



This is one in a group of cases the Case Consortium @ Columbia developed in conjunction with the Aga Khan University Graduate School of Media and Communications (a Consortium member at the time). The cases, which look at various aspects of journalism practice in East Africa and South Africa, are being distributed under an agreement with Columbia University (and will be available on the AKU website).

Radio Buddu and the Uganda Anti---Homosexuality Bill

In September 2009, Ugandan Member of Parliament David Bahati proposed an anti---homosexuality bill that demanded the death sentence in the case of “aggravated homosexuality.” The bill attracted immediate international condemnation: US President Barack Obama termed it “odious.” In November 2009, UK Prime Minister Gordon Brown denounced the bill, and the Swedish development minister stated that Sweden would cut its \$50 million in aid to Uganda if the bill became law.¹ Canadian Prime Minister Stephen Harper expressed his government’s opposition and characterized the bill as abhorrent.²

In socially conservative Uganda, there were three distinct responses to the bill. The first, to which most Ugandans subscribed, was that the bill was a positive development and in line with Ugandan moral norms—albeit harsh in calling for the death sentence. The second reaction, predominantly held by gay rights activists, was that the bill contravened universal human rights and should be withdrawn immediately. The third reaction was indifference.³

Moses Walugembe was a news anchor, presenter and talk show host for the show *Kinanjokyanimize* (which translates as “tackling hot issues affecting the community”) at Radio Buddu in Masaka, a town in rural Uganda. In late 2009, Walugembe thought the station should present a talk show that would explore the pros and cons of the anti---

¹ Jim Burroway, “Slouching Toward Kampala: Uganda’s Deadly Embrace of Hate,” *Box Turtle Bulletin*, October 14, 2009. See: <http://www.boxturtlebulletin.com/slouching-toward-kampala2>

² Jane Taber, “Harper to press Uganda on ‘abhorrent’ anti-gay law,” *Globe and Mail*, December 23, 2009. See: <http://www.theglobeandmail.com/news/politics/ottawa-notebook/harper-to-press-uganda-on-abhorrent-anti-gaylaw/article794069/>

³ Details from the author’s interview with Wilson Kaija in Kampala, Uganda on June 20, 2011.

-homosexuality bill, its social ramifications and legal status. “People wanted to know what was going on, what was in the bill... We [hoped] to go deeper and find out really how it’s going to affect our community,” he says.⁴ Walugembe wanted to interview both supporters and opponents who would debate the bill frankly and fully. As a journalist, he saw the bill as a good opportunity to educate radio listeners on homosexuality—a largely taboo subject in Uganda.

Walugembe secured the approval of the radio station’s executive team. Moreover, the British Broadcasting Corporation (BBC) World Service Trust—which had worked closely with Radio Buddu—encouraged Walugembe to go ahead. But News Editor Pascal Mweruka was forcefully opposed. Most listeners, he pointed out, were adamantly opposed to homosexuality. Mweruka feared that airing a debate that could be seen to promote homosexuality would have negative consequences, both legal and reputational, for the station.

Walugembe personally opposed homosexuality on religious grounds, but as a journalist he favored balanced reporting of social issues. He had to decide: proceed with the show, or drop it?

Anti-homosexuality debate in Uganda

Homosexual activities in Uganda had long been criminal. The 1950 Uganda Penal Code Act provided life imprisonment for those found engaging in “unnatural acts”—including homosexual activity. The Penal Code Act stated: “Any person who (a) has carnal knowledge of any person against the order of nature; (b) has carnal knowledge of an animal; or (c) permits a male person to have carnal knowledge of him or her against the order of nature, commits an offence and is liable to imprisonment for life.”⁵ This prohibition was strengthened in 2005 when Yoweri Museveni, Uganda’s president since 1986, banned gay marriage.⁶ Society seemed to endorse this stance. A 2007 survey of Ugandan public opinion showed that “95% did not agree that homosexuality be legalized.”⁷

Uganda had a history of social conservatism. Some believed that the colonial era had left a conservative legacy, especially in sexual politics. According to Professor Caroline Tushabe at the University of California---Riverside and a native Ugandan, homosexual practices in pre---colonial Africa were “not condemned; they were not prohibited.”⁸ By this view,

⁴ Author’s interviews with Moses Walugembe in Kampala on June 18 and June 21, 2012 and by phone on August 8, 2012. All further quotes from Walugembe, unless otherwise attributed, are from these interviews.

⁵ Penal Code Act 1950, Paragraph 145. See: <http://www.ulii.org/ug/legislation/consolidated-act/120>

⁶ Vincent Mayanja, “Museveni bans gay marriage,” *IOL News*, September 25, 2005. See:

http://www.iol.co.za/news/africa/museveni-bans-gay-marriage-1.254809-.T_GCq5HvpWk

⁷ Elizabeth Agiro, (2007), “Ugandans reject homosexuals—Study,” *Sunday Vision*, August 25, 2007. See:

<http://www.sundayvision.co.ug/detail.php?mainNewsCategoryId=7&newsCategoryId=125&newsId=583215>

⁸ Alison Liu, “Q&A: Caroline Tushabe on homophobia in Uganda,” *Scarlet and Black*, March 10, 2011. See:

<http://www.thesandb.com/features/qa-caroline-tushabe-on-homophobia-in-uganda.html>

the British colonial authorities imported anti-homosexual views, which survived the country's move to independence in 1962.

US influence? Other observers saw a more recent influence—from anti-homosexual Christian groups in the United States. In March 2009, six months before Bahati introduced his bill, the US-based Family Life Network (FLN) organised an event in Uganda titled “Seminar on Exposing the Truth behind Homosexuality and the Homosexual Agenda.” Three prominent American anti-gay activists attended.⁹

The conference leaders voiced support for Uganda's legal ban on homosexuality, and announced that they hoped to require gays and lesbians to undergo ex-gay therapy (a controversial approach to convert homosexuals to heterosexuality).¹⁰ Conference attendees heard discussion of how to make gay people straight, how gay men allegedly sodomized teenage boys and how “the gay movement is an evil institution” whose goal is “to defeat the marriage-based society and replace it with a culture of sexual promiscuity.”¹¹ FLN followed the conference with an anti-gay protest outside parliament in April 2009.

In the wake of the conference, suspected homosexuals were rounded up and arrested. For example, in April police arrested a gay couple said to be “caught kissing and cuddling at their house.”¹² Blogs such as Gay Uganda reported threats to “out” individuals if they did not silence the accuser with a bribe.¹³ In addition, a second US-based Christian group, unrelated to FLN, called The Family (also known as The Fellowship) seemed to take a keen interest in Uganda's stand on homosexuality. The Ugandan bill's sponsor, Bahati, apparently had strong connections to The Family.¹⁴ Some observers felt The Family had encouraged Bahati.

⁹ Scott Lively, Caleb Lee Brundidge and Don Schmierer were militant anti-gay activists. Lively wrote *The Poisoned Stream: “Gay” Influence in Human History* and was a member of Watchmen on the Walls, an international extremist anti-gay movement. Schmierer (of Exodus International) and Brundidge were both stalwarts of the “exgay” movement that claimed homosexuals could alter their sexual orientation. Jeffrey Gettleman, “Americans’ Role Seen in Uganda Anti-Gay Push,” *New York Times*, January 3, 2010. See: http://www.nytimes.com/2010/01/04/world/africa/04uganda.html?_r=1. Also Casey Sanchez, “U.S. Anti-Gay Leaders Holding Seminar In Uganda,” *Southern Poverty Law Center*, March 6, 2009. See: <http://www.splcenter.org/blog/2009/03/06/us-anti-gay-leaders-hold-seminar-in-uganda/>

¹⁰ Jim Burroway, “Exodus Board Member Joins Nazi Revisionist at Uganda Conference,” *Box Turtle Bulletin*, February 24, 2009. See: <http://www.boxturtlebulletin.com/2009/02/24/9098>

¹¹ Jeffrey Gettleman, “Americans’ Role Seen in Uganda Anti-Gay Push,” *New York Times*, January 3, 2010. See: http://www.nytimes.com/2010/01/04/world/africa/04uganda.html?_r=1

¹² Jim Burroway, “Uganda’s Anti-Gay Campaign Snares LGBT People and Rival Pastors, Tabloid Promises More ‘Outings,’” *Box Turtle Bulletin*, May 14, 2009. See: <http://www.boxturtlebulletin.com/2009/05/14/11366>

¹³ Gay Uganda, “Consequences,” April 30, 2009. See: <http://gayuganda.blogspot.com/2009/04/consequences.html>

¹⁴ The Family denied a connection to Bahati. But others say The Family representatives have openly acknowledged the connection. See: <http://www.harpers.org/archive/2010/09/hbc-90007656>. Also for lengthy background, see: http://www.newyorker.com/reporting/2010/09/13/100913fa_fact_boyer

The Bill and Reaction

Whether or not under the influence of others, Bahati introduced the Anti-Homosexuality Act on September 25, 2009 as a private member's bill, meaning that it was not part of the ruling government's official program. The bill was draconian. It called for the prohibition of homosexual behaviour and related practices in Uganda with penalties, including death, for the offence of "aggravated homosexuality." Aggravated homosexuality was defined as a) if the victim was under 18; b) if the offender was HIV-infected; c) if the offender was a parent or guardian of the victim; d) if the offender had authority over the victim; e) if the victim was disabled; f) if the offender was a recidivist; or g) if the offender used drugs in seducing the victim.

In Uganda, leaders from the Church of Uganda, the Orthodox, Pentecostal, and Seventh Day Adventist churches, and the Uganda Muslim Supreme Council unanimously supported the bill. But they questioned the penalties. "Can death as a form of punishment help one to reform? Some people are convicted of murder but after they have been killed, it's proved they were innocent. What would be done in such circumstances? We should emphasise life imprisonment," said Aron Mwesigye, secretary for the Church of Uganda.¹⁵

Journalist Wilson Kaija in 2009 worked at Radio Buddu with Walugembe. Many Ugandans, he says, felt homosexuality was a foreign import, and that "we cannot allow our culture to be abused by these foreign cultures coming in."¹⁶ He adds that the bill was in part a reaction to public suspicion that children were at risk.

There was a general feeling that there is secret recruitment of children into homosexuality, in schools, in some churches, in organizations. So because of that, people came up and said, well, it has come to a point to have a law or else things are going to be really bad.

Foreign reaction. In November 2009, the US embassy condemned the bill, describing it as "a significant step backwards for the protection of human rights in Uganda."¹⁷ In December, Secretary of State Hillary Clinton denounced the bill. "Governments should... be vigilant in preventing law from becoming an instrument of oppression, as bills like the one under consideration in Uganda to criminalize homosexuality would do," she

¹⁵ Madinah Tebajjukira, "No death penalty for homosexuals- Clergy men," *New Vision*, October 29, 2009. See: <http://www.newvision.co.ug/D/8/13/699520>

¹⁶ Author's interview with Wilson Kaija in Kampala, Uganda on June 20, 2011. All further quotes from Kaija, unless otherwise attributed, are from this interview.

¹⁷ *Agence France Presse*, "US slams Uganda's new anti-gay bill," October 29, 2009. See: <http://www.google.com/hostednews/afp/article/ALeqM5jEEJXoeBrTi17hexzYZqvmPgpPvg>

said.¹⁸ Even Christian organizations and leaders from around the world, such as prominent US evangelist Rick Warren, denounced the bill as “un---Christian.”¹⁹

Also in December, the European Parliament adopted a resolution condemning the bill.²⁰ It called on the European Commission to reconsider aid to Uganda should the bill be enacted into law. At the time, the European Union provided Uganda with \$275 million annually, or 16.6 percent of total development aid.²¹

Domestic reaction. Domestically, the bill stirred various reactions. Ugandan Minister for Ethics and Integrity James Nsaba---Buturo stated that the country had no intention of bowing to international pressure. On December 3, he issued an official statement from the office of the president, stating:

The people of Uganda believe that practicing anal sex at the expense of heterosexual sex is not a normal practice. Ugandans know or believe that homosexuality involves practices that are dangerous and high risk to the human body, which is designed for heterosexual functions... Government has been clear about this matter: that homosexuality or homosexual practices will not be promoted, encouraged and recommended to the people of Uganda.²²

However, the counterarguments seemed to make an impression. By the second week in December, the government was backtracking. In an undated article published by the Media Centre (president’s office), columnist Obed Katureebe stated that “Hon. (David) Bahati has a strong point. However, I personally think that there is no need to have a fresh legislation on such unnatural offences... What is required at this moment is to let all Ugandans be rational and put their views across before parliament moves to debate the contents of the bill.”²³ On December 9, Ethics and Integrity Minister Nsaba---Buturo revised his earlier view sufficiently

¹⁸ Jim Burroway, “Hillary Clinton Denounces Uganda’s ‘Kill Gays’ Bill,” *Box Turtle Bulletin*, December 15, 2009. See:

<http://www.boxturtlebulletin.com/2009/12/15/Her%20general%20theme%20was%20a%20focus%20on%20results%20over%20talk,%20and%20linking%20development%20and%20economic%20stability%20to%20political%20>

¹⁹ Howard Chua-Eoan, “Rick Warren Denounces Uganda’s Anti-Gay Bill,” *Time*, December 10, 2009. See:

<http://www.time.com/time/world/article/0,8599,1946921,00.html>

²⁰ *UK Gay News*, “European Parliament Firmly Denounces Ugandan ‘Anti-Gay’ Bill,” December 19, 2009. See:

<http://www.ukgaynews.org.uk/Archive/09/Dec/1701.htm>

²¹ *Ibid.*

²² Uganda Media Centre, President’s Office, “Press Statement by Hon. Nsaba-Buturo,” December 3, 2009. See:

<http://www.mediacentre.go.ug/details.php?catId=3&item=709>

²³ The article has been removed from the Media Centre website. See excerpts at:

<http://www.boxturtlebulletin.com/2009/12/10/17693>

to say that Uganda would “drop the death penalty and life imprisonment for gays in a refined version of an anti---gay bill.”²⁴

Among those who opposed the bill was a senior presidential advisor, John Nagenda. After establishing his personal disdain for all things gay, he asked in *New Vision*, a government---owned newspaper, “What crime have same---sex lovers committed, per se, by being who they are?”

When times have changed, if they change enough, then these words will include a leavening of same---sex relationships. Gradualism is not a sin. But hunting down people for same---sex love, I believe to be a sin against Love, one of God’s greatest gifts to mankind. (I say all this without being a homosexual). Parliament should not pass this Bill.²⁵

Media reaction. In general, the Ugandan press tried to avoid mentioning gay rights or homosexuality. Mweruka, the news editor at Radio Buddu, says that typically the media in Uganda simply quoted government statements on homosexuality.²⁶ There was very little media debate on the issue, due in part to legal restrictions. The Uganda Broadcasting Council regulated what broadcasters could say on air. Among other conditions, the criteria for obtaining a broadcast license stipulated that “the licensee undertakes to ensure that any programme which is broadcast is not contrary to the public morality.”²⁷

Airing views and opinions that could be construed to condone or promote homosexuality might be perceived as contrary to public morality. Uganda media houses were concerned that debating the bill or homosexuality would have legal repercussions. In October 2004, for example, Radio Simba had been fined over \$1,000 and ordered to make a public apology for discussing homosexuality on air. The Ugandan Broadcasting Council stated that the programme was “contrary to public morality and ... not in compliance with the existing law.”²⁸

However, in April 2009 the weekly tabloid *Red Pepper* printed names and pictures of suspected homosexuals, calling its report “a killer dossier, a heart---pounding and

²⁴ Fred Ojiambo, “Uganda to Drop Death Penalty, Life in Jail for Gays (Update1),” *Bloomberg News*, December 9, 2009. See: <http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aU6JnNOFIv64>

²⁵ John Nagenda, “Regarding homosexuals and lesbians,” *New Vision*, December 12, 2009. See: <http://www.newvision.co.ug/D/8/20/703994>

²⁶ Author’s interview with Pascal Mweruka in Kampala, Uganda on June 21, 2011. All further quotes from Mweruka, unless otherwise attributed, are from this interview.

²⁷ The Broadcasting Council, “Terms and conditions for operating a Broadcasting Licence in Uganda.” See: http://www.ucc.co.ug/images/ucc/broadcasting/Terms_and_conditions_for_operating_a_Broadcasting_Licence_in_Uganda.doc

²⁸ BBC News, “Fine for Ugandan radio gay show,” October 3, 2004. See: <http://news.bbc.co.uk/2/hi/africa/3712266.stm>

sensational masterpiece that largely exposes Uganda’s shameless men and unabashed women that have deliberately exported the western evils to our dear and sacred society.”²⁹ The Broadcasting Council took no action, but there was an international outcry over this “naming and shaming.”

Radio Buddu

When Bahati introduced his bill in September 2009, Walugembe was working for Radio Buddu. The station was established in 2000 and covered over 20 districts near the town of Masaka, some 90 minutes from Kampala. It had grown to become the largest radio station in the region. In its mission statement, Radio Buddu said that it sought “to entertain and address problems of ordinary people through information, mobilization, education and effective communication.”³⁰ Most of its news and entertainment programs were delivered in the local language, although a few were in English. The community the station served was socially conservative and predominantly Christian.

Walugembe came from Mityana district in Central Uganda but had relatives in Masaka. He had started his career in 2004 with Word of Life radio, a Christian radio station, as a presenter and rose to become assistant programs manager. He joined Radio Buddu in 2008 as a presenter, anchor and programmer.

BBC grant. In early 2008, Radio Buddu was granted training and radio assets by the BBC World Service Trust. The Trust was an independent, international development charity of the British Broadcasting Corporation (BBC), created to “work with people in developing and transitional countries to improve the quality of their lives through the innovative use of the media.”³¹

Radio Buddu’s grant was part of a Uganda---wide competition organised by the Trust, which selected six radio stations for “a capacity---building project in reporting local governance issues and human rights.”³² The project, funded by the European Union, was called “Strengthening Democracy through Media in Rural Uganda.” According to the Trust, the stations were selected for “the ability, capacity, and willingness of the station’s management, staff and infrastructure to successfully execute the strengthening of democracy and good governance through a media program.”³³

²⁹ Red Pepper, “Top Homos in Uganda Named,” April 29, 2009. See:

<http://www.boxturtlebulletin.com/btb/wpcontent/uploads/2009/04/redpepperretouched.png>

³⁰ Radio Buddu (2012), “Biography.” See: <http://www.radiobuddu.com/-bio>

³¹ BBC (2007), “BBC World Service Trust.” See:

http://www.bbc.co.uk/pressoffice/keyfacts/stories/ws_trust.shtml

³² Radio Pacis, “BBC World Service Trust.” See: <http://radiopacis.org/?category=awards>

³³ Ibid.

The grant provided training in basic production skills, basic reporting, political reporting, and financial sustainability. Among other issues, trainers provided guidance on how best to report on issues of good governance and human rights (including sexual rights).³⁴ As part of the program, the Trust also donated broadcast equipment, such as computers, to participants.

The grant was due to expire at the end of 2009, with the possibility of renewal. The Trust and Radio Buddu agreed that reporter Kaija would serve as liaison for the duration of the grant. Kaija conducted the training for Radio Buddu staff on behalf of the BBC. Walugembe was one of those who took the training.

In September 2009, another BBC trainer, Rachel Barlose, approached Walugembe. She suggested that he consider hosting a radio show that would feature a balanced debate on the bill and homosexuality in general. Barlose encouraged Walugembe to organize a show about the bill as part of a broader debate on human rights. The British apparently hoped to encourage a public discussion of homosexuality, recalls Walugembe. The show “was an idea that really came in from them,” he says.

Walugembe was intrigued. He thought such a show would be a service to the community. He also saw the bill as an opportunity to engage Buddu’s audience, both on the issue and with the station. But Walugembe was a Christian himself. He felt conflicted because he believed that homosexuality was immoral. “I’m not comfortable when I’m sitting down with a gay or a lesbian,” he says. Further, most of Radio Buddu’s listening community viewed homosexuality as wrong. He knew that airing any show that could be seen as promoting homosexuality and giving homosexuals a platform might not go down well.

Nonetheless, he wanted to give it a try.

Management debate

In mid---October 2009, Walugembe took the issue to Radio Buddu’s management committee. The committee included Walugembe, News Editor Mweruka, the station production manager, and an assistant program director from a sister radio station. Walugembe presented the idea of a show about the anti---homosexual bill. He wanted to enlist both supporters and opponents of the bill. He proposed that it be taped in advance in order to retain editorial control over the content. No one wanted to risk fines or penalties.

In the management committee, the majority endorsed the suggestion. They agreed that such a show would educate the community and frame sexual rights as human rights. They also wanted to ensure that the relationship with the BBC remained cooperative. Refusing to air the show might conceivably jeopardize future BBC funding.

³⁴ Ibid.

Dissenter. News Editor Mweruka did not agree. He was firmly against the idea. He had three reasons. First, he feared that existing legislation meant the station could suffer a legal challenge if it talked about homosexuality on air. Second, the Broadcast Council guidelines specifically said stations should not air anything that offended public morality. “It was about the ethical standards,” explains Mweruka. “[The Broadcasting Council] says if you happen to be in support of anything considered illegal or unethical in the community, then you might also be taken to be... promoting such.”

Lastly, Mweruka worried about the effect on the station’s reputation. He felt that if Radio Buddu aired pro---gay voices, the station and its staff members would start to be suspected by the community of supporting homosexuality. Mweruka says that, as far as the station could determine, its listening audience’s reaction to the bill was positive. “Most of the people welcomed the bill,” he recalls.

They’re saying, ‘Yes. We need to guide our people. We need to have order in our society. We need to restore our ethics.’ So according to the people we work with, they were positive about the bill.

Walugembe understood Mweruka’s argument. But in his view, risking controversy was an occupational hazard of being a responsible journalist: “The minute you start bringing some balance, you start being suspected,” he says. The meeting adjourned with no firm conclusion.

Broadcast or not?

For November, Walugembe put the idea on the back burner. But in mid---December, as debate continued to stir over the anti---homosexuality bill, he decided to raise the issue with his boss—Program Director Yawe Herbert. Herbert had reservations and concerns similar to Mweruka’s. However, he gave Walugembe his approval to proceed. Walugembe liked to think his supervisor had confidence in his experience and judgment, and trusted him to keep incriminating content off the air. He says:

I think he had a lot of trust in me because I was working with people who knew what they were doing... He had enough trust in us that we can navigate the program without having a problem. That was his perception.

Moreover, Radio Buddu’s BBC liaison, Kaija, was encouraging Walugembe to go ahead and air the show. Radio Buddu valued its relationship with the BBC, and hoped it would continue—so treated seriously any proposal that came from the Trust. Moreover, recalls Walugembe, there was some concern about future funding if the station did not do the program.

Walugembe was torn. He was no admirer of homosexuality himself, and considered it wrong. He recognized that debating the issue in a balanced manner would give airtime to gay activists and publicize a moral position contrary to his own. Moreover, what impact might such a show have on the radio's listeners? Would the radio lose the respect of the local community if he went ahead with the show? There was a serious risk that the community would start viewing the radio as pro---gay and stop listening altogether.

But Walugembe felt an obligation as a professional journalist to deliver balanced information to the public. Journalistic standards of neutrality and objectivity held that both sides of an argument should be heard in order for the public to understand an issue. "You are trained to balance the stories. Every story must be balanced to be put on air," he notes. Ugandans knew so little about homosexuality—a taboo subject shrouded in mystery—that he was sure a show that framed the debate in a civil and responsible manner could prove a useful educational tool.

Then there was the risk of fines, as had happened with other broadcasters. Although it was unclear whether the Ugandan government, now sensitive to the international outcry, would still penalize those who discussed homosexuality in public, was it right to risk negative attention and penalties for the sake of one talk show episode? Was he being selfish? Finally, what about the BBC grant? The BBC wanted the station to air the show. Should that weigh in the decision? Walugembe had to decide.