenges they faced in reaching out to faith-based organizations and communities. The following were highlighted:

- a) Some of the research publications are not readily accessible and are exorbitantly expensive, rendering the content not easily accessible to all the audiences that could benefit from it. For example, a recent publication¹⁹³ on Kenyan religious leaders' views on same-sex sexuality and gender nonconformity is sold for US\$45 for a 48-hour period access. While the literature might be useful to faith leaders advancing inclusion, many will not be able to purchase it due to the high cost. Furthermore, the CWS, Nyanza Rift Valley and Western Kenya Network (NYARWEK), and PEMA Kenya toolkits, while easily accessible, are difficult to digest for some clergy who find them overly academic.
- b) Sustaining affirming spaces of worship in Nairobi has been challenging. A case in point was the collapse of the affirming places of worship that had been started by Rev. Michael Kimindu¹⁹⁴ and Rev. John Makokha,¹⁹⁵ following concerns about integrity and mismanagement of funds. Some religious leaders have left the campaign because they lack the safety net that is accorded to activists around mental health, financial, and other forms of support. Other departures have been caused by disagreements with individual members of the LGBTIQ community.
- c) There is minimal empirical evidence to show that religion could be a key player in the realization of the rights of LGBTIQ people in Kenya, while its negative influence is widely recognized. Religious bias has infiltrated key social institutions, such as the judiciary and the public health-care system, with some health service providers refusing to treat LGBTIQ people. And, politicians and other public figures have conveniently continued to use religious arguments in their rhetoric against LGBTIQ people. Still, religious arguments were also made in litigation around the decriminalization of same-sex relationships.¹⁹⁶
- d) Religious leaders who are affirming are still perceived as outsiders by the queer movement and are not involved in strategies developed by the community. A case in point was the decriminalization hearing, around which the LGBQ community had put in place targeted common messaging for the media and a security response plan. The lack of meaningful involvement by religious leaders who are allies in the common messaging raised concerns from some factions of the LGBQ community that some of the allied clergy may have missed the point when speaking to the media. It was also raised that in some instances there are communication barriers between the clergy and LGBTIQ activists, exacerbated by the frequent age gap between the two. It was noted that where that age gap is narrower, there is increased relatability.
- e) Religious leaders who are affirming and actively engaged in advocacy efforts are mostly drawn from peri-urban communities. As a result of their relatively disadvantaged socioeconomic status, they are not able to meaningfully apply knowledge within their communities to change the status quo, because they have more to lose than to gain by taking impactful actions. Some perceive the workshops and trainings as a way of making a little extra money from the per diems offered. As a result, in Nairobi, some workshops have morphed into private operations, such that no new clergy were being brought on board by the mobilizers. Sexual harassment complaints by some members of the LGBTIQ community against some of the clergy who had privatized the operations emerged.

- f) It was also highlighted that some international actors fail to recognize the local context and do not seek prior information to inform their actions. The insistence of some international actors on being the face of the campaign has not worked well. Some simply proceed with implementing their plans, disregarding advice provided by local faith leaders. Such actions end up creating new challenges that are then left to the LGBTIQ movement and allied clergy to resolve. They also reinforce the false narrative that LGBTIQ campaigning is an import, compounded by the use of traditional and social media. Some of the clergy interviewed shared that their photos had been posted without their consent on social media, which had negatively impacted them. Tools like Facebook Live are perceived to cause more harm than good, in some instances.
- g) Groups such as CWS, PEMA Kenya, Amkeni Malindi, and CAC have mostly concentrated their efforts on major urban centers such as Mombasa, Malindi, Nairobi, and Kisumu; as a result, rural-based clergy have not been accorded the same attention. This lack of attention has led to low motivation, feelings of isolation, and mental distress from being left to face repercussions alone on the part of rural clergy who have chosen inclusiveness.¹⁹⁷ There is no needed support to help such clergy resolve the personal conflict that often comes with embarking on the journey to inclusivity. Respondents also felt that there is generally a lack of meaningful followup with clergy who have been involved in training workshops, to measure impact. Additionally, these major actors do not have a culture of working synergistically and in a consistent manner, although they are striving toward it.
- h) In Kakuma refugee camp, due to increased hostility toward LGBTIQ forced migrants, who have been targeted by other refugees as well as the host community,¹⁹⁸ faith leaders under the CWS program have had to adopt new strategies, after also falling victim to attacks. One of the churches that was openly inclusive was attacked and had to relocate to a different section of the camp. Religious leaders adopted covert methods of advancing dialogue and including LGBTIQ forced migrants in income-generating activities to decrease their susceptibility to violence. An added challenge is posed by the looming closure of refugee camps in Kenya, creating uncertainty and making it difficult to plan long-term activities.¹⁹⁹
- i) Use of blanket strategies (workshops, trainings, seminars) across the country has resulted in inconsistency in impact. This strategy has failed to recognize the different dynamics in rural versus urban settings, levels of education, and exposure of the targeted clergy. There is a need to recognize that clergy who are trained theologians are limited in their perceptions because of the conservative nature of their training. This makes it difficult at times to change their views to the point where training workshops sometimes are not useful. A clergy member who has been in training for over a decade in traditional approaches to interpretation of the scripture is not likely to unlearn in a matter of a few days. The trainings have even caused some to become more fundamental and determined to maintain the status quo.
- j) Some affirming clergy fear speaking out publicly, facing threats or losses for doing so. Some have lost entire congregations or had to relocate to new neighborhoods; others have experienced losses in their businesses and direct threats to their families. One clergy member, Rev. Mark, who was part of the litigation process on decriminalization, was forced to leave the country out of fear for his life. Some have been excommunicated from their institutions, driving a fear in those who are supportive but do not want to outrightly agitate. Thus, they remain covert.
- k) There is a general sense within the Kenyan queer movement that advocacy within communities of faith is a lost cause, an attitude believed to influence the donor space. It is felt that there is no meaningful participatory approach to decision-making, which is invariably disconnected from the movement and the different niches of work that exist. Funding, interview subjects said, is based on individual interests, as opposed to driven by the multipronged approaches to LGBTIQ rights that exist with the Kenyan movement.
- l) Lack of integrity and poor credibility have sometimes led to a complete disruption of organizational operations, as was the case with NYARWEK, interrupting the momentum built around faith-based advocacy. Up until its collapse, NYARWEK had made significant strides in expanding faith-based advocacy work in western Kenya (Kisumu). In situations where long-term funding has been provided to grantees, disruptions to activities due to internal conflicts or other reasons have a detrimental impact on the operational context. It was felt that funders needed to institute some form of increased responsibility in situations where grantees had been awarded a multi-year grant, while being careful to avoid creating a perception of interference. There is recognition that funders are key in contributing to institutional growth. It was also raised that intersex-led and LBQ organizations are generally not given top consideration in funding priorities.
- m) It was noted that support to individual faith leaders for their work with Ugandan LGBTIQ asylum seekers

had waned over time. This can be explained by various factors, including modified personal relationships, dwindled resources, and the fact that the plight of queer asylum seekers and refugees is a protracted issue.²⁰⁰ The support provided by some faith leaders included food items, home visits for spiritual support, and forging of relationships with landlords or local government authorities. It was further noted that it had been difficult to get faith-based organizations, such as Jesuit Refugee Services Kenya,²⁰¹ to involve LGBTIQ asylum seekers and refugees in Nairobi in their livelihood projects, such as the Mikono Shop.²⁰² HIAS Kenya²⁰³ has experienced funding challenges and staff turnover, which have disrupted the psychosocial support and cash-based interventions that were being provided to LGBTIQ refugees and asylum seekers in Nairobi.

- n) Muslim clerics from Mombasa shared that restrictions in the legal environment that interplay with the belief that Islam prohibits same-sex consensual relationships make it challenging to have open conversations in mosques, let alone have mosques openly declare themselves as inclusive. Overall, the subject of human sexuality is shunned in spaces deemed as religious. Gatekeeping in Mombasa was also raised as an obstacle to having more emerging LGBTIQ organizations participate in advancing advocacy with faith leaders.
- o) Interview subjects said that in Kisumu and the Great Lakes region (Nyanza), there was a disconnect between the needs of the LGBTIQ community and religious leaders' engagement. Given the rural setting, the needs of the community around family reunification, safety, and security superseded dialogue with religious leaders. It was raised that the LGBTIQ community had not experienced the benefits of activities with religious leaders as they had expected. To change this perception, some members of the LGBTIQ community were included in the dialogue sessions. Even so, this has not changed the context in terms of violence reduction. Furthermore, because of the geographic position of the area, with its proximity to Uganda, there has been a direct negative ripple effect that escalates violence.
- p) Difficulties in reconciling organizational needs and project goals with the image of the organization was another topic raised. Compared to NGOs or CSOs whose mandate is a direct fit for the work, organizations such as CWS are reluctant to bring attention to their LGBTIQ rights work in comparison to other programs because they fear the losses that may come with being overtly associated with LGBTIQ-rights advocacy. CWS has been criticized for not responding to the direct needs of the LGBTIQ

community and forced migrants, especially during the onset of the COVID-19 pandemic, when there was a significant shift in urgent needs.²⁰⁴ The disruption of advocacy work and the lack of provision of direct services raised questions about the role of CWS.²⁰⁵

3. Effective Strategies and/or Learnings That Are Being Applied to Build Inclusion and Acceptance of LGBTQ People Within Communities of Faith

The respondents advancing collaboration with communities of faith shared the differing approaches they employ to seek gains, along with some learnings:

- a) One-on-one meetings for identification of new clergy to bring in as part of the campaign seem to be more effective than having initial conversations in a group setting. These bilateral meetings are useful for determining the clergy who are fundamentalist (hardliners), moderate, and more openminded. The trainings of trainers conducted by CWS to equip clergy to conduct or co-lead workshops have proven effective in getting the messaging out. As peers, the new clergy are more relatable to fellow clergy as trainers, even if ultimately self-conviction is what determines who remains and who opts out of the campaign. Activists who are pastors and LGBTIQ people of faith are more resilient in enduring the challenges that accompany collaboration with communities of faith. Also, it was established that building personal relationships and maintaining confidentiality positively impact relationships between the clergy and some members of the LGBTIQ community.²⁰⁶
- b) Development of toolkits for standard-setting and harmonization of messaging for targeted faith leaders has been impactful. CWS, PEMA Kenya, and NYARWEK have each developed resource tools for use in training and sensitization workshops. The CWS Resource Tool is available in Kiswahili. Despite their effectiveness, the resource tools and manuals have been perceived as overly academic by some faith leaders, and are Christianity-based. As a result, Muslim clerics feel that they are not adequately catered to, while other clerics find it difficult to interact with the academic resources, experiencing them as difficult to internalize. Some clergy overall struggle with comprehending SOGIESC education, especially as it pertains to transgender and gender non-conforming people. Information on sex characteristics as they relate to the intersex population is generally better understood. Sexual orientation is still highly emotional for clergy who are new entrants into the discourse.
- c) Addressing stigma, violence, and discrimination appears to be more effective during training and dialogue sessions with clergy than tackling problematic text within scripture.

Most of the clergy have been drawn from or are living in social settings where violence, discrimination, and stigma toward certain constituents are rife. Hence, they can easily identify with and are responsive to approaches to reduce prejudice and violence, including do-no-harm principles; followup on contextual interpretation of scripture then becomes more palatable.

- d) Introducing the subject of LGBTQ rights to clergy in formation, such as the approach taken by Prof. Esther Mombo at St. Paul's University School of Theology, is key as a long-term investment toward ensuring future affirming clergy. Furthermore, empirical evidence produced with or by faith-based academic institutions such as St. Paul's University catches the attention of centers of power within the hierarchy of the church.
- e) In establishing queer spaces of worship, specifically by CAC, activists who become clergy appear to be able to hold the space longer than other individuals who have tried in the past. The co-founders David Ochara and Caroline Amolo as the face of CAC suggest that the church is indigenous. Also, informal organizing to create alternate spaces for LGBTQ people of faith to commune has been important in filling spiritual gaps and making positive contributions.
- f) Multiple approaches are being employed to reach out to religious leaders. Conducting shadow advocacy, providing faith leaders with SOGIESC-related information, and having LGBTQ people share specific experiences of how they have been treated within a specific religious community are deemed effective. Discussing this treatment within religious communities has helped clergy rethink and re-evaluate how they have been treating LGBTQ people. Addressing LGBTQ violence as part of a broader narrative of addressing other social injustices affecting a specific community (in other words, employing an "all oppression is connected" approach) has been more effective than issue isolation.
- g) Coverage in mainstream media of stories pertaining to LGBTQ people, even if poorly reported, can provide entry points for discussion. The extensive media attention around public-interest litigation on decriminalization helped to propel conversations and provided an opportunity to share more information with religious leaders. Clergy who are supportive have been able to speak out, with the media helping to amplify their messages. Even though these clergy are small in number, the fact they use mainstream media expands the reach of their messaging. It also contributes to an alternate doctrine for communities of faith.
- h) The peer and participatory funding models pushed for by the Kenyan movement have contributed to some resources being allocated to advance faith-based work. Groups such

as CAC and academic institutions such as St. Paul's University would traditionally not have benefited from previous funding models driven by donor priorities, as opposed to being informed by the needs and the evolving context of the LGBTQ community in Kenya. Funding that does not dictate which activities organizations may spend on allows for more flexibility for NGOs to advance faith-based work to the extent that their individual circumstances permit.

- i) Clergy who are allies have learned to use a different choice of words and tailor-made language to suit their audiences. Others have learned to adapt toolkits to simplify messaging when communicating with peers who find them difficult to internalize. This way, they have devised ways to share information and raise awareness about the need for protection of LGBTQ people in various contexts, all leading toward the same goal. They also apply norms that resonate with their audiences, such that their messages become more difficult to challenge. Acknowledging the existence of LGBTQ people (and other minorities) at the community and family levels, coupled with SOGIESC knowledge and sharing of lived experiences, has worked well in some contexts.

4. Why Some LGBTQ Organizations Are Not Advancing Collaborations with Communities of Faith

This question sought to find out why some LGBTQ organizations in Kenya are not advancing collaborations and inclusion within communities of faith.

UHAI-EASHRI shared that only about 10 percent of their grantees are actively collaborating with faith-based communities in Kenya, Uganda, Zanzibar, and Rwanda. The organization provides core institutional funding, leaving it to the grantees to determine under which program areas the funds will be spent. Grants vary from organization to organization and do not exceed US\$25,000 per year per organization. The longer the relationship, the higher the grant amount.

There is a general perception by some groups of activists that religion is clueless, a no-go zone, and anti-development. This notion arises because, although some religious leaders have moved from a place of high emotion to objectivity and acceptance and inclusivity of LGBTQ people, it has not happened with the majority. On the flip side, some religious leaders fear that LGBTQ activists will force them to doctrinally accept same-sex consensual relationships or marriage. This perception is believed to prevail because human rights language is seen as hostile among some religious leaders.

Another point raised was that conversations around how one's queer identity interplays with religious identity have not meaningfully happened for most queer people in Kenya. This fact, in combination with baggage carried from the past, compounds how some LGBTIQ activists embrace or reject collaborations with communities of faith. These experiences inform the priorities of LGBTIQ organizations at their inception. As a result, faith-based advocacy is not viewed as a priority when compared to addressing other pressing needs, including socioeconomic challenges²⁰⁷ and legal reforms²⁰⁸ that would have a significant impact on the LGBTIQ community in Kenya. It is simply about survival for some organizations.

Interview subjects highlighted that significant resources, both financial and technical, that have been invested in faith-based advocacy have not yielded the expected returns. The value return from allies is not as visible as hoped. They still do not speak out in spaces where their voices are most needed, such as within the national faith-based organizations Supreme Council of Kenya Muslims (SUPKEM) or the Interfaith Council of Kenya. There are still many limitations to favorable engagement.

With regard to litigation, it was highlighted that the illogical and abstract nature of religion makes it difficult to use judicial mechanisms. Furthermore, there has not been enough jurisprudence on hate speech in Kenya to make it viable even to file a petition on hate speech against LGBTIQ people. This problem is coupled with limitations within the legal framework that defines hate speech only in relation to ethnic hatred.²⁰⁹ The same goes for filing petitions on conversion therapies carried out on LGBTIQ people as a form of torture under international human rights law.²¹⁰

For LGBTIQ rights activists living in their own communities, approaching faith leaders may not be viable because it can increase their vulnerability to risks. For this reason, some LGBTIQ activists who are integrated into their own communities prefer to keep away from communities of faith altogether.

Some transgender rights activists also shy away from collaborations with faith leaders because of the conflation of issues of gender identity with sexual orientation. They assume that some clergy who are rigid in their positions on homosexuality would not be open to understanding matters pertaining to gender identity.

Transgender rights activists engaged with faith communities feel grounded in their own spirituality, and some have been able to change the outlook of these communities over time.

The work that Jinsiangu does is designed around influencing social norms, health, and advocacy. Hence, as an institution, it makes more sense for Jinsiangu, as opposed to Transgender Education and Advocacy, which primarily focuses on litigation, to reach out to communities of faith.

5. Opponents of LGBTQ Rights and Their Strategies

Respondents were asked to state which actors oppose the advancement of inclusion and non-discrimination toward LGBTIQ people and the strategies they employ.

Religious fundamentalist groups that are part of the global anti-rights movement have taken advantage of the socioeconomic divide among the LGBTIQ community for targeting their messages. For example, evangelical churches in peri-urban communities still outright condemn LGBTIQ people through their sermons. In evangelical places of worship dominated by middle- and upper-class worshippers, the sermons are more moderate and might even pass for being inclusive.

Unlike places of worship in areas characterized by relatively lower socioeconomic status, these middle- and upper-class congregations do not chase queer people from their spaces. However, those who identify as queer are excluded from areas of church life such as positions of leadership and service to the congregation. They may remain only as members of the congregation. Conversion for LGBTIQ people cuts across the social divide in evangelical spheres.

The Kenya Christian Professional Forum (KCPF)²¹¹ is the most dominant representative of the global anti-rights movement, having great influence on the legal and social environment in Kenya. The group was opposing counsel in the petition for decriminalization of consensual same-sex relations and uses its clout to push the government to adopt retrogressive policies toward sexual health and reproductive rights as a whole; it often uses populist messaging to instill fear in the public.

KCPF doctors are pushing the intersex community to be categorized as people with disabilities, as opposed to being legally recognized as a third sex. They make their arguments based on the notion that God created only female and male, and note that intersex people would benefit from government disability benefits.²¹² Such benefits are being used as bait to keep intersex people in Kenya from demanding third sex legal status. From KCPF's standpoint, the most important goal is to maintain the status quo, grounded in the belief that realizing intersex rights in Kenya would open the door to legalizing same-sex consensual relationships.

Interpretation of the law is conducted through the lens of morality, and since most legal practitioners are influenced by the religious conservatism of their upbringings, it is challenging to meaningfully advance LGBTIQ rights within the legal ecosystem in Kenya. The significant influence of religious leaders on society makes it much more difficult to interpret issues of sexuality and family in a more liberal way.

Some members of the public purport that it is acceptable to be LGBTQ, as long as queer people stay in the shadows and closeted. Visibility such as pride parades or speaking out on LGBTQ rights is not acceptable. Similarly, when it comes to the clergy, some will on an individual level accept the existence of LGBTQ people but will not speak out openly because they feel confined to the doctrinal position of their church. Conservative or fundamental religious leaders linked to the global anti-rights movements demand scientific evidence about homosexuality as a way of diluting the discourse or avoiding dialogue.

Christian religious-rights groups in the Kenyan Senate and Parliament are very bold, conservative, and authoritarian. They have devised ways of catching public attention with various tactics, including copying the retrogressive policies pushed in Uganda and using social media to influence public opinion. Natural calamities such as drought, famine, epidemics, and the COVID-19 pandemic have also been blamed on the LGBTIQ community.

6. What More Can Be Done to Advance Faith-Based Work to Combat Discrimination Against LGBTIQ People

Respondents were asked to share suggestions for what they felt could be done to heighten the impact of working with communities of faith. They also shared what they perceived to be priorities and/or possible opportunities for funding.

- a) Publications that pertain to faith and LGBTIQ rights should be publicized and made accessible to all in a manner that can reach across divides, including for those in rural areas, to bridge information gaps. There is also a need to update the resource tools and manuals used by CWS and PEMA Kenya. Simpler or abridged versions could be made available to clergy who need it, in their preferred languages and in a medium that is within their reach. Updated tools of analysis and messaging that suit the dynamic context need to be consistently provided to faith leaders on a regular basis.
- b) One funding opportunity would be to cover costs for the relevant publications, to make them free and available online to anyone in the world, and to support more

research and scholarly work related to religion and LGBTIQ rights. The findings could help shape strategies to advance work within religious spheres.

- c) There is a need to carry out a deeper analysis about which approaches work for collaboration with the various religions, to inform more nuanced approaches. Currently, the approach is similar across Christian denominations. Informed approaches would also determine how best to tailor work with, and requests of, other dominant religious communities in Kenya, such as the Muslims, Hindus, and so on, and could lead to greater realization of LGBTIQ rights. Additionally, there is a need for more deliberate documentation that showcases input and positive action taken by religious leaders at the community level by NGOs and CSOs. Often, this information is excluded during reporting.
- d) In recognition that societal values are influenced by others beyond religious leaders, there is a need to create forums for cross-sectional dialogue between affirming clergy, legal practitioners, medical professionals, and so on, on various topics on family, sexual and reproductive human rights, and LGBTIQ rights. This could be done through symposiums, moot courts, or the like, with papers produced summarizing the outcomes of interactions. Such exchanges of views would help increase a shared understanding and fill information gaps within each of the specific categories of actors.
- e) There is also a need to build a coalition of individuals and organizations across the multitude of actors and professionals supporting LGBTIQ rights in Kenya, to shape the campaign into a broader, intersectional one (i.e., a civic education approach). Such a campaign could be expanded to narrow the distance between liberals in the region and globally. It could also help ease the tension that exists between the Global North and Global South in the context of human rights.
- f) There is a need for targeted advocacy aimed at curriculum reform within the education system in Kenya, to make education more reflective of the realities in society pertaining to family, gender, and sexuality. This effort would go a long way toward broadening information available to the public and lessen the burden on religious leaders to define the issues. There is also a need for a sustained campaign toward integration of appropriate science-based comprehensive sexuality education within the education system. Overall, there is a need to make more investments in students to shape the younger generations, including in schools of theological training and religious studies.
- g) Because charging people under Section 162 of the Penal Code is relatively difficult, rogue law enforcers often use

petty offenses when they arrest LGBTIQ people. Therefore, decriminalization of petty offenses in Kenya would decrease the indiscriminate targeting of the LGBTIQ community by law enforcers. LGBTIQ rights campaigners who are part of the effort to decriminalize these offenses could explore ways of involving faith leaders who might be willing to participate in this process.

- h) There is a need to broaden the scope of religious leaders who are targeted for advocacy and include traditional or cultural spiritual leaders who are gaining traction politically and influencing many spheres of public life. Cultural institutions such as the Luo Council of Elders and Kikuyu Council of Elders have significant influence over political and religious institutions in Kenya, which should be harnessed cautiously for the benefit of LGBTIQ people. Other, less popular, factions like the Atheists Society of Kenya could also be considered as vectors of shaping public discourse on LGBTIQ rights, since constitutionally Kenya is a secular state.²¹³
- i) Safeguards need to be put in place to respond to and support faith leaders who have proven their commitment in both financial and non-financial terms when losses are incurred. This support could also include interventions when allied clergy are targeted by their own institutions. In such scenarios, the LGBTIQ community could issue statements of support or hold discussions on conflict resolution to protect the clergy from harsh treatment. Overall, it was raised that support for clergy who are in dire need should be considered in a similar vein as the support provided to LGBTIQ activists and human rights defenders who are at risk.
- j) There is also a need to influence the voting of the African faith leaders who participate at synods. The anti-rights caucus heavily invests in faith leaders from the developing world to ensure that the voting maintains the status quo. As such, it was raised that counter strategies should be devised, whereby clergy who are supportive can disrupt the status quo through voting in the synods of their respective denominations.²¹⁴
- k) To ensure longer-term sustainability of collaborations with faith leaders, there is a need to mentor emerging LGBTIQ organizations to share the space. Donors should be more open to adequately funding emerging LGBTIQ organizations, including rural-based ones that often receive meager resources. Such emerging organizations would work in close partnership with more established ones until they are able to navigate the space independently.
- l) In responding to the needs of urban LGBTIQ refugees and asylum seekers through faith-based organizations such as HIAS Kenya, funders should consider supporting

measures that would sustain psychosocial support and help create forums where these refugees and asylum seekers can raise grievances. Such forums, coupled with consistent psychosocial support, would improve the mental well-being of this population. HIAS Kenya staff could also benefit from skills building on supporting LGBTIQ people of concern.²¹⁵ Specific food support for LGBTIQ refugees who are HIV-positive and are engaged in survival sex could be channeled through the National Council of Churches of Kenya, for accountability and identification of those in need.²¹⁶

- m) Development of a national strategy toward collaboration and coordination among religious leaders would provide harmonization across all relevant actors, including emerging ones, and also help with cross-movement building. Such a national strategy could help elevate collective strategizing and engagement among relevant state and non-state actors at the regional and international levels. It would also help build more synergy among all the LGBTIQ actors in Kenya to contribute meaningfully to faith work, and vice versa. Given common cross-border themes in East Africa, this national strategy could feed into a regional strategy to draw more collaboration and coordination on issues like those relating to LGBTIQ refugees and asylum seekers.
- n) Funders could consider joint initiatives to increase investment in faith work, collective strategizing, and peer learning. Implementing a Pan-African strategy connected to the global movement will require heavy capital investment. It was proposed that funding also be multiyear, amount to a minimum of US\$100,000 per year, and be adaptable to an evolving context for a minimum of three years. LGBTIQ rights advocates collaborating with communities of faith should educate funders on a regular basis on changing contexts so that funders are well informed on the dynamics and are able to adjust appropriately to changing needs. Additionally, structures should be put in place to ensure checks and balances on the power of funders so that funding is not wielded in a way that negatively impacts the LGBTIQ community. Funders need to be respectful of the differing contexts in which activists are operating even though they are working within the same national administrative boundaries. Some organizations are not as highly skilled in technical jargon or meeting donor expectations on reporting while still doing important, impactful work.
- o) Raising the numbers of LGBTIQ people of faith who are ordained would place them on an equal footing with other peers and increase their legitimacy in the eyes of the broader religious community. Donor support for

needy LGBTIQ people in Kenya to access tertiary-level education, to build a pool of professionals not only in religious circles but also in other fields of public life, could go a long way toward helping to counter the influence of anti-rights professionals.

Organizations Identified in Kenya

This list comprises organizations identified by the respondents in Kenya as supporting the advancement LGBTIQ rights as partners providing financial resources, technical support, and interventions, including on other cross-cutting human rights issues:

- a) Q-Initiative
- b) Amplify Change
- c) Horizon
- d) US Government – Dignity
- e) Wellspring Advisors
- f) Open Society Institute
- g) Sigrid Rausing Trust
- h) HIVOS – Voice/Positive Vibes
- i) Astraea Foundation
- j) Safe Abortion Movement
- k) Stop Extra Judicial Killing movement
- l) Grassroots feministic movement
- m) LVCT Health
- n) Kenya Medical Research Institute - KEMRI
- o) Global Fund for Human Rights
- p) National Coalition for Human Rights Defenders
- q) Norwegian Organization for Sexual and Gender Diversity (FRI)

This list is not exhaustive or representative of all LGBTQ/ally organizations in Kenya or of all cross-sectional issues that are supported by the LGBTIQ movement. These are the organizations that the respondents said they routinely collaborate with, overtly or covertly. Covert collaborations appear to be the preferred and more successful route in some instances.

Researcher’s Observations

The researcher made the following observations based upon the interviews and literature review:

There is a thin line between interpretation of the law and religious beliefs because policy makers, implementers, and legal practitioners are influenced by religiosity. Some lawyers default to their religious bias when confronted with matters of sexuality and fear going against what is perceived

religiously improper. Conservative legal practitioners are influenced and impacted by their religious upbringing. Conservative groups appear to be generally better at networking, advocacy, lobbying, and organizing than liberal rights groups—which rival each other, are easily divided, work in silos, and easily burn out. In spite of the doctrinal differences, religious fundamentalists globally coordinate strongly around issues of common interest.

Advocacy efforts around building a network of allies for religious leaders are engrained with classism. This is evident from the caliber of religious leaders who are easily accessible and who buy in to the campaign. Most are drawn from peri-urban or marginalized communities and lack the needed financial resources to pursue the work in their communities proactively, beyond the *ad hoc* support they receive when they participate in activities hosted by NGOs. This lack of impactful investment and accompanying of clergy dampens the advocacy efforts. Additionally, there is no recompense for clergy who incur losses as a result of their contribution and/or association with the campaign for LGBTIQ rights. CAC, for example, draws the majority of its members from the peri-urban communities and the refugee/asylum seeker community, and other marginalized populations like sex workers, single mothers, and so on.

Key Recommendations to Arcus

Given the above findings, the following key recommendation is made:

Support the development of a national action plan for faith-based advocacy. Such a plan could serve as a tool for greater collaboration with various actors across the board. It could also be used as a guide to continuously measure impact, as it would include specific indicators for impact assessment. Importantly, it would bring together all the strategies proposed in a structured manner and clearly outline which actor is responsible for advancing which action points. The national action plan would be a living document, revised periodically as warranted by the changing context.

¹ A Landscape Analysis of The Human Rights of Sex Workers and LGBT Communities in Burundi (p.29) https://globalphilanthropyproject.org/wp-content/uploads/2016/03/Burundi-Baseline_ENG_Final.pdf

² The First Lady of Burundi ordained pastor <https://www.rfi.fr/fr/afrique/20110703-burundi-premiere-dame-ordonnee-pretre>

³ HRW. (2017). Global Medical Body Condemns Forced Anal Exams: Doctors Worldwide Should Halt Abusive 'Homosexuality Tests' <https://www.hrw.org/news/2017/10/17/global-medical-body-condemns-forced-anal-exams>

⁴ Some of the trainings with the police forces have been undertaken collaboratively with the Uganda Human Rights Commission.

⁵ An outcome mapping exercise conducted by PEMA Kenya during from July 1 to August 31, 2019, found that 50 out of 120 Muslim clerics did not take any action to reduce violence toward LGBTIQ people. Of those who took action, two reported to law enforcement, six provided safe houses to victims, 13 provided counseling to victims, four met with the friends or families of the victims, and 23 continued to preach inclusive sermons and/or share scriptural texts of encouragement to the victims. The evaluation also found a significant reduction in incidents of violence that both the religious leaders and the gender and sexual minorities attributed to the religious leaders being trained, though no specific quantitative data that supports this claim was provided.

⁶ Look Who's Fighting Homophobia in Kenya <http://www.takepart.com/feature/2015/10/23/gay-rights-kenya>

⁷ The rural-based faith leaders have been very instrumental in identifying intersex children who are in need of intervention to protect them from rights violations or prevent them from being harmed. They have also been instrumental in forging relationships with local government authorities.

⁸ Importantly, the faith leaders are provided with information on how to identify that an individual may potentially be transgender, and how to make referrals.

⁹ Human Rights Council Working Group on the Universal Periodic Review fifteenth session, Geneva, January 21–February 1, 2013. Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21. Burundi. (A/HRC/WG.6/15/BDI/2). Paragraph 4 https://www.upr-info.org/sites/default/files/document/burundi/session_15_-_january_2013/ahrcwg.615bdi2e.pdf

The Status of Lesbian, Gay, Bisexual and Transgender Rights in Burundi https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BDI/INT_CCPR_CSS_BDI_18263_E.pdf

A Shadow Report to the UN Committee on Economic, Social and Cultural Rights Regarding Burundi's Protection of the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/BDI/INT_CESCR_CSS_BDI_21184_E.pdf

¹⁰ Article 24 of Law No. 1/02 (2017) on the Organic Framework of Non-Profit Associations prohibits the registration of organizations with purposes contrary to the law. <https://www.presidence.gov.bi/2017/01/27/loi-n1-02-du-27-janvier-2017-portant-cadre-organique-des-associations-sans-but-lucratif/>

¹¹ ILGA World: Lucas Ramon Mendos, Kellyn Botha, Rafael Carrano Lelis, Enrique López de la Peña, Iliia Savelev, and Daron Tan, State-Sponsored Homophobia 2020: Global Legislation Overview Update (Geneva: ILGA, December 2020, p. 166) https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf

¹² This Alien Legacy. The Origin of "Sodomy" Laws in British Colonialism <https://www.hrw.org/report/2008/12/17/alien-legacy/origins-sodomy-laws-british-colonialism>

¹³ Gov't cannot criminalise homosexuality-Minister <https://www.newtimes.co.rw/section/read/14747>

¹⁴ Laws determining penalties and offences in general (2018) <https://rwandalii.africanlii.org/sites/default/files/gazette/OG%2Bno%2BSpecial%2Bof%2B27-09-2018.pdf>

¹⁵ Rwanda's Constitution of 2003 with amendments through 2015 https://www.constituteproject.org/constitution/Rwanda_2015.pdf?lang=en

¹⁶ URT's third UPR cycle was in May 2021, and there is intention to submit a shadow report on the situation of LGBTQ people from the CSOs interviewed.

¹⁷ Penal Code (1998) https://www.tanzania.go.tz/egov_uploads/documents/PENAL%20CODE.pdf

¹⁸ The Constitution of the United Republic of Tanzania of 1977 (revised 2005) <https://www.wipo.int/edocs/lexdocs/laws/en/tz/tz008en.pdf> arts. 12, 13.

¹⁹ Section 145 of the Ugandan Penal Code and its enforcement <https://www.humandignitytrust.org/country-profile/uganda/>

²⁰ Thapa, S. J. (2015, September). LGBT Uganda Today: Continuing Danger Despite Nullification of Anti-Homosexuality Act. Global Spotlight. Retrieved from https://assets2.hrc.org/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf

²¹ Kuchu Times (May 04, 2021). Ugandan Parliament Passes Sexual Offences Bill, Criminalizes Sex Work And Same Sex Relations <https://www.kuchutimes.com/2021/05/ugandan-parliament-passes-sexual-offences-bill-criminalises-sex-work-and-same-sex-relations/>

²² Constitution of Uganda (1995) https://statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf

²³ Free at last! Court releases 19 LGBTIQ people jailed in Uganda <https://www.mambaonline.com/2020/05/19/free-at-last-court-releases-19-lgbtq-people-jailed-in-uganda/>

Litigation cases filed by Human Rights Awareness and Promotion Forum <https://www.hrapf.org/index.php/resources/court-judgements>

²⁴ The Uganda Human Rights Commission has asserted itself into an advisory role to the government on criminal justice issues. It has provided guidance to magistrates and prosecutors.

²⁵ In the second Universal Periodic Review cycle held in 2015, Kenya accepted a recommendation by Sweden to adopt a comprehensive anti-discrimination law affording protection to all individuals, irrespective of their sexual orientation or gender identity. The process to adopt this law is yet to materialize. https://www.upr-info.org/sites/default/files/document/kenya/session_21_-_january_2015/recommendations_and_pledges_kenya_2015.pdf

²⁶ COI & Another V Chief Magistrate, Ukunda Law Courts & 4 Others, Civil Appeal No. 56 of 2016, at the Court of Appeal in Mombasa

²⁷ Eric Gitari v. Nongovernmental Organizations Coordination Board and 4 Others (2015).

²⁸ Judicial Review number 147 of 2013.

²⁹ Petition 705 of 2007: Richard Muasya v. the Attorney General & 4 others and Petition 266 of 2013: Baby A vs. The Attorney General & 2 others.

³⁰ CWS was not able to provide specific data; however, its representatives estimated having collectively trained about 40 Muslim and Christian clerics as trainers from Mombasa, Nairobi, Kisumu, and Kakuma. This has positioned the clergy who are peer trainers and leaders within their own institutions to exercise inclusivity and strategically respond to violence.

³¹ CAC says that it has helped to establish three other affirming churches in Kenya: A CAC branch in Kisumu, United Methodist Church, Moheto (<https://bit.ly/3dLlUJj>), and United Methodist Christ Church, (<https://bit.ly/3uz1J2F>)

³² Helpheal Foundation noted: In 2018, sensitized religious leaders in Nakuru County successfully petitioned for release of a gay person who had been jailed on charges of homosexuality. In 2019, sensitized religious leaders successfully petitioned Kisumu County Assembly to shelve a motion

that sought to deregister organizations and businesses that were perceived to promote homosexuality.

³³ Kenyan court upholds bans on gay intimacy <https://religionnews.com/2019/05/24/kenyan-court-upholds-bans-on-gay-intimacy/>

See also: <https://www.the-star.co.ke/news/2019-02-22-lesbian-evangelist-jacinta-nzilani-took-unfamiliar-turn-after-husbands-death/>

³⁴ Petition 150 & 234 of 2016 (Consolidated) <http://kenyalaw.org/caselaw/cases/view/173946/>

³⁵ Case study: The Snake Has Entered the Milk Gourd: LGBTQI+ Discrimination in Kenya <https://s3-eu-west-1.amazonaws.com/rafto-documents/Reports/Rafto-SMUG-Speaking-with-care.-A-Manual-to-Prevent-Mitigate-and-Counter-Hate-Speech-Targeting-Sexual-and-Gender-Minorities.pdf>

This true story depicts the personal conflict of a member of the clergy based in Kisumu after finding out that his son was gay and his journey to inclusivity.

³⁶ Respondents shared that the limited financial constraints were mainly due to conditionality imposed by some donors. New LGBTQ organizations situated outside the major cities find it difficult to fundraise or are able only to secure lower amounts than their counterparts operating in major cities. Some donors want to fund pre-determined work that is not generally targeted toward working with communities of faith. Other donors do not cover administrative and core institutional expenditures adequately, making it difficult to allocate staff time to advocacy with religious actors. Some organizations that are fiscally hosted have had to contend with cash-flow challenges due to bureaucracy or arising conflict with host institutions.

³⁷ Violations emanating from religious actors are interpreted from a spiritual perspective; hence, they are not seen as a secular matter in which the government or UHRC can intervene. Similarly, hate speech from faith leaders targeting the LGBTQ community and sexual and gender minorities is more tolerated as it is seen through the lens of preaching morality. Victims have never formally lodged complaints for appropriate legal action to be taken. Further, Ugandans tend to consider hate speech only along political lines, sectarianism, ethnicity, or tribe.

³⁸ HRW. (2020). "If We Don't Get Services, We Will Die," Tanzania's Anti-LGBT Crackdown and the Right to Health https://www.hrw.org/report/2020/02/03/if-we-dont-get-services-we-will-die/tanzanias-anti-lgbt-crackdown-and-right#_ftn41

³⁹ Sara J. (2019). Repressive laws in Tanzania stifle the work of NGOs <https://www.devex.com/news/repressive-laws-in-tanzania-stifle-the-work-of-ngos-95913>

⁴⁰ Sara J. (2019). Repressive laws in Tanzania stifle the work of NGOs <https://www.devex.com/news/repressive-laws-in-tanzania-stifle-the-work-of-ngos-95913>

Read also: Neela G. & Elin M. (2018). No country for gay men, young girls... Can the Bulldozer really change gear? <https://www.theeastafrican.co.ke/oped/comment/Tanzania-No-country-for-gay-men-and-young-girls/434750-4900254-yvgg8b/index.html>

⁴¹ Ibrahim, Abadir M. (2015). LGBT rights in Africa and the discursive role of international human rights law. *African Human Rights Law Journal*, 15(2), 263-281. <https://dx.doi.org/10.17159/1996-2096/2015/v15n2a2>

⁴² Anti-gay rhetoric ramps up fear among LGBT+ Ugandans ahead of polls - <https://www.reuters.com/article/us-uganda-lgbt-election-idUSKBN29B22W>

Read also: <https://www.theguardian.com/global-development/2021/jan/11/yoweri-museveni-bobi-wine-uganda-election>

⁴³ Ugandan Leader Links LGBTQ+ People to Terrorists <https://www.out.com/out-exclusives/2019/10/03/breaking-ugandan-leader-links-lgbtq-people-terrorists>

⁴⁴ Forward Together is an idea at its infancy stage that seeks to bring together LGBTQ organizations that are working toward inclusion in communities of faith in East Africa under one umbrella. Conversations

are so far happening with organizations from Rwanda, Democratic Republic of the Congo, Uganda, and Kenya.

⁴⁵ Some of the potential work that could be advanced through such a forum included: development of national guidelines for advocacy with religious actors, training of trainers among willing religious leaders for empowerment to engage on peer-to-peer outreach and also improve the quality of interaction with policy makers or implementers by religious leaders. This forum could also be used as a platform to train activists on advocacy with religious actors and faith communities.

⁴⁶ Methodist Church to Allow Same-sex Marriage after Historic Vote <https://www.theguardian.com/society/2021/jun/30/methodist-church-allow-same-sex-marriage-after-vote?fbclid=IwAR1rqiDvkb5Qjo2Ni9ciC4VM-lhOZSs4PxHjLsbguzewTfHLNjYtOiu50doU>

⁴⁷ About Burundi - <https://www.britannica.com/place/Burundi>

⁴⁸ This Alien Legacy: The Origin of "Sodomy" Laws in British Colonialism https://www.hrw.org/sites/default/files/reports/Igbt1208_webwcover.pdf

⁴⁹ Conseil National pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie, CNDD-FDD.

⁵⁰ Human Rights Watch (2009). Forbidden: Institutionalizing Discrimination Against Gays and Lesbians in Burundi <https://www.hrw.org/report/2009/07/29/forbidden/institutionalizing-discrimination-against-gays-and-lesbians-burundi>

⁵¹ Ibid., p.4.

⁵² This provision is often used with Articles 364 and 365 of the Penal Code to unfairly target transgender people. See "A landscape analysis of the human rights of sex workers and LGBT communities in Burundi" (UHAI, 2016, P.17) - https://globalphilanthropyproject.org/wp-content/uploads/2016/03/Burundi-Baseline_ENG_Final.pdf

⁵³ The UN special rapporteur on the situation of human rights defenders, together with the independent expert on the situation of human rights in Burundi and the special rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. See Human Rights Council Working Group on the Universal Periodic Review, fifteenth session, Geneva, 21 January–1 February 2013 Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21. Burundi. (A/HRC/WG.6/15/BDI/2). Paragraph 4 - https://www.upr-info.org/sites/default/files/document/burundi/session_15_-_january_2013/ahrcwg.615bdi2e.pdf

⁵⁴ Ibid.

⁵⁵ The Status of Lesbian, Gay, Bisexual and Transgender Rights in Burundi - https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BDI/INT_CCPR_CSS_BDI_18263_E.pdf

⁵⁶ A Shadow Report to the UN Committee on Economic, Social and Cultural Rights Regarding Burundi's Protection of the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people - https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/BDI/INT_CESCR_CSS_BDI_21184_E.pdf

⁵⁷ Human Rights Council Working Group on the Universal Periodic Review Twenty-ninth session 15–26 January 2018. Compilation on Burundi. Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/WG.6/29/BDI/2*) Paragraph 13 https://www.upr-info.org/sites/default/files/document/burundi/session_29_-_janvier_2018/a_hrc_wg.6_29_bdi_2_en.pdf

⁵⁸ Constitution of Burundi (2018) https://www.constituteproject.org/constitution/Burundi_2018.pdf?lang=en

⁵⁹ Article 20: Right to Self-Determination <https://www.achpr.org/legalinstruments/detail?id=49>

⁶⁰ Burundi: 2nd Periodic Report, 2001-2010, p.49 <https://www.achpr.org/status/statereport?id=72>

⁶¹ 275 Resolution on Protection against Violence and other Human Rights Violations against People on the basis of their real or imputed Sexual Orientation or Gender Identity, ACHPR/Res.275(LV)2014 - <https://www.achpr.org/sessions/resolutions?id=322>

⁶² Burundi: Crackdown on LGBTQ community <https://www.mambaonline.com/2017/10/13/burundi-crackdown-lgbtq-community/>

Burundi announces 'official hunt' for LGBTI people <https://76crimes.com/2017/11/09/burundi-announces-official-hunt-for-lgbti-people/>

Two Teens Arrested for Dancing Together https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf

⁶³ Article 29, Constitution of Burundi (2018) https://www.constituteproject.org/constitution/Burundi_2018.pdf?lang=en

⁶⁴ Article 13, Constitution of Burundi (2018) https://www.constituteproject.org/constitution/Burundi_2018.pdf?lang=en

⁶⁵ Ibid., p. 9 – Freedom of Association

⁶⁶ Exercise of freedom of association (Decree - Law No 1/11 - April 18, 1992) <https://www.icj.org/sogunjurisprudence/report-of-the-special-rapporteur-on-the-situation-of-human-rights-defenders-ahrc3155add-2-30-december-2015-burundi/>

⁶⁷ Human Rights Council Thirty-first Session Agenda Item 3. Report of the Special Rapporteur on the situation of human rights defenders on his mission to Burundi Freedom of Association. Paragraphs 30 – 35 (A/HRC/31/55/ Add.2) <https://www.refworld.org/pdfid/56c434a14.pdf>

⁶⁸ Law N ° 1/02 of January 27, 2017 on the Organic Framework of Non Profit Associations <https://www.presidence.gov.bi/2017/01/27/loi-n1-02-du-27-janvier-2017-portant-cadre-organique-des-associations-sans-but-lucratif/>

⁶⁹ ILGA World: Lucas Ramon Mendos, Kellyn Botha, Rafael Carrano Lelis, Enrique López de la Peña, Iliia Savelev and Daron Tan, State-Sponsored Homophobia 2020: Global Legislation Overview Update (Geneva: ILGA, December 2020, p. 166) https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf

⁷⁰ Burundi: The Nkurunziza family performs an evangelist "show" in the Rumonge stadium - <https://www.rfi.fr/fr/afrique/20130826-burundi-nkurunziza-evangelique-stade-rumonge-evangeliste>

⁷¹ Burundi 2018 International Religious Freedom Report (p.4) - <https://www.state.gov/wp-content/uploads/2019/05/BURUNDI-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

⁷² Ibid., p.3

⁷³ A Landscape Analysis of The Human Rights of Sex Workers and LGBT Communities In Burundi (p.29) https://globalphilanthropyproject.org/wp-content/uploads/2016/03/Burundi-Baseline_ENG_Final.pdf

⁷⁴ Ibid., pp. 29-30
Homosexuality: a bad thing from elsewhere? <https://www.iwacu-burundi.org/homosexualite-un-mal-venu-dailleurs-afrique/>

⁷⁵ Mouvement pour les Libertés Individuelles (MOLI) - <https://societesinclusives.org/>

⁷⁶ The Network is not legally registered. It is currently comprised of three organizations: Rural Women Initiative for Self-Employment, Centre for Development of Population, and Feminist Alliance for Rights. The Network was requested to change its name in order to get registered.

⁷⁷ <https://www.britannica.com/place/Rwanda>

⁷⁸ Religious Beliefs in Rwanda <https://www.worldatlas.com/articles/religious-beliefs-in-rwanda.html>

⁷⁹ Sebastian Silva-Leander (2008) On the Danger and Necessity of Democratization: trade-offs between short-term stability and long-term

peace in post genocide Rwanda, Third World Quarterly, 29:8, 1601-1620, DOI: 10.1080/01436590802528754 - <https://www.tandfonline.com/doi/abs/10.1080/01436590802528754>

See also: <https://www.hrw.org/africa/rwanda>

Also watch Rwanda's Untold Story Documentary <https://vimeo.com/107867605>

⁸⁰ Homosexuality Isn't Our Problem Says President Kagame <https://www.ktpress.rw/2016/09/homosexuality-isnt-our-problem-says-president-kagame/>

⁸¹ Status of the ratification of international and regional human rights instruments by Rwanda as compiled by the National Commission on Human Rights up to October 2017 http://www.cndp.org.rw/fileadmin/user_upload/Status_Ratification_of_International_HR_instrument_Booklets.pdf

⁸² Human Rights Council Forty-first session, 24 June–12 July 2019 Agenda item 3. Resolution 41/18 (A/HRC/RES/41/18): Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity <https://undocs.org/A/HRC/RES/41/18>

⁸³ Human Rights Council Seventeenth Session Agenda item 6 Universal Periodic Review. Report of the Working Group on the Universal Periodic Review. Rwanda. Addendum. Views on conclusions and/or recommendations, voluntary commitments, and replies presented by the State under review (A/HRC/17/4/Add.1) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/136/46/PDF/G1113646.pdf?OpenElement>

Also read - <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/117/93/PDF/G1111793.pdf?OpenElement>

⁸⁴ Human Rights Council Working Group on the Universal Periodic Review Twenty-third session 2–13 November 2015. Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, Rwanda. (A/HRC/WG.6/23/RWA/2) - <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/189/25/PDF/G1518925.pdf?OpenElement>

⁸⁵ Human Rights Council Working Group on the Universal Periodic Review Thirty-seventh session 18–29 January 2021. Summary of Stakeholders' submissions on Rwanda. Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/WG.6/37/RWA/3) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/308/37/PDF/G2030837.pdf?OpenElement>

⁸⁶ Resolution 275 on Protection against Violence and other Human Rights Violations against People on the basis of their real or imputed Sexual Orientation or Gender Identity - ACHPR/Res.275(LV)2014 <https://www.achpr.org/sessions/resolutions?id=322>

⁸⁷ Rwanda: State Reports <https://www.achpr.org/states/detail?id=38>

⁸⁸ Gov't cannot criminalise homosexuality-Minister <https://www.newtimes.co.rw/section/read/14747>

⁸⁹ Laws determining penalties and offences in general (2018) <https://rwandalii.africanlii.org/sites/default/files/gazette/OG%2Bno%2BSpecial%2Bof%2B27-09-2018.pdf>

⁹⁰ Rwanda's Constitution of 2003 with Amendments through 2015 https://www.constituteproject.org/constitution/Rwanda_2015.pdf?lang=en

⁹¹ Ibid., p.10.

⁹² Tomorrow, they'll accept us. Rwandans fight to make their country the safest place in East Africa for LGBTI people <https://mashable.com/2017/11/18/rwanda-lgbti-activists/?europa=true>

⁹³ Anthony, Christopher, "Finding Peace in a World Where You Mean Nothing": The Implications of 'One Rwanda' on Rwandan LGBTI and Twa Minorities" (p.6). https://ir.lib.uwo.ca/undergradawards_2019/3/

⁹⁴ Frederick Nzwili (2018) After shuttering 700 churches, Rwanda proposes stricter clergy guidelines <https://www.ncronline.org/news/world/after-shuttering-700-churches-rwanda-proposes-stricter-clergy-guidelines>

- ⁹⁵ Rwanda: Situation Update - The Treatment of LGBT Individuals in Rwandan Law And Society <https://outrightinternational.org/content/rwanda-situation-update-treatment-lgbt-individuals-rwandan-law-and-society> and Rwanda: Anglicans Reject Western Accusations of Rebellion <https://allafrica.com/stories/200708150362.html>
- ⁹⁶ Rwandan church embraces LGBT+ community <https://www.dw.com/en/rwandan-church-embraces-lgbt-community/a-54255922>
- ⁹⁷ About Health Development Initiative <https://hdirwanda.org/>
- ⁹⁸ About Isange LGBTI Coalition Rwanda <https://web.facebook.com/rwanda-lgbticoalition/>
- ⁹⁹ About Horizon Community Association (HOCA) <https://archive.globalgayz.com/africa/rwanda/gay-rwanda-horizon-community-association-of-rwanda-hoca-reports/>
- ¹⁰⁰ About TFAM Rwanda <https://web.facebook.com/TFAM-Rwanda-127503497905345/>
- ¹⁰¹ About Amahoro Human Respect Organization https://web.facebook.com/fashabose/?ref=page_internal
- ¹⁰² ICASA 2019 Background <http://www.icasa2019rwanda.org/overview/background.html>
- ¹⁰³ Stop Rwanda's proposals to criminalise homosexuality <https://www.pambazuka.org/resources/stop-rwandas-proposals-criminalise-homosexuality>
- ¹⁰⁴ Forward Together is an idea at its infancy stage that seeks to bring together LGBTQ organizations that are working toward inclusion in communities of faith in East Africa under one umbrella. Conversations are so far happening with organizations from Rwanda, Democratic Republic of the Congo, Uganda, and Kenya.
- ¹⁰⁵ Horizon Community Association, founded in 2003, was the first LGBTQ rights organization to be established.
- ¹⁰⁶ <https://www.britannica.com/place/Uganda>
- ¹⁰⁷ Section 145 of the Ugandan Penal Code and its enforcement <https://www.humandignitytrust.org/country-profile/uganda/>
- ¹⁰⁸ Republic of Uganda. (2014). Anti-Homosexuality Act. <http://www.ref-world.org/pdfid/530c4bc64.pdf>
- ¹⁰⁹ Thapa, S. J. (2015, September). LGBT Uganda Today: Continuing Danger Despite Nullification of Anti-Homosexuality Act. Global Spotlight. Retrieved from https://assets2.hrc.org/files/assets/resources/Global_Spotlight_Uganda_designed_version_September_25_2015.pdf
- ¹¹⁰ K. Mukasa, personal communication, March 24, 2016.
- ¹¹¹ Claiming Human Rights (Uganda) <http://www.claiminghumanrights.org/uganda.html?L=0>
- ¹¹² Uganda Ratification to the African Charter <https://achpr.org/stateparties-totheafricancharter>
- ¹¹³ Constitution of Uganda (1995) https://statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf
- ¹¹⁴ Recommendations and Pledges (Uganda). Review in the Working Group: 11 October 2011 Adoption in the Plenary: 16 March 2012 - https://www.upr-info.org/sites/default/files/document/uganda/session_12_-_october_2011/recommendations_to_uganda_2012.pdf
- ¹¹⁵ BBC. (27 January 2011). Uganda gay rights activist David Kato killed - <https://www.bbc.com/news/world-africa-12295718>
- ¹¹⁶ 2RP: Responses to Recommendations & Voluntary Pledges (Uganda). Review in the Working Group: 3 November 2016 Adoption in the Plenary: 16 March 2017 - https://www.upr-info.org/sites/default/files/document/uganda/session_26_-_november_2016/recommendations_and_pledges_uganda_2016.pdf
- ¹¹⁷ 275: Resolution on Protection against Violence and other Human Rights Violations against People on the basis of their real or imputed Sexual Orientation or Gender Identity - ACHPR/Res.275(LV)2014 <https://www.achpr.org/sessions/resolutions?id=322>
- ¹¹⁸ Kuchu Times (May 04, 2021). Ugandan Parliament Passes Sexual Offences Bill, Criminalizes Sex Work and Same Sex Relations <https://www.kuchutimes.com/2021/05/ugandan-parliament-passes-sexual-offences-bill-criminalises-sex-work-and-same-sex-relations/>
- ¹¹⁹ Uganda: Elections Marred by Violence <https://www.hrw.org/news/2021/01/21/uganda-elections-marred-violence>
- ¹²⁰ Uganda elections 2021: What you need to know <https://www.bbc.com/news/world-africa-55573581>
- ¹²¹ About Tranznetwork Uganda <https://tranznetwork.org/>
- ¹²² About Freedom and Roam Uganda(FARUG) <https://faruganda.org/>
- ¹²³ About Universal Coalition of Affirming Africans Uganda (UCAA-UG) <https://ucaaug.org/>
- ¹²⁴ About Uganda Human Rights Commission (UHRC) <https://www.uhrc.ug/>
- ¹²⁵ About East Africa Visual Artists (EAVA) <https://eavisualarts.org/>
- ¹²⁶ The COVID-19 pandemic exposed the disproportionate vulnerability of transgender people in Uganda. Hence, efforts have been put toward economic empowerment by introducing approaches such as Village Savings and Loans, tapping into institutions such as banks and microfinance institutions to support ventures such as agribusiness. Opportunities for pursuing higher learning for some of the members are also being explored.
- ¹²⁷ Relationships are being developed with doctors from across the borders, Kenya specifically, who are called upon to support specific needs.
- ¹²⁸ Some of the trainings with the police forces have been undertaken collaboratively with the Uganda Human Rights Commission.
- ¹²⁹ Free at last! Court releases 19 LGBTIQ people jailed in Uganda <https://www.mambaonline.com/2020/05/19/free-at-last-court-releases-19-lgbtq-people-jailed-in-uganda/>
- Litigation cases filed by Human Rights Awareness and Promotion Forum <https://www.hrpf.org/index.php/resources/court-judgements>
- ¹³⁰ The Uganda Human Rights Commission has asserted itself into an advisory role with the government on criminal justice issues. It has provided guidance to magistrates and prosecutors.
- ¹³¹ Retired Bishop Christopher Senyonjo <https://www.kuchutimes.com/2016/07/in-defense-of-all-gods-children-retired-bishop-senyonjo-shares-his-lifes-journey-in-yet-to-be-launched-biography/>
- ¹³² Anti-gay rhetoric ramps up fear among LGBT+ Ugandans ahead of polls <https://www.reuters.com/article/us-uganda-lgbt-election-idUSKBN29B22W>
- Read also: <https://www.theguardian.com/global-development/2021/jan/11/yoweri-museveni-bobi-wine-uganda-election>
- ¹³³ Ugandan Leader Links LGBTQ+ People to Terrorists <https://www.out.com/out-exclusives/2019/10/03/breaking-ugandan-leader-links-lgbtq-people-terrorists>
- ¹³⁴ <https://www.britannica.com/place/Tanzania>
- ¹³⁵ United Republic of Tanzania, Country Governance Profile (Africa Development Bank, 2005, para. 1.2.1) <https://afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/ADB-BD-IF-2005-117-EN-TANZANIA-COUNTRY-GOVERNANCE-PROFILE.PDF>
- ¹³⁶ Ibid., para 1.2.5
- ¹³⁷ The Penal Code (1998) https://www.tanzania.go.tz/egov_uploads/documents/PENAL%20CODE.pdf
- ¹³⁸ Ibid., p.497

¹³⁹ Ibrahim, Abadir M. (2015). LGBT rights in Africa and the discursive role of international human rights law. *African Human Rights Law Journal*, 15(2), 263–281. <https://dx.doi.org/10.17159/1996-2096/2015/v15n2a2>

¹⁴⁰ HRW. (2017). Global Medical Body Condemns Forced Anal Exams: Doctors Worldwide Should Halt Abusive ‘Homosexuality Tests’ <https://www.hrw.org/news/2017/10/17/global-medical-body-condemns-forced-anal-exams>

¹⁴¹ Reuters. (2017). Police arrest woman in Tanzania over video of same-sex kiss <https://www.reuters.com/article/us-tanzania-lgbt/police-arrest-woman-in-tanzania-over-video-of-same-sex-kiss-idUSKBN1DW0FP>

Read also - HRW. (2020). Tanzania: Obstructions to LGBT Health, Rights. Discriminatory Health Policies, Raids, Arrests <https://www.hrw.org/news/2020/02/03/tanzania-obstructions-lgbt-health-rights>

¹⁴² HRW. (2020). “If We Don’t Get Services, We Will Die” Tanzania’s Anti-LGBT Crackdown and the Right to Health https://www.hrw.org/report/2020/02/03/if-we-dont-get-services-we-will-die/tanzanias-anti-lgbt-crackdown-and-right#_ftn41

¹⁴³ Sara J. (2019). Repressive laws in Tanzania stifle the work of NGOs <https://www.devex.com/news/repressive-laws-in-tanzania-stifle-the-work-of-ngos-95913>

¹⁴⁴ Ibid.

Read also: Neela G. & Elin M. (2018). No country for gay men, young girls... Can the Bulldozer really change gear? <https://www.theeastafrican.co.ke/oped/comment/Tanzania-No-country-for-gay-men-and-young-girls/434750-4900254-yvgg8b/index.html>

¹⁴⁵ Ibid., HRW. (2020, p.75).

¹⁴⁶ Ibid.

¹⁴⁷ Recommendations and Pledges: United Republic of Tanzania: First Review. Tanzania’s responses to recommendations (as of 07.06.2012) https://www.upr-info.org/sites/default/files/document/tanzania_united_republic_of_session_12_-_october_2011/recommendations_to_tanzania_2012.pdf

¹⁴⁸ Voices of LGBT Tanzanians. Submission made by LGBTQ CSOs during the Second UPR Cycle https://www.upr-info.org/sites/default/files/document/tanzania_united_republic_of/session_25_-_may_2016/lgbt_voice_upr25_tza_e_main.pdf

¹⁴⁹ Resolution 275 on Protection against Violence and other Human Rights Violations against People on the basis of their real or imputed Sexual Orientation or Gender Identity ACHPR/Res.275(LV)2014 - <https://www.achpr.org/sessions/resolutions?id=322>

¹⁵⁰ The Constitution of the United Republic of Tanzania of 1977 (revised 2005) <https://www.wipo.int/edocs/lexdocs/laws/en/tz/tz008en.pdf> arts. 12, 13.

¹⁵¹ OPINION: Tanzania President Samia Suluhu should allow all pregnant girls back to school <https://citizentv.co.ke/blogs/opinion-tanzania-president-samia-suluhu-should-allow-all-pregnant-girls-back-to-school-8940622/>

¹⁵² The five organizations are Centre for Advocacy and Community Support, Youth Solidarity Association, My True Colors, Bridge Initiative Organization, and Zanzibar Youth Empowerment Association.

¹⁵³ URT third UPR cycle was in May 2021, and there is intention to submit a shadow report on the situation of LGBTQ people from the CSOs interviewed.

¹⁵⁴ Respondents shared that financial constraints are often the result of donor-imposed conditions. New LGBTQ organizations situated outside the major cities find it difficult to fundraise or receive relatively lower amounts than their counterparts operating in major cities. Some donors want to fund predetermined work, which most of the time is not targeted toward working with communities of faith. Other donors do not provide adequate support for administrative and core institutional expenditures, making it difficult to allocate staff time to advocacy with religious actors. Some organizations that are fiscally hosted have had to contend with cash-flow challenges due to bureaucracy or arising conflict with host institutions.

¹⁵⁵ Some of the potential work that was highlighted that could be advanced through such a forum includes development of national guidelines for advocacy with religious actors, a training of trainers for willing religious leaders for empowerment to engage in peer-to-peer outreach, and improving the quality of religious leaders’ interactions with policy makers/implementers. Such initiatives could also be used as a platform to train activists on advocacy with religious actors and faith communities.

¹⁵⁶ Tanzania human rights group suspends operations <https://www.aa.com/tr/en/africa/tanzania-human-rights-group-suspends-operations/1945400>

¹⁵⁷ Ishmael Ochola of CWS Africa contributed to this section.

¹⁵⁸ Penal Code, revd. edn., 2014, available at: www.kenyalaw.org/lex/act-view.xql?actid=CAP.%2063

J. W. Thirikwa (2018) ‘Emergent momentum for equality: LGBT visibility and organising in Kenya’, in N. Nicol et al. (eds.) *Envisioning Global LGBT Human Rights: (Neo)colonialism, Neoliberalism, Resistance and Hope* (London: Human Rights Consortium, Institute of Commonwealth Studies), pp. 307–21.

¹⁵⁹ “Pastor Willy” is the focal point for the work being undertaken by CWS in Kakuma Refugee Camp, situated in northwestern Kenya and the second largest home to LGBTQ refugees and asylum seekers in Kenya.

¹⁶⁰ About Kuria Foundation for Social Enterprise <https://www.kuriafoundation.or.ke/>

¹⁶¹ About St. Paul’s University <https://www.spu.ac.ke/new/index.php>

¹⁶² About the Fellowship of Affirming Ministries <https://www.radicallyinclusive.org/>

¹⁶³ About Jinsiangu <https://jinsiangu.org/>

¹⁶⁴ About UHAI-EASHRI <https://uhai-eashri.org/>

¹⁶⁵ About National Gay and Lesbian Human Rights Commission <https://www.nglhrc.com/>

¹⁶⁶ About UNHCR Kenya <https://www.unhcr.org/ke/>

¹⁶⁷ About the Gay and Lesbian Coalition of Kenya <https://www.galck.org/>

¹⁶⁸ About American Jewish World Service Kenya <https://ajws.org/where-we-work/africa/kenya/>

¹⁶⁹ About Intersex People Society of Kenya <https://www.intersexkenya.org/about/>

¹⁷⁰ About the Network of National Human Rights Institutions <https://www.nanhri.org/>

¹⁷¹ About Kenya National Commission on Human Rights <https://www.knchr.org/>

¹⁷² About PEMA Kenya <https://pemakenya.org/>

¹⁷³ About Amkeni Malindi <https://amkenimalindi.org/>

¹⁷⁴ About Cosmopolitan Affirming Church <https://cac-kenya.com/aboutus/>

¹⁷⁵ CWS Africa Safe Space Project <https://cwsglobal.org/blog/safe-space/>

¹⁷⁶ About HelpHeal Foundation <https://helphealfoundation.org/>

¹⁷⁷ An outcome mapping exercise conducted by PEMA Kenya in the period July 1–August 31, 2019, found that 50 out of 120 Muslim clerics did not take any action to reduce violence toward LGBTQ people. Of those who took action, 2 reported to law enforcement, 6 provided safe houses to victims, 13 provided counseling to victims, 4 met with the friends or families of the victims, and 23 continued to preach inclusive sermons and/or shared scriptural texts of encouragement to the victims. The evaluation also found a significant reduction in incidents of violence that both the religious leaders and the gender and sexual minority group members attributed to the religious leaders being trained, but no specific quantitative data in support of this claim was provided.

¹⁷⁸ Look Who's Fighting Homophobia in Kenya <http://www.takepart.com/feature/2015/10/23/gay-rights-kenya>

¹⁷⁹ In Mombasa, even though it was reported that there has been a steady decline in violence emanating from religious spaces, the increased visibility of the LGBTIQ community has also made the community fall prey to other perpetrators of violence such as *bodaboda* (public transport motorcycle) operators, aswar (fundamentalist Muslim youth who act as haram police and public preachers), and other criminal or vigilante gangs.

¹⁸⁰ CWS was not able to provide specific data; however, it reported having collectively trained about 40 Muslim and Christian clerics as trainers from Mombasa, Nairobi, Kisumu, and Kakuma. This has positioned the clergy who are peer trainers and leaders within their own institutions to exercise inclusivity and strategically respond to violence.

¹⁸¹ CAC shared that it had helped to establish three other affirming churches in Kenya: A CAC branch in Kisumu, United Methodist Church, Moheto (<https://bit.ly/3dLlluJ>), and United Methodist Christ Church (<https://bit.ly/3uz1J2F>)

¹⁸² HelpHeal Foundation reported that in 2018, sensitized religious leaders in Nakuru County successfully petitioned for release of a gay person who had been put in jail on charges of homosexuality. In 2019, sensitized religious leaders successfully petitioned Kisumu County Assembly to shelve a motion that sought to deregister organizations and businesses that were perceived to promote homosexuality.

¹⁸³ Kenyan court upholds bans on gay intimacy <https://religionnews.com/2019/05/24/kenyan-court-upholds-bans-on-gay-intimacy/>

See also: <https://www.the-star.co.ke/news/2019-02-22-lesbian-evangelist-jacinta-nzilani-took-unfamiliar-turn-after-husbands-death/>

¹⁸⁴ LBQ women and the need for specified activism in Kenya <https://humanrights.blogs.sas.ac.uk/2018/06/14/lbq-women-activism-kenya/>

¹⁸⁵ LGBTQ+ people in Kenya urgently need mental health support <https://news.umich.edu/lgbtq-people-in-kenya-urgently-need-mental-health-support/>

¹⁸⁶ MCAs in push to curb same sex relations <https://www.standardmedia.co.ke/nyanza/article/2001282393/mcas-in-push-to-curb-same-sex-relations>

HelpHeal Foundation notes that in 2019, sensitized religious leaders successfully petitioned Kisumu County Assembly to shelve a motion that sought to deregister organizations and businesses that were perceived to promote homosexuality.

¹⁸⁷ Statements by public figures <https://www.humandignitytrust.org/country-profile/kenya/>

¹⁸⁸ Rural-based faith leaders have been instrumental in identifying intersex children in need of intervention to protect them from rights violations or prevent them from being harmed. They also have been instrumental in forging relationships with local government authorities.

¹⁸⁹ Importantly, faith leaders are provided with information on how to identify that an individual may potentially be transgender, and how to make referrals. Transgender people experience relatively high levels of danger.

¹⁹⁰ 2019 census reveals Kenya has 1,524 intersex people <https://www.standardmedia.co.ke/entertainment/local-news/2001348112/2019-census-reveals-kenya-has-1524-intersex-people>

¹⁹¹ Kenya Gazette Supplement No. 127 (Senate Bills No. 14) <http://www.parliament.go.ke/sites/default/files/2019-09/THE%20REGISTRATION%20OF%20PEOPLE%20AMENDMENT%20BILL%2C%202019.pdf>

¹⁹² About the National Council of Churches in Kenya <http://www.ncck.org/>

NCCK is the implementing partner for UNHCR Kenya on healthcare.

¹⁹³ David Kuria Mbote, Theo G. M. Sandfort, Esther Waweru & Andrew Zapfel (2018) Kenyan Religious Leaders' Views on Same-Sex Sexuality

and Gender Nonconformity: Religious Freedom versus Constitutional Rights, *The Journal of Sex Research*, 55:4-5, 630-641, DOI: [10.1080/00224499.2016.1255702](https://doi.org/10.1080/00224499.2016.1255702)

¹⁹⁴ Rev. Michael Kimindu Profile <https://lgbtqreligiousarchives.org/profiles/michael-kimindu>

¹⁹⁵ Rev. John Makokha Profile <https://globalpressjournal.com/africa/kenya/despite-reprisals-kenyan-cleric-welcomes-gays-and-lesbians-advocates-their-acceptance/>

¹⁹⁶ Petition 150 & 234 of 2016 (Consolidated) <http://kenyalaw.org/caselaw/cases/view/173946/>

¹⁹⁷ Case study: The Snake Has Entered the Milk Gourd: LGBTQI+ Discrimination in Kenya - <https://s3-eu-west-1.amazonaws.com/rafto-documents/Reports/Rafto-SMUG-Speaking-with-care.-A-Manual-to-Prevent-Mitigate-and-Counter-Hate-Speech-Targeting-Sexual-and-Gender-Minorities.pdf>

This real life story depicts the personal conflict of a clergy member based in Kisumu after finding out that his son was gay, and his journey to inclusivity.

¹⁹⁸ Two gay men burned in Kenya refugee camp attack - <https://bit.ly/3AmYUEU>

¹⁹⁹ Kenya to close 2 refugee camps next year - <https://www.dw.com/en/kenya-to-close-2-refugee-camps-next-year/a-57382561>

²⁰⁰ UNHCR established a structure where there were community leaders among the LGBTIQ asylum seekers and refugees who were actively engaged by partners on responses in Nairobi. The existence of the cohort of refugee community leaders made it easy to organize support from some grassroots faith leaders. Most have since been resettled. As a result, a gap that was created remains unfilled, with the rapidly changing context leaving UNHCR Kenya to constantly re-examine the most suitable way to manage the LGBTIQ people of concern.

²⁰¹ About Jesuit Refugee Services Kenya <https://jrs.net/en/country/kenya/>

²⁰² About Mikono Shop <https://mikono.jrs.global/pages/our-story>

²⁰³ About HIAS Kenya <https://www.hias.org/where/kenya>

HIAS Kenya is the main partner for UNHCR Kenya for the urban refugee program. It is charged with child protection work, the SGBV program, the LGBTIQ program, the psychosocial support program, and running of the transit and safe house.

²⁰⁴ Kenya's LGBTQ Community Faces Increased Abuse During Pandemic <https://www.voanews.com/africa/kenyas-lgbtq-community-faces-increased-abuse-during-pandemic>

²⁰⁵ At the onset of the COVID-19 pandemic, most LGBTIQ CSOs embarked on direct service provision to cushion vulnerable LGBTIQ members, including forced migrants. The direct services included food distribution and emergency financial assistance. There was an expectation from LGBTIQ refugees and asylum seekers, humanitarian organizations, and CSOs that CWS would also step in to help alleviate some of the suffering caused by the pandemic.

²⁰⁶ How Relationships Can Turn Faith Leaders into LGBT Allies <https://www.yesmagazine.org/social-justice/2021/06/23/kenyan-faith-leaders-become-lgbt-allies>

²⁰⁷ The right to education, healthcare, adequate housing, food, and economic empowerment are perceived as more critical for the LGBTIQ community. Left unaddressed, these needs increase the risks for the people directly affected.

²⁰⁸ More financial resources need to be invested in the human rights caucus to counter the influence exerted by the senate and parliamentarians who are anti-rights to ensure that progressive bills are passed.

²⁰⁹ Kenya: Use of "hate speech" laws and monitoring of politicians on social media platforms - <https://www.article19.org/resources/kenya-use-of-hate-speech-laws/>

²¹⁰ ‘Conversion therapy’ can amount to torture and should be banned says UN expert - https://www.ohchr.org/EN/NewsEvents/Pages/ConversionTherapy_and_HR.aspx

²¹¹ About Kenya Christian Professional Forum (KCPF) - <https://kcpf.or.ke/>

²¹² Benefits of registration as a person with disability - <https://www.social-protection.go.ke/wp-content/uploads/2019/06/BENEFITS-OF-REGISTRATION-AS-A-PERSON-LIVING-WITH-DISABILITIES.pdf>

²¹³ Constitution of Kenya, 2010 - <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=Const2010>

²¹⁴ Methodist Church to Allow Same-sex Marriage After Historic Vote <https://www.theguardian.com/society/2021/jun/30/methodist-church-allows-same-sex-marriage-after-vote?fbclid=IwAR1rqiDvkb5QjoZNI9ciC4VM-lhOZSs4PxHjLsbguzewTfHLNjYtOIU50doU>

²¹⁵ Alternatively, funders could consider increasing the financial resources for national and community-based LGBTIQ organizations such that they (national organizations) can comfortably incorporate refugees and asylum seekers into their programming without feeling constrained on resources. Directing funding for LGBTIQ refugees and asylum seekers through national and community-based organizations will in a way help to counter the perception that the queer refugees and asylum seekers get preferential treatment from humanitarian agencies. According to the UNHCR focal point for LGBTIQ refugees and asylum seekers, there is sufficient data on the needs of the people of concern such that a new needs analysis is not necessary to inform long-term impactful intervention.

²¹⁶ These refugees have abandoned their medication regime because they lack food. Survival sex exposes them to further risks and danger. Currently, none of the refugee organizations provides food assistance for the urban refugee population as a whole because they are expected to be self-reliant as per UNHCR Kenya policy for urban refugees and asylum seekers.

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ABOUT ARCUS FOUNDATION

Founded in 2000 by Jon Stryker, the Arcus Foundation is a private grantmaking institution dedicated to the idea that people can live in harmony with one another and the natural world. Arcus' work is based on the belief that respect for diversity among peoples and in nature is essential to a positive future for our planet and all of its inhabitants. The Foundation works globally and has offices in New York City and Cambridge, UK.

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