



**FORMAL
EQUALITY**



**PRACTICAL
EXCLUSION**

**THE EFFECT OF THE LEGAL AND POLICY FRAMEWORK ON CLIMATE CHANGE
ADAPTATION AND RESILIENCE FOR KEY POPULATIONS IN UGANDA:**

A CASE STUDY OF THE GREATER MBALE AREA

FORMAL EQUALITY PRACTICAL EXCLUSION

THE EFFECT OF THE LEGAL AND POLICY FRAMEWORK ON CLIMATE CHANGE
ADAPTATION AND RESILIENCE FOR KEY POPULATIONS IN UGANDA:

A CASE STUDY OF THE GREATER MBALE AREA

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List of Acronyms

AHA	Anti-Homosexuality Act
AIDS	Acquired Immunodeficiency Syndrome
ART	Anti-Retroviral Therapy
CCD	Climate Change Department
CDM	Clean Development Mechanism
CDO	Community Development Officer
CSOs	Civil Society Organisations
DiC	Drop in Centre
DRM	Disaster Risk Management
DMC	Disaster Management Committee
FGD	Focus Group Discussion
FSW	Female Sex Worker
GBQ	Gay, Bisexual and Queer
GDP	Gross Domestic Product
HC	Health Centre
HIV	Human Immunodeficiency Virus
HRAPF	Human Rights Awareness and Promotion Forum
ID	Identification Document
IDI	In Depth Interview
IPCC	Intergovernmental Panel on Climate Change
KII	Key Informant Interview
KPs	Key Populations
LC	Local Council
LGBTQ	Lesbian, Gay, Bisexual, Transgender and Queer persons
MAT	Medically Assisted Therapy
MSW	Male Sex Worker
LBQ	Lesbian, Bisexual and Queer (LBQ) women
MOH	Ministry of Health

MoFPED	Ministry of Finance, Planning and Economic Development
MWE	Ministry of Water and Environment
NCCA	National Climate Change Act
NCCAC	National Climate Change Advisory Committee
NCCP	National Climate Change Policy
NEMA	National Environment Management Authority
NGO	Non Governmental Organisation
OPM	Office of the Prime Minister
PCE	Policy Committee on Environment
PDM	Parish Development Model
PLWHA	Persons Living With HIV/AIDS
PWUIDs	Persons Who Use and Inject Drugs
SACCOs	Savings and Credit Cooperative Organisations
SOGIE	Sexual Orientation, Gender Identity and Gender Expression
SRH	Sexual and Reproductive Health
TASO	The AIDS Support Organisation
TB	Tuberculosis
UNFCCC	United Nations Framework Convention on Climate Change
UNCST	Uganda National Council on Science and Technology

Executive Summary

Introduction

This study was conducted by Human Rights Awareness and Promotion Forum (HRAPF) to assess the effect of legal and policy frameworks on climate change adaptation and resilience for key populations (KPs) in Uganda. It is a comprehensive study exploring how laws and policies facilitate or obstruct climate

adaptation efforts and impact climate justice and key populations' broader rights, focusing on the Greater Mbale region districts of Mbale City/District, Sironko and Bududa. The study focused on Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) persons and sex worker populations.

Background to the study

Uganda is among the most climate-vulnerable countries globally, despite contributing less than 0.1% to global greenhouse gas emissions. Its economy depends heavily on climate-sensitive sectors, with agriculture employing nearly 80% of the labour force and contributing about 40% of the country's Gross Domestic Product (GDP). Climate change therefore poses one of the most pressing challenges of our time, with far-reaching implications for social, economic, and environmental systems. Marginalised communities, including key populations (KPs), are disproportionately affected due to existing vulnerabilities and limited access to resources and support systems.

Climate change is not only an environmental issue but also a human rights issue because it further fuels existing inequalities, disproportionately affecting marginalised populations. KPs, who are already marginalised

due to legal and social factors, are at a greater risk of experiencing climate-related human rights violations, such as loss of shelter, increased violence, and restricted access to health services, including Sexual and Reproductive Health (SRH) services and commodities, and have less access to resources and support for recovering from climate related disasters.

Uganda is party to a number of international instruments like the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and the Paris Agreement which require the country to mitigate climate harm and adopt adaptation measures, including for vulnerable and marginalised persons. Uganda has ratified and domesticated these instruments through the National Climate Change Act Cap 182. The Uganda National Climate Change Policy 2015 recognises the need for better information

Uganda is among the most climate vulnerable countries globally, despite contributing less than 0.1% to global greenhouse gas emissions.

sharing about climate change adaptation and mitigation among marginalised groups. Collectively, these legal frameworks impose binding obligations on the Ugandan government to reduce its greenhouse emissions and combat pollution. Such measures must however be alive to the plight of vulnerable Ugandans including KPs. KPs are known to face a number of barriers including the existence of discriminatory laws, social stigma, and resource limitations. Studies have also shown that KPs are at higher risk of displacement during climate related disasters due to systemic discrimination and lack of legal protections.

The main objective of the study was to assess the impact of the legal and policy framework on climate change adaptation and resilience for key populations in Uganda.

Methodology

The study employed a cross-sectional qualitative approach to investigate, examine and present findings and recommendations on the impact of the legal and policy framework on climate change adaptation and resilience for KPs in Uganda. The study relied on both primary and secondary data collected from sources and field work within the Greater Mbale region. Secondary data was collected from review of secondary sources such as legislation, government policies, books, journal articles, government reports and official statements, media reports and trusted online sources.

Primary data was collected from respondents through in-depth interviews, Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs). IDIs were held with 33 individuals who had been directly affected by climate change: 6 Lesbian, Bisexual and Queer women; 6 gay, bisexual and queer men; 6 transgender and gender non-conforming individuals; and 15 sex workers – 12 female sex workers and 3 male sex workers. Eight Focus Group Discussions were conducted with 62 members of KP groups who have been directly affected by climate change to gain a deeper understanding of their lived realities. Seven of the FGDs comprised of 8 participants, while 1 was done with 6 participants. KIIs were held with 18 respondents from among different stakeholders – 3 from LGBTQ organisations, 3 from sex worker organisations, and 3 from climate change activists, and 9 government officials in Mbale, Sironko and Bududa. Data was collected from a total of 113 participants.

Key study Findings

1. **Key populations are more vulnerable to climate change impacts:** For key populations, vulnerability to climate change impacts is shaped by social, economic, and legal factors. LGBTQ persons and sex workers are more vulnerable to the negative impacts of climate change due to the existing inequalities and unfriendly legal regime. The legal restrictions on same-sex relations and sex work have continued to push key populations to settle in areas where they face more climate change disasters including areas prone to flooding.

- 2. *Uganda's laws and policies on climate change do not specifically cater for key populations:*** While Uganda has a robust legal and policy framework to combat climate change and build the resilience and adaptability of its people through the National Climate Change Act, Cap 182 and related laws and policies, the United Nations Framework Convention on Climate Change, the Kyoto Protocol and the Paris Agreement as well as regional standards encourage the widest participation in these processes. However, Uganda's laws, policies and action plans, despite including specific vulnerable groups, are silent on the plight of LGBTQ people and sex workers and make no provision for them. However, the Anti-Homosexuality Act, Cap 117 which criminalises consensual same-sex relations and regards support work to LGBTQ persons as 'promotion of homosexuality' continues in force, backed up by the Penal Code Act Cap 128's criminalisation of 'carnal knowledge against the order of nature' and 'prostitution.' These laws essentially legalise stigma, discrimination and exclusion against LGBTQ persons and sex workers. In such an environment, coupled with social and cultural stigma and extreme economic disadvantages endured by KPs on a daily basis, the silence of the climate laws essentially makes key populations an excluded group as regards climate change response and adaptation.
- 3. *The criminal laws targeting key populations are often interpreted to mean that extending specific support to key populations is illegal or at least irregular:*** Officials often avoid explicit recognition of LGBTQ persons or sex workers, fearing that doing so would contradict national laws or provoke political backlash. This creates the perfect excuse for not extending specific support to key populations.
- 4. *Uganda's climate change response takes a universalist approach that does not specifically cater for key populations:*** Despite clear vulnerabilities for key populations, climate change mitigation and adaptation responses, as well as disaster relief and recovery programs, take a universalist approach that assumes disasters affect all citizens equally. This obscures the differentiated vulnerabilities experienced by key populations. District officials consistently emphasise that their interventions target 'the general population,' without disaggregating by sexual orientation, gender identity, or occupation.
- 5. *The reliance on local council officials to identify key affected persons leaves key populations unprotected:*** Response efforts locally depend on Local Council (LC) I chairpersons for identification of key affected persons. This reliance on community-based identification mechanisms without a clear standard definition of what amounts to being critically affected further entrenches exclusion. LC I chairpersons remain with the discretion on who is to be included or excluded from the list of beneficiaries, which disadvantages sex workers and LGBTQ persons, who are quite often not on good terms with local communities and area leaders. Relief distribution often depends on LC I chairpersons compiling lists of affected households. These lists are subject to community biases, with marginalised groups frequently overlooked.

6. **Systematic exclusion of key populations from government initiatives:** Key populations are also usually excluded from government initiatives that are designed to strengthen livelihoods and resilience, such as the Parish Development Model (PDM), and relocation or compensation schemes. This also extends to disaster preparedness, relief, and compensation programs. While these interventions are formally universal, their implementation often excludes key populations as reliance is still put on lists compiled by local council leaders. KP respondents also reported being denied access to shelters due to hostility from other residents, and these exclusions undermine resilience by preventing key populations from relocating to safer areas or rebuilding after disasters.
7. **The exclusion also affects access to SRH services:** The effects also extend to sexual and reproductive health (SRH) services. Physical barriers to SRH services during climate crises directly undermine resilience by disrupting continuity of care, increasing health risks, and reinforcing social exclusion. Climate induced disasters cause displacements forcing KPs to move to new areas where they may not be familiar with and are not comfortable with the health facilities. Displacement often severs continuity of care, particularly for LGBTQ persons and sex workers living with HIV.
8. **Coping mechanisms for key populations rely on non-state actors and self initiatives:** As a coping mechanism, LGBTQ persons and sex workers mobilise through non governmental organisations to engage in advocacy oriented and rights based approaches to counter the exclusionary effects of Uganda's legal and policy framework on key populations. Secondly, many KPs in Greater Mbale rely on informal and climate sensitive livelihoods, such as small scale farming, sex work, petty trade, and casual labour. KP organisations have established community savings groups and Savings and Credit Cooperative Organisations (SACCOs) that function as informal social protection systems. Income from community based livelihoods helps KPs secure safer housing, pay rent in advance, or relocate from high risk areas. Without these alternative income streams, many would remain trapped in flood prone areas or structurally unsafe buildings. And finally, KPs also rely on other non KP specific non governmental organisations that provide relief services. These help in establishing community radios, early warning systems, and disaster preparedness trainings which expands access to climate information for marginalised groups who are often excluded from formal communication channels. These organisations include Oxfam and Uganda Red Cross Society.

Recommendations

1. Parliament should repeal the Anti-Homosexuality Act (AHA) Cap 117 and the provisions in the Penal Code Act Cap 128 which criminalise consensual same-sex relations and sex work in order to create a favourable legal environment which will enable LGBTQ people and sex workers to live freely and realise their full potential. This will enable them to fully participate in climate change efforts without any legal impediments.

2. The Ministry of Water and Environment should update the Uganda National Climate Change Policy to take into consideration the unique vulnerabilities and special interests of key populations as a socially marginalised group of people and specifically add them to the list of vulnerable groups which at the moment includes ‘the poor, people living with disability, youth, people living with HIV/AIDS, older persons, the elderly, orphans and children, refugees, and marginalised communities due to their limited adaptive capacity.’ This list, although potentially inclusive of KPs, is not clear enough to override the criminalisation and stigmatisation of these groups. Silence on the needs and requirements of key populations is a gaping hole in the government approach to climate change.
3. The Ministry of Water and Environment, Office of the Prime Minister, Disaster Management Committees, Natural Resources Officers and all other stakeholders need to involve KPs in decision making from planning, budgeting, implementation and monitoring. This will ensure that the needs and interests of KPs are taken care of. They should also ensure that KP non-governmental organisations focal persons and peer educators are incorporated in coordination of relief items and humanitarian interventions by both government and non-governmental entities during response to climate disasters.
4. Both the central and local government should carry out widespread training, sensitisation and awareness campaigns for personnel involved in the disaster recovery processes.
5. The Ministry of Health should revisit the policy on integration of health services and resume promoting access to healthcare services for LGBTQ persons and sex workers through specialist HIV/AIDS clinics and Anti Retroviral Therapy (ART) pharmacies as well as reinstating focal persons and peer educators at hospitals and health centres.

Conclusion

Whereas government laws, policies and institutions on climate change are stated to be blind to difference, stakeholders and duty bearers who are charged with implementation quite often approach their responsibility with prejudice towards KPs. Criminalisation of homosexuality under the AHA and sex work under the Penal Code Act has continued to foster a hostile legal environment which hinders access to SRH services, climate justice, relief assistance and other basic needs. KPs including LGBTQ persons and sex workers have adopted different strategies in order to cope with climate change to the best of their abilities. These include advocating for their inclusion through non-governmental organisations, engaging in income generating activities and reaching out to mainstream organisations working on climate change resilience.

1 Introduction

1.1 Introduction

This study was conducted by Human Rights Awareness and Promotion Forum (HRAPF) to assess the implications of legal and policy frameworks on climate change adaptation and resilience for key populations (KPs) in Uganda. It is a comprehensive study exploring how laws and policies facilitate or obstruct climate adaptation efforts

and impact climate justice and key populations' broader rights, focusing on the Greater Mbale region consisting of Mbale City, Bududa, Mbale, and Sironko districts. The study focuses on Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) persons and sex worker populations. This report presents the findings of the study.

1.2 Background to the study

As a developing country, Uganda is among the most climate-vulnerable countries globally, despite contributing less than 0.1% to global greenhouse gas emissions.¹ Its economy depends heavily on climate-sensitive sectors, with agriculture employing nearly 80% of the labour force and contributing about 40% of the country's GDP.²

Climate change therefore poses one of the most pressing challenges of our time, with far-reaching implications for social, economic, and environmental systems. Marginalised communities, including key populations (KPs), are disproportionately affected due to existing vulnerabilities and limited access to resources and support systems.

Climate change is not only an environmental issue but also a human

rights issue because it further fuels existing inequalities, disproportionately affecting marginalised populations. The United Nations Human Rights Council acknowledged the links between climate change and human rights, emphasising that those who contribute the least to the climate crisis often bear the brunt of its impacts.³ In this context, KPs, who are already marginalised due to legal and social factors, are at a greater risk of experiencing climate-related human rights violations, such as loss of shelter, increased violence, and restricted access to health services, including sexual and reproductive health services and commodities, and have lower chances of recovering from climate related disasters.⁴

Globally, countries have committed to various mechanisms and agreements such as United Nations Framework

1. M Kumwenda 'Economic impacts of climate change in Uganda' 2023, <https://www.theigc.org/blogs/ideas-matter/economic-impacts-climate-change-uganda> (accessed 9th September 2025)
2. World Bank Group 'Climate change Knowledge Portal for development practitioners and policy makers,' <https://climateknowledgeportal.worldbank.org/country/uganda/vulnerability> (accessed 9th September 2025).
3. United Nations Human Rights Council. 'Climate Change and Human Rights', 2019, <https://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRCClimateChangeIndex.aspx>.
4. See for instance S Mann, T McKay & G Gonzales 'Climate change-related disasters & the health of LGBTQ+ populations' The Journal of Climate Change and Health, Volume 18, 2024.

Convention on Climate Change (UNFCCC), the Kyoto Protocol and the Paris Agreement to mitigate climate harm and adopt adaptation measures. Uganda has ratified and domesticated these instruments through the National Climate Change Act Cap 182. The Uganda National Climate Change Policy 2015 also recognises the need for better information sharing about climate change adaptation and mitigation among marginalised groups. Other legislative instruments which incorporate international treaty obligations include the National Environment Act Cap 181, the National Forestry and Tree Planting Act Cap 160, among others.

Collectively, the international legal frameworks impose binding obligations on the Ugandan government to reduce its greenhouse emissions and combat pollution. Such measures must however be alive to the plight of vulnerable Ugandans including key populations. In Uganda, LGBTQ persons and sex workers or KPs generally, face a number of barriers including the existence of discriminatory laws, social stigma, and resource limitations. Such legal and institutional barriers that are embedded in legislation such as the Penal Code Act Cap 128 and the Anti-Homosexuality Act Cap 117 continue to curtail access to health, social and climate related services for key populations. Legal obstacles keep key populations out of climate adaptation planning, climate responses and social safety nets deepening their climate induced vulnerability. A 2020 report by Outright International highlights how LGBTQ persons are at higher risk of displacement during climate-related disasters due to systemic discrimination and lack of legal protections.⁵

Mann et al show that LGBTQ persons face more health related challenges than the general population, have more exposure to climate change related disasters, are more susceptible to the adverse impacts of climate change and will have fewer resources to recover from climate disasters.⁶ For sex workers, climate change is not only a driver of sex work as people are left vulnerable after disasters and resort to sex work,⁷ but also worsens the SRH situation for sex workers, exposing them to HIV/AIDS and exacerbating vulnerabilities.⁸

Despite increasing attention to climate justice, there remains a significant gap in understanding how Uganda's legal and policy frameworks affect the adaptation and resilience capacities of Key populations in the face of climate change. This study therefore, sought to explore the effect of legal and policy frameworks on climate change adaptation and resilience for key populations in Uganda, focusing on LGBTQ persons and sex workers. This study contributes to the ongoing discourse on human rights and advocacy strategies in restrictive legal environments for key populations in Uganda by uncovering the often ignored intersections between law, policy, and climate resilience for Uganda's key populations.

The study was conducted in Eastern Uganda covering respondents from the Greater Mbale area, that is, Mbale City/District and the districts of Bududa, and Sironko.

5 Outright International, *Vulnerability Amplified: The Impact of the COVID-19 Pandemic on LGBTQ Persons*, 2020.

6 Mann (n 4 Above).

7 M Farley, 'Exploiting Indigenous Peoples: Prostitution, Poverty, Climate Change, and Human Rights'. *Fourth World Journal*. 2022, 21. 104–115. 8 C. H. Logie, A. MacNeil, A. Hasham, et al. Extreme Weather Events and Linkages with HIV Vulnerabilities Among Young Sex Workers and Sexually Diverse Men in Nairobi, Kenya: Qualitative Multi-method Insights. *AIDS Behav* 29, 3070–3086 (2025)

According to the International Organisation for Migration (IOM), Eastern and Northern Uganda are the areas experiencing the most immediate and severe impact of climate change with prolonged droughts, intermittent rains, floods and landslides becoming prevalent.⁹ In one incident in 2024, 24 people were reported dead, 5,600 displaced and an estimated 400,000 lost access to clean water due to flash floods in Mbale.¹⁰ Mbale and the surrounding areas are prone to geomorphological and geological hazards including landslides, earthquakes and rockfalls, as well as climatological and meteorological ones including floods, prolonged dry spells, hailstorms, strong winds and lightning.¹¹ In terms of the target population, Mbale, as a regional city and hub, is home to a significant population of LGBTQ persons and sex workers. Mbale also hosts a vibrant sex worker community which is acknowledged even by the government. Several studies have also confirmed extensive drug use in Mbale.¹² Thus, the vulnerability of the areas around Mbale to the impact of climate change and the proven presence of KPs makes the choice of Mbale as a case study very compelling.

1.3 Statement of the problem

Uganda is a state party to the United Nations Framework Convention on Climate Change, 1992 (UNFCCC), the Kyoto Protocol, 1997, and the Paris Agreement, 2015. It has also enacted specific legislation incorporating and domesticating international obligations through the National Climate Change Act Cap 182, the National Environment Act Cap 181, the National Forestry and Tree Planting Act Cap 160, among others. The central premise of the climate change laws and policies is reduction of greenhouse emissions and promoting adaptation and resilience of the national population to the adverse impacts of climate change including for vulnerable and marginalised populations. However, members of key population groups including LGBTQ people and sex workers continue to face legal exclusion and social marginalisation perpetuated by a parallel legal regime under the Penal Code Act Cap 128, the Anti-Homosexuality Act 2023 and related laws. These laws effectively criminalise the mere status of identifying as an LGBTQ person or a sex worker, creating a hostile legal environment for these groups. Thus far in Uganda, there has been little scholarly attention on the intersection of climate change adaptation, resilience, and queerness, much less the particularities of LGBTQ persons and sex workers in Uganda. It is therefore important to find out how the climate laws and policies interact with the criminal laws as well as the stigma and discrimination against KPs in Uganda.

The urgency of this research lies in its potential to inform more inclusive climate policy and disaster preparedness frameworks in Uganda and beyond. As climate

9 IOM 'The Impacts of Climate Change in Uganda' 03 September 2021 <https://uganda.iom.int/news/impacts-climate-change-uganda>, (accessed 16 October 2025).

10 At least 24 people dead as flash flooding hits eastern Uganda' The Guardian <https://www.theguardian.com/global-development/2022/aug/03/eastern-uganda-flash-flooding-rainfall-mbale> (accessed 16 December 2025).

11 11' See Office of the Prime Minister 'Mbale District hazard risk and vulnerability profile' 2016 available at <https://www.necoc.opm.go.ug/HzEastern/Mbale%20District%20HRV%20Profile.pdf> (accessed 16 December 2025).

12 C Kyomugisha & W Okaka 'Reducing Drug and Substance Use in Mbale district for inclusive Community Equity and Wellness to Achieve SDG 2030 in Eastern Uganda' https://www.researchgate.net/publication/353322282_Reducing_Drug_and_Substance_Use_in_Mbale_District_for_Inclusive_Community_Health_Equity_and_Wellness_to_Achieve_SDG_2030_Agenda_in_Eastern_Uganda. (accessed 16 December 2025).

events become more frequent and severe, failure to meaningfully account for the most marginalised (hence most vulnerable) populations only serves to undermine the efficiency of state responses to climate crises. The resulting uncertainty calls for an extensive examination of the laws and policies in place to determine how and the extent to which they enable or hinder efforts to promote climate adaptation and resilience among KPs.

1.4 Objectives of the study

1.4.1. Main objective

To assess the effect of the legal and policy framework on climate change adaptation and resilience for key populations in Uganda.

1.4.2. Specific objectives

1. To assess how national climate change policies and laws recognise or exclude the rights and needs of key populations.
2. To examine how legal and policy frameworks influence state actors' response to KPs climate change vulnerability, adaptation and resilience in the context of climate change focusing on Greater Mbale.
3. To analyse the coping mechanisms that KPs employ to build their climate change adaptation and resilience.
4. To provide recommendations for integrating the needs of KPs in climate adaptation frameworks and resilience efforts.

1.5 Research questions

1. How do Uganda's national climate change policies and laws recognise or exclude the rights and needs of key populations?
2. How do legal and policy frameworks influence state actors' response to KPs vulnerability, adaptation and resilience in the context of climate change?
3. What are the coping mechanisms that KPs employ to build their climate change adaptation and resilience?
4. What legal and policy reforms are necessary for integrating the needs of KPs in climate adaptation frameworks and resilience efforts?

1.6 Justification

Although vulnerability to the adverse effects of climate change is predominantly viewed through the environmental and socio-economic lenses, it is also rooted in contemporary legal, policy and institutional culture. Laws and policies which marginalise KPs through criminalisation create barriers which restrict key populations from developing climate adaptation and resilience. It is therefore imperative to examine the legal and policy framework prevailing in Uganda to identify any such barriers so as to inform the necessary legal and policy reforms. Moreover, the role of the law and policy in impacting the response of state officials as well as key populations, particularly LGBTQ persons and sex workers to climate change is an emerging issue which is yet to be investigated

by researchers. Already, studies show that patriarchal norms limit women's participation in climate resilience efforts but the experiences of LGBTQ persons and sex workers remain largely undocumented. This is a critical gap which this study seeks to fill.

Further, the findings of the study will be used to engage duty bearers, legislators and policy makers, law enforcement agencies and other service providers to remove identified legal and policy barriers and stimulate the requisite legal and policy reforms nationally.

1.7 Theoretical framework

This study is underpinned by the human rights-based approach to development, which emphasises participation of rights holders, equality and non-discrimination, and puts internationally recognised human rights standards at the centre of the development process. This approach recognises that people are key actors in their own development, rather than passive recipients of commodities and services, and recognises the need to focus on marginalised and excluded groups. Therefore, with respect to climate adaptation, the approach requires the state to put the interests of marginalised groups, who include key populations, into consideration as they design climate change adaptation responses.

It is also underpinned by the intersectionality theory. This theory, attributed to African-American feminist scholar Kimberlé Crenshaw, highlights how multiple forms of marginalisation, such as race, gender, class, and sexuality, interact to compound disadvantage.¹³ In regard to KPs in Uganda and climate change, this is a critical lens because they experience multiple, overlapping forms of marginalisation arising simultaneously from their sexual and gender identities, class, HIV status, and/or criminalised identities and occupations. As their disadvantage compounds, so does their vulnerability.

1.8 Methodology

1.8.1 Study design

The study employed a cross sectional qualitative approach to investigate, examine and present findings and recommendations on the implications of the legal and policy framework on climate change adaptation and resilience for KPs in Uganda.

The study relied on both primary and secondary data collected from sources and field work within the Greater Mbale region. Secondary data was collected from review of secondary sources such as legislation, government policies, books, journal articles, government reports and official statements, media reports and trusted online sources. Secondary data formed the foundation for conducting the collection of primary data and was used to ascertain stakeholder views and examine the existing trends.

¹³13 K Crenshaw, 'Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics', *Feminist legal theories*, Routledge, 2013, 23-51.

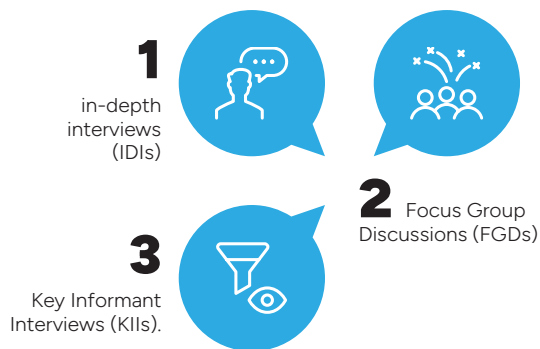
1.8.2. Data collection

The data collection methods employed in the study were in-depth interviews (IDIs), Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs).

In-depth Interviews were held with 33 individuals who had been directly affected by climate change: 6 Lesbian, Bisexual and Queer women; 6 gay, bisexual and queer men; 6 transgender and gender non-conforming individuals; and 15 sex workers – 12 female sex workers and 3 male sex workers. Eight FGDs were conducted with KPs who have been directly affected by climate change to gain a deeper understanding of their lived realities, reaching out to 62 respondents. Seven of the FGDs comprised 8 participants, while 1 was done with 6 participants. FGDs were grouped according to study KP communities with one FGD each for Sex Workers; Lesbian, Bisexual and Queer (LBQ) women; Gay, Bisexual and Queer (GBQ) men; and Trans gender and Gender-Non Conforming people. All participants were selected using purposive and snowball sampling. The study also employed the use of key informant interviews (KIIs) for selected key stakeholders. The respondents for KIIs included 9 respondents from among other stakeholders – 3 from LGBTQ organisations, 3 from sex worker organisations, and 3 from climate change activists. 9 government officials in each of Mbale, Sironko and Bududa.

The total number of individual participants was 112 selected mainly through purposive sampling, although snowball sampling was also used for LGBTQ and sex worker participants.

Data Collection



1.8.3. Data analysis

Data from different sources was compared to check consistency and identify gaps, trends and patterns. Triangulation was used to validate findings and ensure credibility of the conclusions drawn. The data collected was structured into themes in line with the study objectives.

The qualitative responses collected through FGDs and interviews were coded according to emerging themes and issues. Where necessary, quotes were extracted from the data in order to support the choice of themes selected for analysis as well as to illustrate the range and categories of responses. Coding themes were identified from the first set of interviews and were further refined as the interview process proceeded.

1.9. Ethical considerations

The study was conducted in accordance with the Uganda National Council on Science and Technology (UNCST)'s 'National Guidelines for Research Involving Humans as Research Participants' 2014. Ethical review and approval was obtained from The AIDS Support Organisation (TASO)'s Research Ethics Committee (REC).

Prior to participation in the study, all participants were required to give their informed consent. Potential participants were informed of the potential risks, benefits and purposes of the study. Where participants were not fluent in English, they were interviewed by a research assistant who was fluent in a language they were comfortable with. Informed

consent was given verbally and recorded using audio recorders. The interviews and group discussions were furthermore held in private, convenient locations that were selected with the help of representatives of partner organisations working with LGBTQ persons and sex workers. No identifying details of participants are included in this report.



Ethical review and approval was obtained from The AIDS Support Organisation (TASO)'s Research Ethics Committee (REC).

2 Conceptualising Climate Change Vulnerability, Resilience and Adaptation for Key Populations

2.1 Introduction

This section discusses the emerging and critical issue of climate change vulnerability, resilience and adaptation within the context of key populations. This study recognises the fundamental fact that, whereas everyone is affected by climate change, there are groups of people

that are more vulnerable to the negative impacts of climate change, and these include key populations. This section discusses the concepts of climate change resilience and adaptation within the context of key populations.

2.2 Climate change vulnerability, resilience and adaptation for key populations

Three terms are of equal and related importance in theorising the adaptation experiences of key populations (KPs) in the context of climate change – vulnerability, adaptation, and resilience.

B Wisner et al define *climate vulnerability* as the characteristics of a person or group in terms of their capacity to anticipate, cope with, resist, and recover from the impact of a natural hazard, involving a combination of factors that determine the degree to which someone's life and livelihood are put at risk by a discrete and identifiable event in nature or society.¹⁴

The Intergovernmental Panel on Climate Change (IPCC) defines *climate adaptation* as the process of adjustment to actual or expected climate and its effects in order to moderate harm or take advantage of beneficial opportunities.¹⁵

The same report defines *climate resilience* as the capacity of social, economic and ecosystems to cope with a hazardous event or trend or disturbance, responding or reorganising in ways that maintain their essential function, identity and structure as well as biodiversity in case of ecosystems, while also maintaining the capacity for adaptation, learning and transformation.¹⁶

The relationship between the three concepts is that one is more vulnerable to climate change if they are more exposed to or more likely to experience an adverse weather event, and are less able to adjust to or cope with the impact

14 B Wisner, et al., At Risk: Natural Hazards, People's Vulnerability and Disasters, 2014.

15 IPCC, 2022: Summary for Policymakers in HO Pörtner, et al D (eds.), Climate Change 2022: Impacts, Adaptation and Vulnerability, Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, pp. 3–33, 5.

16 16 Above.

of climate change, thus they have not built the necessary resilience. Climate vulnerability is therefore a function of one's exposure to extreme weather events vis-a-vis their capacity to adapt to these changes, and the higher one's adaptive capacity is, the more climate resilient they are.

2.3 Climate vulnerability, adaptation and resilience challenges for key populations

Key populations are inherently vulnerable to climate change. Their climate sensitivity is shaped overwhelmingly by social, economic, and legal factors rather than by ecological or infrastructural concerns alone. It is necessary to expand the initial concept of vulnerability because vulnerability is not innate but a result of inequities that are socially produced.¹⁷

The concept of *social vulnerability* is more appropriate to KPs as it narrowly focuses on the human and social factors that influence how different people experience and recover from disasters. Climate scholars are widely of the persuasion that approaches to climate change policy that do not take into account the socio-political structures of the targeted communities yield incomplete solutions. Although climate disasters are themselves indiscriminate, they produce 'extremely uneven and inequitable impacts' depending on the existing social strata.¹⁸ The marginalised among affected communities react in 'radically different' ways from cultural elites.¹⁹

Social vulnerability is generally understood as the susceptibility of social groups to potential losses from hazardous events, including the ability to prepare for, respond to, and recover from disasters.²⁰ Wisner has described it as the degree to which a system or group is susceptible to, or unable to cope with, the adverse effects of climate change due to existing socio-economic conditions.²¹ Wisner's definition better captures the crucial element of variations in levels of susceptibility; in the face of societies stratified by class, occupation, economic status and gender, among other factors, the same climate event could have as many effects as there are people. Indicators of social vulnerability include to lack of access to resources (including information, knowledge, and technology); limited access to political power and representation; social capital, including social networks and connections; beliefs and customs; old or young age and physical frailty.²² Wisner argues that, among others, rural residents may be more vulnerable due to lower incomes as well as the fact that they are generally more dependent on economic activities like farming and fishing.²³ Gender has also been found to affect the recovery of individuals, for instance, women have a more difficult time 'bouncing back' from environmental disasters than men, often due to pre-existing lower incomes arising from sector-specific employment, lower wages and family care responsibilities.²⁴ One's occupation has also been

17 G Gaard, *Ecofeminism and climate change*, Women's Studies International Forum, Vol. 49, Pergamon, 2015.

18 F Sultana, 'The unbearable heaviness of climate coloniality,' *Political Geography*, 99 (2022).

19 Gaard, n 17 above

20 SL Cutter, BJ Boruff, & WL Shirley, *Social vulnerability to environmental hazards*, *Social Science Quarterly*, 84(2) (2003), 242–261.

21 H.-M. Füssel, 'Vulnerability: A generally applicable conceptual framework for climate change research,' *Global Environmental Change*, 17(2), 2007, 155–167.

22 Cutter, n 19 above, 245.

23 Above, 247.

24 Above, 246.

identified as a social indicator of vulnerability, affecting mostly service jobs as disposable income fades and the need for services declines.²⁵

Heikkinen observes that the impact of climate change on health in Uganda affects women more significantly than men, due to overlapping vulnerabilities caused by gender and cultural norms, and a lack of women's empowerment and representation.²⁶ Inequality driven by harmful norms and discrimination increases the climate vulnerability of women during the climate crisis and their resilience after the fact. A 2014 report, which included respondents from Bumwalukani Parish in Bududa District, reached similar conclusions. It found that although both men and women are affected by hazards and disasters, their vulnerabilities are not experienced equally. While environmental degradation and unsafe living conditions threaten entire communities, marginalised groups (women, children, the elderly, and people with disabilities) bear the greatest burden due to limited mobility, lower socio-economic status, and heavy domestic responsibilities. Even before an event occurs, gender vulnerabilities are at play as patriarchal norms and gender stereotypes restrict women's participation in disaster preparedness, response, and recovery, thus limiting their influence and benefits from local disaster preparedness efforts. Women are excluded from formal training, capacity-building, and leadership roles in Disaster Risk Management (DRM).²⁷ This exclusion is primarily due to domestic roles, social expectations, and a lack of membership in formal groups like farmers' organisations.

Poverty levels have been recognised as indicators of social vulnerability, and this is a common feature of rural Ugandan communities, most of which rely on agriculture, a sector heavily affected by weather-related shocks and climate variability. Cannon has observed the effects of poverty on the climate vulnerability of women in particular.²⁸ He has suggested five reasons why poverty increases women's vulnerability to environmental impacts. To begin with, poor women often face fragile physical and emotional health due to poor nutrition, limited mobility, and mental strain. Secondly, poverty weakens their ability to recover their livelihoods, making it harder for them to start earning an income or producing food again after a crisis. Third, they have fewer means to protect themselves, such as building sturdy houses that can withstand strong winds, heavy rain, or flooding, and they may lack the financial resources and knowledge needed for disaster preparedness. Fourth, their access to formal support systems, like early warning alerts, is limited. Lastly, poor women often lack social connections that could help them access aid or support from others in the aftermath of a disaster. As such, vulnerability is not just about exposure to climate events, but about the socioeconomic structures that produce differential risk.

Other reports recognise gender and sexual identity as determinants of social vulnerability. Findings by Ergas and York show that women's participation in deliberations about climate change is essential because women tend to grasp the

25 Above, 247.

26 E Heikkinen, *Women's Voices in Climate Change—a Case Study from Uganda*, (2024).

27 Republic of Uganda & UNDP, 'Gender and Vulnerability to Disasters and Disaster/Climate Risk Management in Uganda: A Participatory Characterisation' <https://necoc.opm.go.ug/reports/8.%20Gender%20%20Vulnerability%20to%20Disasters%20in%20Uganda%20-%20study.pdf> (accessed 18 December 2025).

28 T Cannon 'Gender and Climate Hazards in Bangladesh' *Gender and Development*, (2002), 10(2), 45–50.

urgency of climate threats faster and better than men, a trait which can be attributed to their caregiving role within the family.²⁹ This is an important conclusion in relation to climate change policy; it underscores the cultural 'differences in values, attitudes, concerns, and behaviours between men and women' which make gender relations indispensable in environmental politics.

Vulnerability to climate change is not only environmental or economic but deeply social and political.

For LGBTQ persons, Mann et al show that LGBTQ persons face more health related challenges than the general population, have more exposure to climate change related disasters, are more susceptible to the adverse impacts of climate change and have fewer resources to recover from climate disasters. The UN Independent Expert on SOGI notes that sexual minorities face overlapping and interconnected barriers that contribute to and intensify their vulnerability.³⁰ This includes vulnerability to climate-related disasters. The phenomenon of climate change does not occur in a vacuum; it interacts with socio-political and legal environments.³¹ Its effects are mediated by social stratification, power and 'pre-existing vulnerabilities and privileges'.³² It is essential to comprehend the social context of climate change since scholars agree

that climate vulnerability (and consequently, adaptation and resilience) is not just about exposure to climate events, but about the social structures that produce differential risk.³³

McQuaid and Crawford studied the "myriad everyday" impacts of climate change on LGBTQ persons within Kampala, specifically housing and livelihood challenges. Their study marks an advance by adopting an intersectional framework to demonstrate how 'gendered power' creates a 'layering of disadvantages' that results in a particular vulnerability.³⁴ They observe that due to compounding disadvantages, in the event of a climate crisis, the allocation of limited resources (relief aid or otherwise) is mediated by social status, in which LGBTQ individuals occupy the bottom tier.³⁵

Their findings illustrate that vulnerability to climate change is not only environmental or economic but deeply social and political. In Uganda, where social marginalisation of key populations intersects with poverty and legal criminalisation or silence, climate adaptation and disaster preparedness cannot be meaningfully

29 C Ergas and R York (eds), 'Women's status and carbon dioxide emissions: A quantitative cross-national analysis,' *Social science research* 41.4 (2012).

30 UN Human Rights Council, 'Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity' (2018) UN Doc A/HRC/38/43, Note by the Secretariat.

31 D Dalton, 'Have we left behind the rainbow warriors? The climate emergency and its impact on global queer people and their communities,' *Gender, Sexuality and the UN's SDGs: A Multidisciplinary Approach*, 2023, 17-40.

32 E Heikinen, *Women's Voices in Climate Change—a Case Study from Uganda*, (2024), 1.

33 C Cowan, *LGBTQ+ People & Disasters—A Queer Human Rights-Based Critique of Vulnerability*, 2022, 14-15.

34 K McQuaid, and JW Crawford, *Gender and Sexual Diversity and the Urban Climate Crisis: Intersectional Injustices of Housing and Livelihoods in Kampala, Uganda*, *Queering Disasters, Climate Change and Humanitarian Crises*, 2025, 147-163.

35 Above, 159.


pursued without engaging an intersectional framework.

Climate change *resilience* for key populations such as LGBTQ persons and sex workers is shaped by deep structural inequalities that limit their ability to anticipate, withstand, and recover from climate shocks.³⁶ Access to essential services becomes even more fragile during climate disruptions.³⁷ LGBTQ persons and sex workers often rely on community based clinics, peer networks, and informal support systems for healthcare, HIV treatment, psychosocial support, and livelihood assistance. Extreme weather events interrupt these lifelines, cutting off mobility, damaging facilities, and reducing outreach activities. In emergency shelters and humanitarian responses, discrimination can intensify with LGBTQ persons facing blatant denial to essential services³⁸ and sex workers may face harassment or violence. These experiences discourage many from seeking help, forcing them to navigate crises alone.

Livelihood insecurity is another major resilience challenge.³⁹ Sex workers often depend on night time economies, mobility, and physical safety, conditions that

deteriorate during climate shocks. Flooded streets, displacement, and economic downturns reduce client flow and increase exposure to violence, exploitation, and unsafe working conditions. LGBTQ persons, who already face employment discrimination, may lose informal jobs or small businesses during climate events and struggle to access recovery financing. Without social protection or savings, even minor climate shocks can push them into deeper poverty.⁴⁰ The policy environment itself is a barrier to resilience. Criminalisation of same sex relations and sex work discourages key populations from engaging with state institutions, participating in climate planning, or accessing adaptation resources.⁴¹ Their needs are rarely reflected in national climate policies, disaster-risk management frameworks, or local resilience plans. This invisibility means that climate interventions often reinforce existing inequalities rather than addressing them.

Adaptation presents unique and often severe challenges for key populations such as LGBTQ persons and sex workers, whose resilience is shaped by the intersection of environmental risk and deep social



Climate change resilience for key populations such as LGBTQ persons and sex workers is shaped by deep structural inequalities.

36 Samuel Manna, et al 'Climate change-related disasters & the health of LGBTQ+ populations' (2024) 18 The Journal of Climate Change and Health <https://doi.org/10.1016/j.jocl.2024.100304> (accessed 18 December 2025).

37 Above.

38 J O Brok, 'The Adaptable Subject a Critical Discourse Analysis of Sexual and Reproductive Health and Rights Advocacy On Climate Change' Master's Thesis, Lund University, August 2019

39 Vandana Sharma & Rishika Bairolia 'Addressing climate change challenges for transgender individuals and sex workers' 17 August 2024 [https://www.orfonline.org/english/expert-speak/addressing-climate-change-challenges-for-transgender-individuals-and-sex-workers#:~:text=Transgender%20individuals%20and%20sex%20workers%20are%20highly%20vulnerable,not%20been%20evenly%20distributed%20among%20all%20social%20groups.\(accessed%2018%20December%202024\).](https://www.orfonline.org/english/expert-speak/addressing-climate-change-challenges-for-transgender-individuals-and-sex-workers#:~:text=Transgender%20individuals%20and%20sex%20workers%20are%20highly%20vulnerable,not%20been%20evenly%20distributed%20among%20all%20social%20groups.(accessed%2018%20December%202024).)

40 Vandana Sharma & Rishika Bairolia, (n 39 above).

41 F Scorgie, et al 'Human rights abuses and collective resilience among sex workers in four African countries: a qualitative study' (2013) Global Health <https://link.springer.com/article/10.1186/1744-8603-9-33> (accessed 18 December 2025)

marginalisation.⁴² Because these groups frequently live and work in informal, insecure, or transient environments, they are disproportionately exposed to floods, landslides, heatwaves, and other climate hazards, yet they are rarely included in formal adaptation systems. Criminalisation, stigma, and fear of discrimination discourage many from engaging with state institutions, meaning they often miss out on early warning information, disaster risk reduction programmes, and post disaster support. As a result, adaptation measures that are meant to protect vulnerable communities frequently bypass the very groups who need them most.

Access to climate resilient infrastructure and essential services is another major barrier. Many LGBTQ persons and sex workers live in informal settlements where drainage, housing quality, and sanitation systems are inadequate.⁴³ When climate shocks occur, these areas experience the greatest damage, yet residents are often excluded from compensation or rebuilding schemes because they lack formal tenancy or legal recognition. Climate events also disrupt critical health and social services.⁴⁴ Outreach programmes, HIV clinics, and community based support systems, lifelines for many KPs, are often interrupted by extreme weather, leaving individuals without treatment, psychosocial support, or safe spaces. In emergency shelters, discrimination can intensify, making LGBTQ persons and sex workers reluctant to seek assistance even when they are in danger.

2.4 Conclusion

Climate change vulnerability, adaptation and resilience are all connected to social, economic and cultural realities. For LGBTQ persons and sex workers, they are clearly vulnerable due to the existing inequalities and unfriendly legal regime. There is need for deliberate and targeted interventions to address their vulnerabilities and enhance their adaptation and resilience

42 K McQuaid and NJW Crawford (n 34 above).

43 Above.

44 J O Brok, (n 38 above).

3 Legal, Policy and Institutional Framework for Key Populations and Climate adaptation in Uganda

3.1 Introduction

This section examines the extent to which Uganda's legal, policy, and institutional framework offers an enforceable pathway to the inclusion of key populations (KPs) in climate adaptation processes.

3.2 International and regional standards

3.2.1 The United Nations framework

The foundational document in the UN climate change framework is the United Nations Framework Convention on Climate Change, 1992 (UNFCCC). Its objective is to obligate parties to stabilise greenhouse gas concentrations and prevent dangerous human interference with the climate system.⁴⁵ Uganda signed the Convention on 13th June 1992 and ratified it the following year on 8th September 1993, thereby becoming a non-Annex I Party and a Least Developed Country (LDC) entitled to special support for adaptation. By signing, Uganda expressly committed to participating in the global effort to reduce the impacts of climate change. Two provisions in Article 4(1) are of direct relevance to the inclusion of criminalised key populations in adaptation processes. Article 4(1)(e) specifically tasks Developing Countries with preparing

for adaptation to the impacts of climate change while article 4(1)(j) mandates member states to undertake and promote education, training and public awareness related to climate change and 'encourage the widest participation in this process.'

The UNFCCC sets the stage for the principle of public participation, which has been enshrined in several later regional and domestic policies. Nevertheless, the exclusion of key populations (KPs) from climate adaptation programs persists, not merely as a policy gap but also a continuing breach of Uganda's binding international obligations.

The Kyoto Protocol to the United Nations Framework Convention on Climate Change, 1997 and the Paris Agreement, 2015 were negotiated under the UNFCCC umbrella to operationalise its objectives. The Kyoto Protocol, although primarily mitigation-focused, enshrines the principle that the climate regime must give full consideration to those bearing 'disproportionate or abnormal burden.'⁴⁶ On its part, the Paris Agreement is particularly instructive. Article 7(5) highlights that adaptation must be country-driven, gender-responsive, participatory, considering vulnerable groups, communities, and ecosystems. It further mandates

45 Article 2, UNFCCC.

46 Principle 2, Kyoto Protocol.

statesparties to formulate actions that explicitly take into account vulnerable people, places and ecosystems.⁴⁷

Taken together and read expansively, these provisions can be interpreted to encompass KPs whose criminalisation and stigmatisation breed concomitant socio-economic disadvantages, assigning to them a greater climate vulnerability, and thus necessitating specific attention in climate adaptation programs.

These provisions have since been domesticated (together with the Kyoto Protocol and Paris Agreement) through Section 4 of the National Climate Change Act Cap 182, which gives them the full force of law in Uganda. Thus, the state is legally obliged to ensure that adaptation planning and implementation are genuinely participatory and inclusive, actively incorporating the views and needs of all communities without discrimination, including vulnerable key populations.

3.2.2 African Union Climate Change and Resilient Development Strategy and Action Plan (2022–2032)

At the continental level, Uganda is bound by the African Union Climate Change and Resilient Development Strategy and Action Plan (2022–2032), adopted by the Assembly of Heads of State and Government in February 2022. The Strategy is anchored on two guiding principles of direct relevance to criminalised key populations: Principle 4 on Leaving no one behind, which explicitly requires member states to address procedural, distributional, and recognitional justice and to ensure that climate responses do not exacerbate existing inequalities; and Principle 6 on Intersectionality, which recognises that climate vulnerability arises from overlapping forms of marginalisation and obliges States to adopt comprehensive, integrated resilience measures accordingly. Strategic Intervention Axis 1 further requires States to ‘identify communities most vulnerable to climate-change human security risks’ and to strengthen their capacity to engage in national climate policy processes while Axis 2 mandates gender-sensitive inclusion in decision-making. Read together with the Strategy’s overarching ‘leave no one behind’ commitment, these provisions impose a positive obligation on Uganda to proactively identify and include KPs in adaptation planning. That said, the Strategy repeatedly identifies women and youth, and displaced persons as particularly vulnerable, nowhere mentioning sexual orientation, gender identity, or sex work. Nonetheless, its guiding principles, particularly the insistence on intersectionality and the need to tackle pre-existing inequalities and unequal access to resources, are broad enough to encompass key populations, whose position in Uganda is simultaneously shaped by resource scarcity, social stigma and legal criminalisation, all of which intersect to compound their climate vulnerability.

3.2.3 The East African Community Climate Change Policy, 2011

As part of the East African Community (EAC), Uganda is bound at the sub regional level by its climate change policy. The policy identifies Africa as the continent most vulnerable to climate change because of its dependence on climate-

⁴⁷ Article 7(9)(c), UNFCCC.

sensitive natural resources, high poverty levels, and low adaptive capacity.⁴⁸ It also explicitly recognises climate change as an inequality amplifier.

Depending on social categories such as gender, age, geographic location, economic status and form of livelihood, climate change has, and will have, differential effects on various social groupings, leading to increased inequality across the region⁴⁹

Critically, the Policy lists persistent challenges to adaptation that include 'high levels of vulnerability amongst the populations, high poverty levels linked to poor and inadequate coping strategies and low adaptive capacity.'⁵⁰ Partner states are directed to promote alternative livelihoods amongst the most vulnerable communities, and promote social protection as a tool for adaptation.⁵¹ The Policy further obliges states to integrate gender dimensions into vulnerability assessments and to promote the involvement of women and youth, in monitoring, adaptation, and decision-making processes.⁵² Although the Policy does not name sexual orientation, sex work, or non-normative gender identities, its repeated emphasis on differential vulnerability and social categories provides ample basis for the inclusion of key populations in climate change programs by member states.

3.3 The Ugandan legislative and policy approach

3.3.1 Constitution, 1995 as amended

The Constitution of the Republic of Uganda 1995, as amended, contains several provisions which, while they do not explicitly address the fate of Key Populations (KPs) in climate adaptation, may be interpreted to affect and influence the same. These key provisions are contained in both the main text of the Constitution as well as the national objectives that precede it. Article 8A of the Constitution enjoins the government to heed the principles of national interest and common good enshrined in the National Objectives and Directive Principles of State Policy. In *Tinyefuza v Attorney General*,⁵³ the Constitutional Court of Uganda recognised the importance of the national objectives in providing a framework of aspirations and guidance in the interpretation of the 'main text' of the Constitution, but stopped short of affirming their justiciability. However, in *Center for Health, Human Rights and Development (CEHURD) v Attorney General*,⁵⁴ it was settled that the National Objectives, read together with Article 8A, created positive legal obligations on the state to provide health and basic medical services to the people of Uganda.

Therefore, the National Objectives present a good starting point for this legal and policy framework on KPs in climate adaptation programs. Firstly, National Objective VI generally urges the state to ensure gender balance and fair

48 Introduction, EAC Policy 2011.

49 As above.

50 Section (3.1.1(iv)-(v)), EAC Policy 2011.

51 Section 3.1.3.1, EAC Policy 2011.

52 Section 3.4.4, EAC Policy 2011.

53 *Tinyefuza v Attorney-General*, Constitutional Petition No.1 of 1996; *Zachary Olum & Another v Attorney-General*, Constitutional Petition No. 6 of 1999; and *Salvatori Abuki and Anor v Attorney General*, Constitutional Case No.2 of 1997.

54 [2020] UGCC 12.

representation of marginalised groups on all constitutional and other bodies. This may be interpreted as providing a constitutional requirement for the involvement of marginalised persons in all climate adaptation and resilience programs, at both local and national levels.

It is imperative, at this juncture, to inquire whether KPs are considered marginalised persons covered under the ambit of that objective specifically and the Constitution generally, which protects the rights of all persons in Uganda, including LGBTQ persons, with only one limitation in Article 31(2A), which prohibits same-sex marriage.

Article 21(1) guarantees equality before the law and freedom from discrimination 'on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.' The deliberate inclusion of the ground 'sex' in the 1995 Constitution, absent from its predecessors, should be interpreted expansively. In *Adrian Jjuuko v Attorney General*,⁵⁵ the Constitutional Court struck down Section 15(6)(d) of the Equal Opportunities Commission Act, which had barred the Commission from investigating matters considered 'immoral or socially harmful or culturally unacceptable.' The Court held that creating a class of 'social misfits' and denying them equal access to justice, violated Article 21, affirming that every person is entitled to equal protection of the law irrespective of perceived immorality. This precedent directly undermines any argument that criminalisation of homosexuality or sex work automatically excludes KPs from the Constitution's equality guarantees.

Furthermore, although the Constitution does not explicitly define 'marginalised persons', Article 32(1) on *Affirmative action in favour of marginalised groups* provides a clue about who the state may consider such persons to be. That article recognises marginalisation based on 'gender, age, disability or any other reason created by history, tradition or custom.' Thus, the marginalised groups alluded to explicitly would be women, older or younger persons and persons with disabilities,⁵⁶ and therefore the position of KPs, specifically LGBTQ and sex worker populations, is complicated by the legal criminalisation⁵⁷ and social sanctions attached to homosexuality and sex work in Uganda, even if these groups indeed experience systematic exclusion in ways similar to those of the recognised groups. Article 32, however, leaves room for protection of groups marginalised by factors arising from 'history, tradition or custom', a reservation which simultaneously limits and delimits the conditions under which groups can be protected under this provision.

Additionally, Article 45 of the Constitution opens the ultimate window for an expansive reading of the Constitution by providing that specifically mentioned rights and declarations should not be regarded as excluding others not specifically mentioned. It is thus argued that KPs can be qualified as marginalised persons

55 Constitutional Petition No. 01 of 2009.

56 See United Organisation for Batwa Development in Uganda (UOBDU) and 11 Others v Attorney General and 2 Others Constitutional Petition 3 of 2011 where the Constitutional Court recognised the Batwa people of South Western Uganda as marginalised owing to their historical dispossession.

57 See the Penal Code Act Cap. 120 which criminalises same-sex sexual acts between men in Section 145, and the business of sex work in Sections 137-139. The Anti-Homosexuality Act (AHA) 2023 also prohibits homosexuality in Section 2.

although they are not specifically mentioned, pending a favourable resolution regarding their criminalisation.

The Constitution's environment-focused clauses, National Objective XXIII on natural disasters and XXVII on the environment, alongside Article 245, provide a framework that supports climate adaptation law and policy. Objective XXIII requires the State to 'establish an effective system for handling any hazard or disaster caused by natural calamities or any situation resulting in widespread displacement of people or serious disruption of their normal lives.' This directly addresses climate disasters including floods, droughts, and landslides. Objective XXVII goes further, mandating sustainable development, intergenerational equity, pollution prevention, energy policies for people's basic needs, and the roles of local government in conservation and biodiversity. Sub-clauses (i)–(iv) resemble an adaptation plan: managing land, air, and water 'in a balanced and sustainable manner,' reducing damage 'from pollution or other causes,' creating parks, and encouraging the rational use of natural resources. Although these provisions do not explicitly mention climate change, let alone climate vulnerability and adaptation, they can be relied on, albeit indirectly, for a general constitutional mandate directed towards the state: to take climate change seriously, and invest considerably in the mitigation of its effects.

3.3.2 Acts of Parliament

In the main text of the Constitution, Article 245 empowers Parliament to legislate on environmental protection, sustainable management, and awareness. Under this mandate, the National Environment Act (NEA) and the National Climate Change Act (NCC Act) were enacted in 2019 and 2021, respectively. This section discusses these laws in detail, as well as the laws criminalising sex work and same-sex sexual conduct.

The National Climate Change Act, Cap 181

The National Climate Change Act (NCC Act), benefits from the more sensitive lens of international law. In Section 4, the NCC Act domesticates the UNFCCC, the Kyoto Protocol, and the Paris Agreement making them directly enforceable in Uganda. All these international treaties emphasise commitment to the socio-political and human rights aspects of climate change. Additionally, Section 5 of the NCC Act mandates the Climate Change Department to develop a Framework Strategy on Climate Change to guide 'planning and budgeting for financing and monitoring' of climate programs. Section 5(3) requires the Strategy to consider the 'specific resilience and adaptation needs of the vulnerable and marginalised communities' as well as 'gender and human rights issues'. While the Act mandates that the strategy be concluded within one year (by 2022), it remains undeveloped as of November 2025.

The legislative incorporation in the NCC Act of the UNFCCC, the Kyoto Protocol and the Paris Agreement grants them the full force of the law in Uganda, a dualist state in which international law is not self-executing.⁵⁸ This domestication theoretically opens the strongest legal pathway yet for KPs in climate adaptation

58 K. Busingye 'The Application of International Law in the Ugandan Judicial System: A Critical Enquiry.'(2010) International Law and Domestic Human Rights Litigation in Africa.,

processes. KPs can be read directly into the provisions regarding systemic exclusion and vulnerability. In practice, however, this promise remains almost entirely theoretical for KPs: the long-overdue Framework Strategy, envisaged as the translation of these treaty obligations into concrete policy measures, is still missing in 2025.

The National Environment Act, Cap 83

The NEA primarily concerns itself with establishing a comprehensive regime for environmental management, pollution control, and sustainable resource use in Uganda. Its major focus is empowering lead agencies and the National Environment Management Authority (NEMA) to regulate activities that impact land, air, water, and biodiversity, while mainstreaming environmental considerations across sectors. It places climate duties squarely on lead agencies under Section 69(2) to take measures and issue guidelines to address the impacts of climate change, including measures for mitigating and adaptation. The express language of adaptation and mitigation thus enters makes it into the spirit and language of climate legislation in Uganda. Yet again, it remains a broad and general designation without specific guidelines for human rights or recognition of varying climate vulnerabilities.

The National Forestry and Tree Planting Act, Cap 160

The National Forestry and Tree Planting Act provides a strong statutory mechanism for community participation in climate adaptation. The Act defines “local community” broadly as “households and persons living in a defined geographical area, in close proximity to a forest, and identified by common history, common culture or common residence”. Section 7(1)(b) mandates the responsible body, before declaring a central or local forest reserve, to “consult with the local community through public meetings and other means that will offer the local community an effective opportunity to express their views concerning the declaration of the reserve”, alongside requiring an environmental impact assessment under Section 7(1)(c). This participatory requirement directly supports community-based adaptation in forest-dependent areas. By insisting on public consultations, the Act echoes the UNFCCC’s imperative for wide participation. On the ground however, it is doubtful whether the sentiment of public participation is realised for all, especially KPs who are continuously marginalised in their own communities.

The Water Act Cap 164

The Water Act establishes an inclusive framework for community participation in water-resource management, which is an important area for climate change adaptation. In keeping with the principle of public participation, Section 47(2) (d) of the Water Act requires water authorities to provide their services in consultation with appropriate public authorities and relevant community groups.

On a more negative note, the following laws criminalise consensual same-sex relations and sex work:

The Anti-Homosexuality Act, Cap 117

This Act provides for several penalties in regards to same-sex relations in Uganda. 'Homosexuality' is defined in Section 1 of the Act to mean the performance of a sexual act by a person with another person of the same sex. Section 2 provides for the offence of homosexuality and, if found guilty, the accused person is liable to 'imprisonment for the entire natural life of the offender without the possibility of release'. The offence of aggravated homosexuality carries a sentence of death under Section 3 of the Act, although it is worth noting that part of this section (section 3(2)(c)) was nullified by the Constitutional Court in *Hon. Fox Odoi-Owyelowo & 21 others v. Attorney General*.⁵⁹ Section 6 of the Act specifically provides that consent to a same-sex sexual act will not be a defence to a charge under the Act, thus emphasising the criminalisation of consensual sexual activity between adults of the same sex under the law. The law also criminalises the offence of promotion of homosexuality, which carries a penalty of imprisonment for 20 years.

In the *Fox Odoi-Owyelowo* case,⁶⁰ the Constitutional Court found in part for the petitioners, noting that the reporting requirement under Section 14 of the Act would have a chilling deterrent effect on access to health care by homosexual patients. Nullifying Section 14 also freed lawyers and advocates to provide legal services to LGBTQ+ persons without fear of reporting obligations.⁶¹

The Penal Code Act Cap 128

The Penal Code Act is the primary criminal law, outlining offenses and their corresponding penalties. Chapter 13 of the Penal Code Act which is titled 'Offences against Morality' deals with a number of offences that directly and indirectly criminalise sex work and LGBTQ persons in Uganda. Sections 134 and 135 provide for the offences regarding 'unnatural acts,' which in turn can affect access to justice for LGBTQ persons in Uganda. Particularly, Section 134 (a) provides that any person who has 'carnal knowledge of any person against the order of nature' commits an offence and is liable on conviction to imprisonment for life. Section 135, criminalises attempts to commit unnatural offences.

Section 127 defines a 'prostitute' as a person who, in public or elsewhere regularly or habitually holds himself or herself out as available for sexual intercourse or other sexual gratification for monetary gain. Under Section 128, any person who practises or engages in prostitution commits an offence and is liable on conviction, to imprisonment for a term of seven years. Persons living on earnings of prostitution commit an offence under Section 125, and are liable on conviction to imprisonment for a term of seven years. Persons who keep houses or rooms for the purposes of prostitution also commit an offence under Section 126 which carries a sentence of seven years. Section 150 (a) provides for the offence of being idle and disorderly.

59 Consolidated Petitions No. 14, 15, 16, and 85 of 2023.

60 Above.

61 A Jjuuko & J Balya, 'A Legal and Human Rights Analysis of the Uganda Constitutional Court's Judgement in the Consolidated Petitions Challenging the Anti-Homosexuality Act, 2023' (2024) 30 East African Journal of Peace & Human Rights 313, <https://journals.press.mak.ac.ug/eajphr>, (accessed 5 November, 2025).

3.3.3 Policy framework

The more relevant policies to climate change are:

The Fourth National Development Plan (NDP IV)

Uganda's National Development Plan, 2025/26-2029/30 (NDP IV) in chapter 12 has its objectives as to: ensure a clean, healthy, and productive environment; protect, restore, and add value to forests and wetlands; reduce vulnerability to the effects of climate change and natural disasters; ensure the availability of adequate and reliable water for different uses; strengthen land use and management; and strengthen policy, legal, regulatory, and coordination framework. The plan therefore regards climate change mitigation and adaptation as a key development objective for the country. The key implementation reforms for the next five years include, establishing environment courts within the judicial system, establish district focal points for meteorology to enhance the dissemination of meteorological climate information in the local governments, and to revise the National Water Policy of 1999 to include emerging issues that were not included before.

Although NDP IV does not mention LGBTQ persons and sex workers or KPs specifically, the broader framework encourages diverse voices, including marginalised communities, to influence policy-making, ensuring that development strategies are inclusive and responsive to the needs of the entire population.⁶²

The Uganda National Climate Change Policy (NCCP), 2015

Approved by Cabinet in 2015 and launched as the country's first comprehensive climate policy framework, the Uganda National Climate Change Policy (NCC Policy) presents itself as a multisectoral coordination instrument designed to mainstream climate responses across all government sectors while building national adaptive capacity. Its principal concerns are the acknowledged inadequacy of institutional and community-level coping mechanisms, the disproportionate burden borne by vulnerable groups, and the urgent need to embed gender, HIV/AIDS, and participatory principles into every climate intervention.

The policy defines the category 'vulnerable persons' as those with 'limited adaptive capacity' due to low levels of income, literacy, social networks, and access to services.⁶³ Explicitly, the NCC policy recognises the climate vulnerability of 'the poor, people living with disability, youth, people living with HIV/AIDS, older persons, the elderly, orphans and children, refugees, and marginalised communities'. It commits the State to put in place social protection mechanisms of these groups as well as sustainable adaptation pathways, and the integration of climate considerations into economic policies that target them.⁶⁴ The Policy explicitly mandates the mainstreaming of gender issues to reduce the vulnerability of women and children arising from unequal access to land, resources, and decision-making power, particularly in agriculture and fuelwood

62 NDP IV, Chapter 22.

63 NCC Policy, 10, 27-28

64 As above.

collection.⁶⁵ HIV/AIDS-affected families are also singled out as more vulnerable to climate change impacts.⁶⁶

Despite this seemingly inclusive catalogue, the Policy nowhere acknowledges the particular vulnerability of KPs: sex workers, men who have sex with men, or transgender persons, whose adaptive capacity is undermined by the socioeconomic standard adopted as well as their socio-legal status. The result is a policy whose 'special attention' to vulnerability and the HIV/AIDS epidemic provides a starting point for advocacy rather than advancement in a true sense.

The National Adaptation Program of Action, 2007 (NAPA)

Submitted to the UNFCCC in December 2007 as Uganda's obligatory LDC instrument under Article 4.9 of the Convention, the NAPA remains the country's most explicitly participatory adaptation document to date. Its singular concern is the identification and prioritisation of urgent, community-led adaptation projects drawn from the lived realities of rural poor vulnerable communities in climate-stressed regions, specifically the cattle corridor, Karamoja, the highlands, and lake shores. The NAPA declares that its preparation was expressly 'guided by the principle of participatory approach, drawing heavily on the views of the vulnerable communities and their knowledge on coping mechanisms' in six representative areas.⁶⁷

Nine priority projects were identified and ranked, ranging from community water harvesting and land degradation control in the cattle corridor to drought adaptation in Karamoja and the promotion of indigenous knowledge for climate resilience. In each project, emphasis is placed on direct community involvement, local ownership, and the integration of traditional adaptation strategies.⁶⁸ The dedication to local participation makes the NAPA a homegrown policy, advocating for bottom-up, people-authored approaches to climate adaptation. However, beyond the 'rural poor', there is no mention of any other vulnerable communities women, children, persons with disabilities, refugees, HIV-affected persons, let alone KPs. Urban and semi-urban areas are also absent from the analysis. NAPA's focus on rural agrarian livelihoods and semi-arid zones blinds it to the climate vulnerabilities of other groups.

The National Forestry Policy, 2001

This policy stands out as an equity-focused instrument that offers a clear statutory and policy hook for including KPs in climate-adaptation programming. Firstly, it identifies 'poor and marginalised groups' as the primary intended beneficiaries of collaborative forest management and farm-forestry initiatives.⁶⁹ Policy Statement 5 commits the government to target the poorer and more vulnerable groups in society, who are also dependent on forest resources for their livelihoods and who 'frequently do not have a voice'. Crucially, Section 4(f) declares that women, youth and poor people will be particular beneficiaries and mandates the government to increase security of tenure over forest resources for women and youth;

65 NAPA, 16.

66 NAPA, 24.

67 NAPA, vii.

68 68 NAPA, 17–18, 41–46.

69 Section 4(f), National Forestry Act.

encourage their active participation in decision-making, resource management, and benefit-sharing; to promote changes in attitudes and organisational cultures, to break down gender barriers and to provide mutual respect and dignity for all people irrespective of social group, gender or background and finally, to give special consideration to those ‘so marginalised that they are unlikely to be able to participate’ in ordinary development processes. The Policy also assigns NGOs and CBOs a pivotal role in mobilising marginalised communities and ensuring that the concerns of the underprivileged are incorporated in national development processes.⁷⁰ Taken together, these provisions create an explicit positive duty to reach and involve the most excluded groups within forest communities, a duty that expansively includes key populations. Nevertheless, the challenge remains that the requirement of open community-group consultation and public participation is one that cannot safely be met by key populations, specifically: sex workers, men who have sex with men, transgender persons, or people who inject drugs in rural areas. Despite this challenge, this policy is commendable in so far as it recognises that a change in attitudes is a part of the climate change mandate, without which good policies remain ineffective.

National Water Policy, 2020

This establishes an integrated approach to manage water sustainably, focusing on social and economic benefits, forming the basis for water sector development. It envisions the full participation of women at all levels and champions equal opportunity for women and men in community management structures. For instance, it mandates that Water Source Committees must comprise at least 50% women. The policy also directs public funds towards vulnerable groups (women, youth and the poor) for food security, health, and environmental protection.⁷¹

3.4.4 Gaps in the legal and policy framework

The above analysis suggests that Uganda has yet to boast of a robust legal arsenal for the climate adaptation needs of KPs. The overriding issue seems to be a categorical silence on KPs as a vulnerable group in the existing legal framework on climate change adaptation. In reality, KPs are legally persecuted, socially marginalised and economically disadvantaged, yet their plight is not recorded as a vulnerable group. Vulnerability is still framed in ‘morally acceptable’ conservative terms to include mainly women, children, elderly people and refugees. Furthermore, even where gender is acknowledged as an influencing factor, it is conceived within the binary of men/women without room for non-normative genders. Consequently, to achieve specific involvement in state climate change programs, KPs must infer themselves into the legal framework through the recognised catalogue of vulnerable persons: women, the poor, people living with disability, youth, people living with HIV/AIDS, older persons, the elderly, orphans and children, and refugees. This portends to a subtle but effective erasure of KPs in the climate legislation of Uganda. Although documents like the NCC Act and Policy and the NAPA indicate, with varying degrees, the adoption of a sensitive humanrights-centred approach to climate change programs, they are nevertheless

70 Section 1.2.14, National Forestry Policy.

71 Strategy 6.4.3, National Water Policy.

complicated and limited by the criminalisation of KPs in Uganda. The rhetoric of vulnerability and marginalisation is wielded in a careful and inconclusive manner which avoids clashing with the structural and moral condemnation of LGBTQ and sex worker populations.

Climate change resilience for key populations such as LGBTQ persons and sex workers is shaped by deep structural inequalities.

To recognise the climate vulnerability of KPs would present a contradiction of the state: how can the state invite the very persons it has criminalised into its official climate resilience programs without conflicting with the penal sanctions it has imposed? The two positions seem irreconcilable. Thus, until steps are taken towards a resolution of this foundational contradiction, the rights of KPs in climate change policy remain derivative from those of recognised vulnerable groups.

Still, opportunities for including criminalised key populations in Uganda's climate adaptation framework lie in the abstractions and ambiguities of existing laws and policies. International treaties nudge the state towards participatory, intersectional, gender-responsive adaptation programs. The broad framing of Constitutional provisions also presents an opportunity for expansive reading of vulnerability, and can be extended to protect the position of KPs in adaptation programs. Furthermore, cases like *Adrian Jjuuko v Attorney General*,⁷² suggest that criminalisation cannot be invoked to deny KPs access to these adaptation mechanisms. Similarly, in *Fox Odoi*

Oywelewo and Others vs. Attorney General,⁷³ the Constitutional Court recognised that onerous legislative obligations imposing reporting obligations and criminalising unknown and unintentional transmission of HIV through same sex, were unconstitutional for restricting access to healthcare services by LGBTQ people.

Sectoral policies also employ a rhetoric of inclusion, which can be wielded creatively to the benefit of KPs. When interpreted expansively, the existing framework provides room for actionable legal hooks for advocacy, policy reform, and even litigation to compel the State to extend participation in adaptation programs to KPs.

3.5 Institutional Framework Governing Climate Change Adaptation and Resilience

3.5.1 National Level

At the national level, Uganda's climate change adaptation and resilience system is anchored in a multi-institutional framework led by the Ministry of Water and Environment (MWE) and coordinated through the Climate Change Department (CCD). The NCCP is implemented by various stakeholders based on their mandates and roles. These include Government Ministries, Departments and Agencies (MDAs), local governments, private sector firms and associations, academia, and development partners.⁷⁴

72 n 55 above.

73 n 59 above.

74 Ministry of Water and Environment 'Uganda National Climate Change Policy (Summary Version): Transformation through Climate Change Mitigation and Adaptation' 10, <https://www.mwe.go.ug/wp-content/uploads/2025/06/NATIONAL->

The Ministry of Water and Environment (MWE) is the lead ministry for climate change. Its Climate Change Department (CCD) coordinates the implementation of the National Climate Change Policy and the Climate Change Act.⁷⁵ The CCD ensures that climate adaptation is mainstreamed into all sectoral plans and the National Development Plan (NDP). It also serves as Uganda's focal point for international climate agreements, including the UNFCCC and the Paris Agreement.

The National Climate Change Commission (NCCC) is mandated to play a central role in Uganda's climate governance system. It is responsible for monitoring the implementation of the NCCP and its strategy, while also serving as an information clearinghouse on climate change concerns.⁷⁶ The Commission provides policy and strategic advice to government and stakeholders, supports awareness raising, communication, and outreach, and ensures that climate change issues are integrated into overall national planning through coordination with ministries, departments, and agencies. In addition, the NCCC offers secretarial services to the Policy Committee on Environment (PCE) on climate matters, as well as to the National Climate Change Advisory Committee (NCCAC) and the Clean Development Mechanism (CDM) and its designated national authority, the Climate Change Unit under the Ministry of Water and Environment. Finally, it serves as Uganda's focal point for the United Nations Framework Convention on Climate Change (UNFCCC), linking national efforts to international climate obligations.

The Policy Committee on Environment (PCE) as provided for in the National Environment Act is strengthened to guide and advise on climate policy implementation. It ensures information flow on resource allocation for the implementation of the policy.⁷⁷

The National Climate Change Advisory Committee (NCCAC) ensures working on the level coordination and to provide climate change technical input to the PCE.⁷⁸

Other Key Coordinating Ministries and Authorities include:

National Environment Management Authority (NEMA) which enforces environmental laws and regulations, focusing on ecosystem protection, land use, and wetlands management. These functions are critical for ecosystem based adaptation strategies, such as restoring wetlands to reduce flood risks.

Office of the Prime Minister (OPM) through the National Emergency Coordination and Operations Center (NECOC), the OPM leads disaster risk management. It coordinates multi sectoral responses to floods, landslides, and droughts, and oversees the National Policy for Disaster Preparedness and Management.

The Ministry of Finance, Planning and Economic Development (MoFPED) plays a critical coordinating role in Uganda's climate change adaptation framework. It ensures that national, sectoral, and district budgets, along with indicative planning

CLIMATE-CHANGE-POLICY-SUMMARY

-VERSION-2018.pdf (accessed 19 December 2025).

75 Above.

76 Above, 9.

77 Above.

78 Above.

figures, integrate climate change priorities through appropriate provisions for implementing the National Climate Change Policy and its strategy.⁷⁹ MoFPED also reviews quarterly and semi annual reports from ministries, departments, and agencies to verify that resource use aligns with expected and actual progress in policy implementation. In addition, the ministry facilitates the introduction of relevant financial mechanisms and tools to stakeholders, thereby supporting resource mobilisation and investment for climate adaptation and resilience initiatives.⁸⁰

The National Planning Authority ensures that MDAs integrate climate change into their annual work plans, and that the work plans are implemented through a review of quarterly and semi-annual reporting by the MDAs concerned and follow-up actions by the NPA as needed.⁸¹

The Ministry of Local Government plays a pivotal role in ensuring that national climate change priorities are effectively translated into action at the district level. It provides guidance to districts to align their development plans with the National Climate Change Policy (NCCP) and its implementation strategy, ensuring coherence between national objectives and local realities.⁸² The ministry also requires districts to make adequate provisions in their annual plans and budgets to support climate adaptation measures. In addition, it reviews reports submitted by districts to monitor progress and takes appropriate follow-up actions to guarantee that planned interventions are implemented as intended.

3.5.2 Local Governments

At the local government level, while the climate change focal point is anchored within the Natural Resources Department of the District Local Government, all departments try to ensure that climate change issues in their sectors are integrated into the District Development Plans. The existing Environment Committee structure at the district level acts as a mechanism to ensure cross-sectoral coordination.⁸³

At the district level, climate change adaptation and disaster risk management are also coordinated through District Disaster Management Committees (DDMCs), which serve as the central multi-sectoral platforms. These committees bring together technical officers from key departments, environment, natural resources, health, works and engineering, agriculture, education, and community development, to plan, prepare, and respond to climate hazards such as floods, landslides, and droughts. The DDMCs are mandated under the National Policy for Disaster Preparedness and Management to translate national policies into district-

79 Above, 10.

80 Above.

81 Above 11.

82 Above.

83 Republic of Uganda 'District-Level Contingency Planning Methodology and Related Guidance Note: Uganda' https://necoc.opm.go.ug/publications/2.%20District_Level_%20Contingency_Planning_%20Methodology.pdf

specific contingency plans and ensure that climate priorities are embedded in district development plans and budgets.⁸⁴

The Mbale Disaster Prevention and Response Contingency Plan was drafted to respond to the effects of climate change in the district. It was developed by the Mbale district authorities, in partnership with the African Women and Youth Action for Development (AWYAD). It is designed to prevent, prepare for and mitigate disasters.⁸⁵ On the other hand, the local leaders and civil servants in Bududa and Butaleja districts collaboratively developed a disaster management contingency plan aimed at effectively addressing disasters in their regions.⁸⁶ The leaders emphasised that this plan is crucial in tackling the recurrent disasters that have led to the loss of lives, destruction of property, and hampered development in these districts. The contingency plan adopts a bottom-up approach, focusing on identifying disaster risks, providing solutions, and establishing localised institutions and guidelines. The Plan provides a coordinated response framework to ensure the safety of life and property. This District Climate Change Plan is aligned with the district's vision and mission, the National Development Plan, and Vision 2040.

The District Environment Officer (DEO) and District Natural Resources Officer play leading roles in adaptation and resilience, including wetland restoration, catchment management, and enforcement of environmental by-laws.⁸⁷ These officers ensure that adaptation measures are not only reactive but also preventive, reducing exposure to hazards through sustainable land use.

Importantly, districts are responsible for budgeting and resource allocation. Through conditional grants for environment and natural resources, districts finance adaptation activities, though resources are often limited. The Chief Administrative Officer (CAO) and District Council oversee the integration of climate priorities into annual work plans, while the Resident District Commissioner (RDC) ensures political oversight and activation of emergency protocols during disasters.

3.6 Conclusion

While Uganda has made strides to put in place a robust legal and policy framework to combat climate change and build the resilience and adaptability of its people, the laws, policies and actions plans are silent on the plight of LGBTQ people and sex workers and make no provision for them. This is particularly alarming in the prevailing environment which is characterised by criminalisation, social and cultural stigma and extreme economic disadvantages endured by KPs on a daily basis.

84 Above.

85 Ayub 'Mbale District Designs Disaster Prevention and Response Contingency Plan' Family TV May 31, 2023 <https://mail.coufamilytv.co.ug/story/mbale-district-designs-disaster-prevention-and-response-contingency-plan#:~:text=In%20a%20bid%20to%20curb%20these%20effects%20of,plan%20to%20prevent%2C%20prepare%20for%20and%20mitigate%20disasters>. (accessed 18 December 2025).

86 UG Spotlight News Channel 'Bududa and Butaleja Leaders Develop Comprehensive Disaster Management Plan' 20 August 2024 <https://newsspotlight23.blogspot.com/2024/08/bududa-and-butaleja-leaders-develop.html> (accessed 18 December 2025).

87 'District Natural Resources' <https://wakiso.go.ug/departments/district-natural-resources/> (accessed 19 December 2025).

4 The Effect of the Legal, Policy and Institutional Framework on Climate Change Adaptation and Resilience for Key Populations in Greater Mbale

4.1 Introduction

The legal, policy and institutional framework governing climate change in Uganda provides the overarching structure within which adaptation and resilience strategies are designed and implemented. These frameworks establish commitments to ecosystem restoration, disaster risk reduction, and community resilience. However, these frameworks are largely silent on the differentiated vulnerabilities of key populations (KPs), including LGBTQ persons and sex workers. The criminalisation of homosexuality under laws like the Penal Code Act and the Anti-Homosexuality Act, alongside prohibitions on sex work, creates a legal environment that undermines inclusivity. As a result,

while climate policies are formally universal, their implementation often excludes marginalised groups, leaving them disproportionately vulnerable to climate shocks. This section examines the effect of Uganda's legal and policy framework on adaptation and resilience for key populations in Greater Mbale. It highlights approaches by state and how state actors interpret and apply these frameworks, how non-state actors attempt to fill gaps through targeted interventions, and how the lived experiences of LGBTQ persons and sex workers reveal the limitations of current approaches.

4.2 Formal legal equality

Uganda's climate governance framework is structured around a number of laws and policies as discussed in section II. In the greater Mbale region districts, departments like the Natural Resources Departments and Environment Offices serve as the focal points for implementing these mandates. Their institutional responsibilities include conducting vulnerability and risk assessments, mapping disaster-prone areas, enforcing environmental regulations, and promoting ecosystem restoration through tree planting, wetland conservation, and riverbank protection.⁸⁸ For example, in Sironko the Department of Natural Resources is responsible for conserving ecosystems, conducting vulnerability assessments, and promoting sustainable land use practices.⁸⁹ At the district/city level, there is a Disaster Management Committee (DMC) which, among others, prepares and

88 Interview with district official, Mbale, 9th October 2025; Interview with district official, Bududa, 11th October 2025; and Interview with district official, Sironko, 10th October 2025.

89 Interview with district official, Sironko, above. 90 Above.

submits reports to the Office of the Prime Minister (OPM). DMCs greatly rely on reports and information submitted by area Local Council I chairpersons. Because relief items and resources are usually not enough for every affected person, Local Council I (LC 1) chairpersons are tasked with verifying and compiling lists of the “critically affected” people.⁹⁰ These offices also coordinate with the Office of the Prime Minister (OPM) during disaster response, providing rapid assessments that trigger relief distribution.⁹¹ In theory, these mandates are designed to ensure that all citizens benefit from climate adaptation measures, regardless of social identity or status.

Disaster preparedness and relief constitute one of the most visible aspects of climate change adaptation in Greater Mbale. State actors like the district natural resource and environment offices, work under the coordination of the Office of the Prime Minister (OPM) to anticipate, respond to, and mitigate the effects of floods, landslides, and hailstorms. Their approaches include the establishment of early warning systems, the use of community radios to disseminate disaster alerts, and the preparation of rapid assessment reports that trigger relief distribution.⁹² In Bududa, for example, drones and trained personnel are deployed to monitor cracks in the soil and identify areas at imminent risk of landslides.⁹³ Schools and community centers are designated as temporary evacuation shelters, while resettlement programs relocate households from high-risk slopes to safer areas such as Bunambutye in Bulambuli District.⁹⁴ These practices reflect a strong emphasis on preparedness and prevention, aiming to reduce exposure and safeguard lives.

In practice, however, the mandates are framed in universalist terms that obscure the differentiated vulnerabilities of marginalised groups. State actors in Greater Mbale, particularly district natural resource and environment offices, view their primary role as mitigation and prevention rather than immediate response. These interventions are framed as benefiting ‘the general population,’ with little recognition of specific vulnerable groups such as LGBTQ persons and sex workers, as one official noted,

“Our interventions are long-term. We mitigate through tree planting, agroforestry, and riverbank restoration. But vulnerable groups like sex workers or LGBTQ persons do not feature in our plans, they are treated as part of the general population.”⁹⁵

This reflects a universalist approach that assumes disasters affect all citizens equally, thereby obscuring the differentiated vulnerabilities experienced by marginalised populations. District officials consistently emphasise that their interventions target “the general population,” without disaggregating by sexual orientation, gender identity, or occupation. The official from Sironko continued to explain that,

90 Above.

91 Above.

92 Interview with district official, Mbale, n 88 above. 93.

93 Interview with district official, Bududa District.

94 Above.

95 Interview with district official, Sironko district. 96 Above.

*“They are under the general population and so there’s no specific type of response because these are minority people because they are part of our society.”*⁹⁶ Another district official explained that, ‘

*“I will say that I think our communities are homogeneous because for us we are working with the rural communities and then rural communities are homogeneous in a way. So when you are responding it is usually general. But a number of times we have certain partners that come in and they are focusing on the particular categories of the population.”*⁹⁷

This is the framework of formal equality embedded in Article 21(1) of the Constitution which declares that ‘All persons are equal before and under the law and in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.’

4.3 Exclusion in practice

In practice, despite claims of neutrality, the legal framework which criminalises homosexuality and prohibits sex work clearly impacts on delivery of the official mandate. This manifests in different ways. While all the state officials interviewed for this study repeatedly emphasised that KPs are included in their climate mitigation efforts alongside all other persons as part of the general population, they were also particular about the fact that KPs are not exactly classified as vulnerable or critically affected persons in the context of climate adaptation and resilience. Indeed, one official in particular was of the view that KPs are uniquely empowered in this context:

*“But it is a choice they have made and that choice must be good for them because if it is not good, someone should jump out. That is what they assume, isn’t it? And for us who hear of what happens, those people are not people to consider very vulnerable because they are big. What motivates many of them is the financials.”*⁹⁸

This bias affects key populations because it translates into practice on the ground that excludes them. An LGBTQ respondent captured this exclusion: *“These leaders are also discriminatory and I am not open to how they can handle LGBTQ related issues. They also end up confirming the community allegations.”*⁹⁹

The alternative to formal equality is substantive equality. Substantive equality refers to the notion that individuals in different situations should be treated differently. It encompasses two distinct ideas – equality of results and equality of opportunity.¹⁰⁰ Substantive equality recognises differences and addresses them rather than ignoring them.

Formal equality leads to bias, and for climate justice in the Greater Mbale region, this bias manifests in the following ways:

96 Above.

97 Interview with district official, Mbale, n 88 above.

98 Interview with district official, Sironko n 95 above.

99 An interview with IDI/21 in Bududa on 11th October 2025.

100 An interview with IDI/26 in Bududa on 11th October 2025.

4.3.1 Bias in community based identification mechanisms for ‘critically affected’ persons

Relief distribution often depends on LC I chairpersons compiling lists of affected households. Since there are no specific criteria in compiling lists for the ‘critically affected’ persons, LC chairpersons remain with discretion on who is to be included or excluded from the list of beneficiaries which disadvantages sex workers and LGBTQ persons. These lists are subject to community biases, with marginalised groups frequently overlooked. A female sex worker shared that the LCs, “cannot and they are unwilling’ to help them.

She also explained that, *“It seems they do not want us to leave those areas and sometimes, the LCs do not stay within the affected communities and some of them shifted to other areas and won’t come to help us.”*¹⁰¹

Another sex worker in Mbale shared that,

*“...many of us lost land during the rains, which land had our plantations like maize, but the LC’s distributed relief items like maize, beans, soya seeds, cassava seedlings etc., but we were not given.”*¹⁰²

An LGBTQ Peer Educator who also practices small-scale commercial farming, noted that in 2024, flash floods washed away her farm of 1 acre of beans in Mutoto, Mbale City.¹⁰³ While other affected farmers were provided with free seeds by the government to plant again, she was not. The area chairperson gave a vague explanation blaming ‘government systems’ yet local residents told her bluntly *“They left you out because you are a homosexual.”*¹⁰⁴ This experience highlights the distinct disconnect between the formal equality and the exclusion in practice. In her own words: “Whereas the government says all is okay, on the ground it is not okay”.¹⁰⁵ In another case, when Namaasaba-Nabyonga river burst its banks and destroyed crops and livestock, a LGBTQ Person who sought assistance was told,

*“You, a man who loves men and you have no children why do you need money.”*¹⁰⁶

Such testimonies illustrate how institutional mandates, though formally universal, are mediated by social stigma and discriminatory practices at the local level. This highlights the structural gap between policy mandates and lived realities emphasising the fact that the legal and social environment produces systematic exclusion.

4.3.2 Arrests by the police

Furthermore, the legal environment has enabled other state actors like the police to indirectly limit KPs’ climate change resilience and adaptation. A female sex worker in Mbale shared that,

“...because we are also unwanted at police and at LCs, when we try to get help

101 K Kitching (ed) ‘Non-Discrimination in International Law: A Handbook for Practitioners’(London: Interights, (2005), 17.

102 FGD with LGBTQ persons in Mbale, 7th October, 2025.

103 Interview with an LGBTQ peer leader at Mbale on 08th October, 2025 104 Above.

104 Above.

105 Above.

106 FGD with LGBTQ persons in Mbale, 8th October, 2025.

*from police, they just end up arresting us.*¹⁰⁷

Sex workers repeatedly described how police raids and arrests interrupt their income earning activities, leaving them financially vulnerable. One respondent explained,

‘Most times we are raided by police citing such laws. In such cases, even the person who can get you police bond doesn’t want to come and help you.’¹⁰⁸

This instability directly affects their ability to prepare for, withstand, or recover from climate disasters. Without steady income, sex workers cannot afford safer housing, emergency transport during floods, or relocation from high risk areas. As another respondent noted,

*‘Generally, when I spend a day without money, I could fall sick due to my many needs.’*¹⁰⁹

Economic stability is essential for climate resilience, yet repeated arrests steadily undermine the financial security sex workers need to adapt and recover.

These arrests create fear of authorities, limiting access to relief and reporting. Because many KPs fear arrest, harassment, or extortion, they avoid engaging with local leaders, police, or disaster response structures. A respondent in Mbale shared that,

*‘We even fear to report to authorities when we are beaten or molested because the business we do is unlawful.’*¹¹⁰

During climate disasters, this fear becomes life-threatening. KPs may avoid evacuation centres, relief distribution points, or LC I offices because these are the same spaces where they are policed and criminalised. As a result, they miss out on early warning information, relief items, and post disaster support.

Arrests of sex workers are not isolated incidents; they are part of a broader legal and policing environment that systematically undermines the resilience and adaptability of key populations. By disrupting livelihoods, increasing housing insecurity, reinforcing stigma, and limiting access to relief and services, arrests create a cycle of vulnerability that leaves sex workers disproportionately exposed to climate change impacts. In this context, climate adaptation is impossible without addressing the criminalisation and policing practices that erode the foundations of resilience.

Denial of access to climate related government programmes

Respondents consistently reported systematic exclusion from government initiatives designed to strengthen livelihoods and resilience, such as the Parish Development Model (PDM) and relocation or compensation schemes. This exclusion is not incidental but directly tied to the legal and policy environment that criminalises sex work and homosexuality, legitimising discrimination by local

107 An interview with IDI/09 in Mbale City on 8th October 2025.

108 An interview with IDI/07 in Mbale City on 8th October 2025.

109 An interview with IDI/26 in Bududa on 11th October 2025.

110 FGD with FSWs in Sironko on 8th October 2025.

leaders and other government officials. One LGBTQ participant explained, “I have never been involved because they know of my sexuality and they take me as an outcast. Even for the PDM, my neighbors are involved but I am not.”¹¹¹

This exclusion has direct consequences for climate change adaptation. Government programmes like the PDM are intended to provide financial support to households to strengthen livelihoods and build resilience against shocks. By denying access, local leaders effectively strip key populations of the resources needed to recover from floods, landslides, and other disasters. As one LGBTQ respondent explained:

*“There is still stigmatisation. For example, some LGBTQ people have not received their PDM money since they are seen as outcasts since the passing of the AHA. Some of them have been sacked from jobs.”*¹¹²

Others echoed similar experiences, noting that even when they attempted to register, they were deliberately ignored: “The PDM program, when we register, we are ignored and not given money since they claim that we have no responsibilities.”¹¹³

Discrimination in access to disaster relief

The denial of access extends beyond PDM to disaster preparedness, relief, and compensation programs. While these interventions are formally universal, their implementation often excludes key populations. In Sironko, government funds meant to support households displaced by landslides were withheld from sex workers and transgender persons: *“Sex workers were denied money because it is assumed that they will waste it while transgender people were denied because they didn’t have children to take care of.”*¹¹⁴ Many LGBTQ persons too complained of similar challenges in accessing relief services through the area LC leaders. One FGD participant in Sironko district put it thus:

*“Usually these things happen to all of us in the community, but a person who is not a sex worker receives relief items but not people like me. For example, many of us lost land during the rains, which land had our plantations like maize, but the LC’s distributed relief items like maize, beans, soya seeds, cassava seedlings etc. but we were not given. I even went and complained to them why I did not receive the items and one man told me ‘But what do you need?’, I told them I also lost land like any other person but was just condemned for being a lesbian”*¹¹⁵

Relief distribution is typically mediated through LC I chairpersons who compile the lists of those affected, and this exacerbates the bias, as marginalised groups are frequently overlooked. An LGBTQ respondent in Bududa explained:

“The government officials, sometimes police officers, even the LC I of the area. Whenever relief items come through, they come and take details, but if you ask for progress, they tell you to wait, only to find that people who do not

111 An interview with IDI/05 in Mbale City on 8th October 2025.

112 An interview with IDI/14 in Sironko on 10th October 2025.

113 An interview with IDI/13 in Sironko District on 11th October 2025.

114 An interview with IDI/14 in Sironko District on 11th October 2025

115 FGD No. 3 held in Sironko on 10th October, 2025.

identify like us have already received the relief.”¹¹⁶

Similarly, LGBTQ persons report being denied access to shelters due to hostility from other residents. One LGBTQ respondent shared that,

“I am now wondering whether the relocation is for the selected few”¹¹⁷

Another LGBTQ respondent who had been promised relocation explained that, *“...there is a time they registered us to be relocated to Kiryandongo but to date, they have never and they keep promising to take us but nothing is done.”¹¹⁸*

Many of these experiences demonstrate how legal prohibitions and social stigma translate into practical exclusion, undermining the resilience of key populations.

District officials also acknowledged that contingency plans and disaster policies do not recognise sex workers or LGBTQ persons as vulnerable groups. An official shared that,

“We’ve not been having specific consideration for specific populations. It has been a general kind of arrangement that benefits everybody... vulnerable groups were PWDs, HIV people, the elderly, children, women and youth.”¹¹⁹

This invisibility in official policy frameworks means KPs are systematically erased from adaptation planning, leaving them outside institutional safety nets.

The impact of exclusion on key populations adaptability and resilience

The exclusion from climate adaptation measures leaves a huge impact on key populations. These are discussed below:

Leaving key populations in high risk areas

These exclusions undermine resilience by preventing key populations from relocating to safer areas or rebuilding after disasters. Instead, they remain in high-risk zones, often in precarious housing, with little capacity to adapt. As one participant explained:

“I stay at the foot of the mountain so heavy water flows from the mountain down to where I stay.”¹²⁰

The legal environment has continued to push key populations in areas where they are even facing more climate change disasters. Many of the sex workers interviewed, shared that they stayed in slum areas prone to flooding. A participant explained, “For many of them, finding work and self-sustenance is very hard which takes them to those cheap slum areas which flood.”¹²¹

Describing the situation faced by KPs, one respondent put it:

“Climate change does play a big role in limiting the lives of KPs. From what I have seen, climate change brings flash floods in Bugisu and Teso areas. These usually happen in places where wetlands have been misused. Such places

116 FGD with LGBTQ persons in Bududa on 11th October 2025.

117 Interview IDI/26 in Bududa on 11th October 2025.

118 FGD with LGBTQ persons in Mbale district, 7th October, 2025

119 KII with district official, Bududa on 7th October 2025

120 Interview with IDI/26 in Bududa on 11th October 2025.

121 Interview with IDI/01 held in Mbale on 07th October, 2025 122

*have cheaper places to rent and slums. Usually, KPs can only afford rent in such places. With climate change, there have been floods that have displaced so many KPs since the areas are affected. Places that can't be affected by floods are quite expensive and KPs can't afford them. Therefore, their living standards have really been affected by climate change*¹²²

Climate resilience is closely tied to housing stability. Yet KPs face eviction and discrimination from landlords, *"Landlords have evicted us... They accuse us of promoting homosexuality."*¹²³ The situation of female sex workers is equally precarious. Some of them lack the means to obtain permanent accommodation and live in makeshift structures in poor neighborhoods.¹²⁴ Others stay in guesthouses and lodges where they pay between UGX5,000 – UGX10,000 per day.¹²⁵ But even guest houses at such rates are not affordable to most sex workers who make on average UGX10,000 yet spend between UGX5,000 and UGX8,000 on food and transport.¹²⁶ Currently, there is a growing desperate trend of sex workers meeting customers in forests such as Bugema and Bumaska to avoid lodging costs and make a saving.¹²⁷ Two sex workers are reported to have been murdered in these forests in the recent past, apparently resulting from this practice.¹²⁸

This invisibility in official policy frameworks means KPs are systematically erased from adaptation planning, leaving them outside institutional safety nets.

Therefore, the denial of access to government programs creates a double vulnerability: first, by excluding key populations from financial and material support intended to build resilience; and second, by reinforcing stigma that pushes them into unsafe living conditions. This nexus between law, policy, and practice demonstrates how criminalisation translates into structural barriers to climate change adaptation. As one sex worker summarised: *"Unfortunately, we are at the bottom of the help pyramid and our leaders ignore us and even when we seek conversations with them, they ignore us."*¹²⁹

Limited access to Sexual and Reproductive Health and Rights services Physical barriers to SRH services during climate crises directly undermine resilience by disrupting continuity of care, increasing health risks, and reinforcing social exclusion. Adaptation requires not only physical relocation and livelihood recovery but also sustained access to health services. For KPs, exclusion from SRH services means they face compounded vulnerabilities. KPs stay in vulnerable areas which are prone to flooding, landslides and mudslides. These include flooding hotspots such as Namataala, Musoto and Busiu in Mbale city, areas around Wanale mountain, Nakibiso river and the high areas of Sironko and Bududa. Disasters such as floods, broken bridges, mudslides and landslides create physical barriers to accessing healthcare services.

122 Interview with IDI/02 in Mbale on 7th October 2025.

123 Interview with IDI/05 in Mbale, 8th October, 2025.

124 Interview with a staff of a legal aid service provider in Mbale, 10th October, 2025

125 Above

126 FGD 1 held at Mbale on 08th October, 2025

127 Above

128 Interview with CSO leader in Mbale, 7th October 2025.

129 Interview with IDI/26 in Bududa on 11th October 2025.

Climate induced disasters cause displacements forcing KPs to move to new areas where they may not be familiar with and are not comfortable with the health facilities. Displacement often severs continuity of care, particularly for LGBTQ persons and sex workers living with HIV. As one coordinator of a Drop-In Center explained,

“Some KPs, most of them, they are [HIV] positive and I used to give them some medicine. And if someone is positive and moved away, you don’t know where, you can’t follow. You can’t get him or her where he is. It’s a lot of challenge because where he’s going, they ask him or her... We want a report from where you were.”¹³⁰

During an interview with a medical practitioner and counsellor who has been working with KPs in Mbale, she explained:

“Usually, you find people staying around go to a certain health facility where they get help. Once they are displaced, they have to find another facility which may not be as friendly as the previous one. They end up not accessing the services because they are not familiar with the service providers. That creates a gap in access because they won’t come for the service when the health care provider isn’t as open minded and welcoming as where they were previously.”¹³¹

This illustrates how physical relocation during disasters interrupts treatment and increases vulnerability to health shocks. Even where there is no displacement, physical access to hospitals and health centres may be cut off by broken bridges, flooded and impassable roads, blocked accessibility and high transport costs.

Another problem relates to destruction of medical records and drugs which are already in the custody of a KP. Heavy rains and floods often destroy homes and residences of KPs leading to destruction of medical records and supplies which disrupts adherence to treatment regimens especially for KPs living with HIV/AIDS.¹³² For examples, in September 2025, heavy rains and floods in Musoto destroyed ART supplies for 3 members of the LGBTQ community.¹³³ One respondent, a peer educator, explains that previously, this would not have been a major problem as it used to be easy for focal persons and peers to procure replacements for the patients, but with the current scarcity and integration, it was challenging to get new supplies.¹³⁴

The integration of HIV and SRHR services into general facilities has further compounded these challenges, removing KP-specific focal persons and peer leaders who previously offered safe access. As A key informant noted,

“Before integration, we had a KP focal person in the facility... Now all those people, they are not there... The problem with integration, there is stigma and discrimination at the facility.”¹³⁵

During climate crises, when facilities are overcrowded and resources stretched,

130 Interview with staff of a CSO in Mbale, 7th October 2025.

131 Interview with IDI/O1 held in Mbale on 7th October, 2025.

132 IDI/O3 held in Mbale on 7th October 2025.

133 IDI/O3 held in Mbale on 7th October 2025.

134 Interview with CSO leader in Mbale on 8th October, 2025.

135 Interview with staff of a CSO in Mbale, n 124 above.

this lack of tailored support discourages KPs from seeking care, eroding trust in health systems and weakening their adaptive capacity.

For marginalised groups like sex workers who are already living in precarious housing at the edges of communities, isolation during disasters translates into exclusion from relief and health services. Economic barriers compound these physical challenges, as transport costs rise during rainy seasons and job losses reduce the ability to reach distant facilities. As one LGBTQ respondent explained, *“During the rainy season, the cost of transport is high... I lost my job because of that.”*¹³⁶ Taken together, these physical barriers to SRH services during climate crises weaken resilience by disrupting continuity of care, increasing health risks, and reinforcing social exclusion. Without sustained access to health services, adaptation strategies such as relocation, livelihood recovery, and rebuilding after disasters remain out of reach for sex workers and LGBTQ persons in Greater Mbale.

Therefore, the effect of the legal framework is twofold: it enables state actors to pursue climate adaptation through clear mandates and resources, while simultaneously limiting their ability or willingness to tailor these practices to the realities of key populations. This tension between formal universality and practical exclusion shapes the resilience of LGBTQ persons and other marginalised communities in Greater Mbale, underscoring the need for reforms that integrate inclusivity into climate governance.

4.5. Resilience mechanisms by key populations amidst government exclusion

Due to the insufficiency of government interventions and measures, key populations have developed different resilience strategies as follows:

4.5.1 Advocacy against exclusion

Key populations have come together in different organisations and taken a human rights based approach to counter the exclusionary effects of Uganda’s legal framework on key populations. These actors recognise that climate resilience cannot be achieved through technical interventions alone; it requires confronting legal, social and institutional structural inequalities that marginalise sex workers and LGBTQ persons during climate crises. A key informant from Mbale articulated this clearly, stressing the need for meaningful participation of LGBTQ persons in climate governance,

*“Government laws must include LGBTQ persons and the climate policies should not ignore us since we need to be part of the boards and decision making.”*¹³⁷

This perspective reflects a broader shift among KP led organisations, which increasingly frame climate vulnerability as a human rights issue. Their advocacy emphasises that exclusion from disaster planning, early warning systems, relocation schemes, and livelihood programmes is not accidental but rather a direct consequence of criminalisation and policy invisibility. By demanding representation in climate related committees, district disaster platforms, and

136 FGD with FSWs in Mbale on 8th October 2025.

137 Interview with KII/02 in Mbale on 8th October 2025.

local development boards, these organisations challenge the assumption that climate adaptation is a neutral, apolitical process.

Because state actors routinely exclude key populations from relief, LGBTQ led organisations have become de facto first responders during climate disasters. A key informant working at a DIC in Mbale described how LGBTQ persons affected by a landslide were denied government assistance: *“All our LGBTQ community, they didn’t get any benefit from the government... They said it was because of their nature.”*¹³⁸ This exclusion forced the organisation to step in with emergency support, *“Two of them [affected LGBTQ community members] are at the DIC...”*¹³⁹ These interventions demonstrate how non state actors absorb the burden of climate response when the state refuses to recognise KPs as legitimate disaster victims.

Rights based advocacy also seeks to reframe climate justice as inseparable from dignity, equality, and recognition. For example, LGBTQ led organisations argue that resilience cannot be built when KPs are denied access to safe housing, evicted after disasters, or excluded from relief distribution because of their identity.¹⁴⁰ Their advocacy therefore pushes for reforms that explicitly prohibit discrimination in disaster response and ensure that all vulnerable groups including those criminalised by law, are recognised in district contingency plans.

Rights based advocacy also extends to challenging discriminatory practices by local leaders and community actors. Non state actors therefore engage in rights based advocacy, pushing for structural reforms that would allow KPs to participate in climate governance. A key informant emphasised that, *“Government laws must include LGBTQ persons and these climate policies should not ignore us because we need to be part of the boards and decision making.”*¹⁴¹ This advocacy challenges the legal invisibility created by laws like the AHA and Penal Code Act. It reframes climate adaptation as a justice issue, arguing that resilience cannot be achieved when entire groups are excluded from planning, early warning systems, and relief distribution. This aligns with testimonies from KPs themselves, who repeatedly highlighted the consequences of exclusion:

*“Those laws make it even worse because for example, whenever they are counting the people who receive the relief items, they do not count the sex workers. They just send them away. They consider them outcasts.”*¹⁴²

Non state actors use these lived experiences to advocate for policy reforms and accountability. KP led organisations also document cases where sex workers and LGBTQ persons are excluded from relief lists, denied relocation funds, or expelled from camps. By raising these issues with district officials, civil society networks, and national human rights bodies, they push for accountability and institutional reform. This advocacy is particularly important in a legal environment

138 Interview with staff of a CSO in Mbale, n 124 above.

139 Above.

140 Interview a CSO leader in Mbale, 8th October 2025.

141 Interview with staff of a CSO in Mbale, n 124 above.

142 FGD with LGBTQ persons in Sironko on 10th October 2025.

where state actors often deny the existence of KPs or justify their exclusion on moral grounds.

4.5.2 Building economic resilience through community based livelihoods

In the absence of state protection and in the context of legal frameworks that criminalise and stigmatise key populations, non state actors, particularly LGBTQ led and sex worker led organisations, have developed community based livelihood strategies as a core pillar of climate resilience. These initiatives are not merely economic projects; they are deliberate adaptation mechanisms designed to buffer KPs against climate induced shocks such as landslides, floods, crop loss, displacement, and sudden income interruptions.

Many KPs in Greater Mbale rely on informal and climate sensitive livelihoods, including small scale farming, sex work, petty trade, and casual labour. Climate disasters therefore have immediate and devastating economic consequences. As one respondent explained, *“Most of them are farmers... their farming projects collapsed... They invested a lot of money and now they cannot pay back the loans.”*¹⁴³ Another sex worker described how climate events disrupt income, *“Sometimes we plan to eat those food crops and even sell but when such happens... we operate in total losses and we become beggars in the community.”*¹⁴⁴ These testimonies show how climate shocks deepen economic precarity, making livelihood diversification essential for resilience.

To counter this vulnerability, LGBTQ led organisations have established community savings groups and Savings and Credit Cooperative Organisations (SACCOs) that function as informal social protection systems. Some operate savings schemes that allow members to pool resources and access emergency funds: *“We have saving groups in each area... When someone gets a problem, we get the interest and help them with food or rent.”*¹⁴⁵ These SACCOs act as micro insurance mechanisms, enabling members to recover quickly after climate shocks without relying on state support, which they are often denied.

Recognising that farming is also increasingly unreliable due to erratic rainfall and landslides, non state actors have introduced projects like poultry projects as a more climate resilient alternative. A key informant explained that, *“We give each member three or five hens... We supply eggs to ... supermarket[s].”*¹⁴⁶ Urban farming plays an increasingly important role in strengthening climate change resilience for key populations in Greater Mbale, especially those who face exclusion from formal livelihood and adaptation programmes. Because many LGBTQ persons and sex workers are pushed into informal settlements and low income urban neighbourhoods, they often lack access to land for traditional agriculture. Small scale urban farming, such as container gardening, rooftop crops, sack farming, and backyard poultry, offers an alternative source of food and income that is less vulnerable to landslides and crop failures. For KPs who are routinely denied access to government programmes like PDM or relocation

143 Interview a CSO leader in Mbale, 8th October 2025.

144 Interview with IDI/O6 in Mbale, 8th October 2025.

145 Interview with staff of a CSO in Mbale, n 124 above.

146 Above.

funds, these low cost, space efficient practices become a practical adaptation strategy. A key informant shared that these urban farming initiatives, “...*help to stabilise food security, reduce dependence on hostile community markets, and provide a buffer during climate shocks.*”¹⁴⁷ These initiatives align with the broader pattern of non state, community driven resilience, where marginalised groups innovate around structural exclusion to build their own adaptive capacity.

Income from community based livelihoods helps KPs secure safer housing, pay rent in advance, or relocate from high risk areas.¹⁴⁸ Without these alternative income streams, many would remain trapped in flood prone ghettos or structurally unsafe buildings.

Therefore, community based livelihood initiatives led by non state actors are not peripheral, they are central to climate resilience for key populations in Greater Mbale. They provide alternative income when climate shocks destroy farms or disrupt sex work, enable emergency support for displaced members, strengthen social protection through savings groups, reduce vulnerability to eviction and unsafe housing, empower KPs economically in a hostile legal environment, and build collective resilience and autonomy. In a context where the state excludes KPs from formal adaptation programmes, these livelihood strategies represent a parallel system of climate resilience, built from the ground up by the very communities the law marginalises.

4.5.3 Seeking support from mainstream organisations

LGBTQ groups also seek support from organisations that are not KP-specific, such as Oxfam, the Uganda Red Cross Society, and local humanitarian partners. Their work in establishing community radios, early warning systems, and disaster preparedness trainings expands access to climate information for marginalised groups who are often excluded from formal communication channels. While these organisations may not explicitly advocate for LGBTQ inclusion, their interventions help democratise access to climate knowledge, which is a foundational element of resilience. For instance, an official from Mbale noted that Oxfam and Red Cross support early warning dissemination through community radios in Busano and Bungokho.¹⁴⁹ These platforms allow information about impending floods or landslides to reach people living in informal settlements, ghettos, and other marginalised spaces where many KPs reside. In contexts where legal stigma prevents KPs from approaching local leaders or attending community meetings, such access to information becomes a critical lifeline.

4.6. Conclusion

A comparative analysis of state and non-state approaches reveals a profound tension between formal universality and practical exclusion. State actors emphasise interventions that treat all citizens as a homogeneous group, arguing that disasters affect everyone equally. Yet this universalist framing masks the reality that LGBTQ persons are often excluded in practice, particularly in relief distribution processes that

147 Interview with a CSO leader in Mbale, n 108 above.

148 Interview with CSO leader in Mbale, n 137 above.

149 Interview with district official, Mbale, n 88 above.

rely on community leaders. The reliance on LC lists, combined with the criminalisation of homosexuality and sex work, creates structural barriers that prevent LGBTQ persons from accessing aid. Officials themselves acknowledged these gaps, with one officer noting that “the law does not recognise LGBTQ persons,” while another officer admitted that local leaders sometimes overlook marginalised individuals when compiling beneficiary lists. By contrast, non-state actors adopt a rights-based and targeted approach that explicitly acknowledges LGBTQ persons as a vulnerable population. LGBTQ-led organisations provide safe shelter, food, and livelihood support, while NGOs like Oxfam and Red Cross provide early warning systems that directly benefit marginalised groups. These interventions demonstrate a willingness to confront stigma and tailor resilience strategies to the needs of excluded populations. However, non-state actors remain constrained by limited funding, political hostility, and the overarching legal framework that criminalises homosexuality and sex work. The comparative picture, therefore, is one of state-led universality that entrenches exclusion, versus non-state inclusivity that struggles against structural barriers. Together, these dynamics highlight the urgent need for legal and policy reforms that harmonise climate resilience with human rights protections, ensuring that adaptation strategies are genuinely equitable.

The approaches adopted by state and non-state actors in Greater Mbale reveal a fragmented landscape of climate adaptation. State actors operate within a legal framework that criminalises LGBTQ identities, thereby rendering them invisible in official disaster planning. Non-state actors, particularly LGBTQ-led organisations, attempt to fill this gap by providing targeted support and advocating for inclusivity, but their reach is limited by resource constraints and political resistance. The result is a resilience architecture that is uneven and unjust, leaving LGBTQ persons and sex workers disproportionately vulnerable to climate shocks. The analysis demonstrates that resilience is not only an environmental issue but also a legal and human rights concern, requiring reforms that integrate inclusivity into climate governance. For adaptation to be meaningful, Uganda’s climate policies must evolve to explicitly recognise LGBTQ persons as key populations, integrating their needs into disaster preparedness, recovery and relief distribution.

5 Conclusions and Recommendations

5.1 Conclusion

Uganda has made significant strides to adopt and domesticate its international climate change obligations through various laws, policies and action plans aiming to build the resilience and adaptability of its people, but such laws, policies and actions plans are silent on the plight of LGBTQ people and sex workers. In the absence of proactive policy based and legally backed measures which are tailored to reach and serve the specific health, social and climate justice needs of KPs, it continues to be difficult to fully incorporate KPs in the government's climate change agenda. However, in spite of the criminalisation of the LGBTQ and sex worker populations, there is room under the Constitution of Uganda and the country's obligations under international and regional human rights instruments for recognition and enforcement of the needs of KPs including access to SHR services and climate change interventions. The government position on integration of health services, though not a climate change related decision, constitutes a major setback in the access to SRH services and other healthcare services.

Whereas government policies and laws on climate change are stated to be blind to difference, stakeholders and duty bearers who are charged with implementation quite often

approach their responsibility with prejudice towards KPs. Criminalisation of homosexuality under the AHA and sex work under the Penal Code Act has continued to foster a hostile legal environment which hinders access to SRH services, climate justice, relief assistance and other basic needs.

KPs including LGBTQ persons and sex workers have adopted different strategies in order to cope with climate change to the best of their abilities. These include advocating for their inclusion through non-governmental organisations, engaging in income generating activities and reaching out to mainstream organisations working on climate change resilience.



5.2 Recommendations

The study makes the following recommendations to the different stakeholders and actors:

To Parliament

Parliament should;

1. Undertake a comprehensive review of the Anti-Homosexuality Act and the Penal Code Act with a view to repealing or amending provisions that criminalise consensual same-sex relations and sex work. This will enable them to access

healthcare services and fully participate in climate change efforts without any impediments.

2. Amend climate change laws to take into consideration the unique vulnerabilities and special interests of KPs as a socially marginalised group of people. Silence on the needs and requirements of KPs is a gaping hole in the government approach to climate change.

To the Ministry of Water and Environment and other governmental agencies

The Ministry of Water and Environment, Office of the Prime Minister, Disaster Management Committees, Natural Resources Officers and local governments should:

1. Revise all policies on response to climate disasters as well as access to disaster relief to specifically include KPs as a priority group in order to ensure inclusivity and access to essential support services. Climate policies must take into consideration the unique vulnerabilities and special interests of key populations as a socially marginalised group of people.
2. Involve KPs in decision making from planning, budgeting, implementation and monitoring. This can be done through their civil society organisations, and/or focal persons. This should extend to coordination and distribution of relief items and humanitarian interventions and projects during response to climate disasters. This will ensure that the needs and interests of KPs are taken care of.
3. Ensure that early warning systems for imminent disasters are adapted to ensure that all individuals, including the most vulnerable and those with limited access to the internet, can access the information and plan appropriately. Early warning systems should be coupled with resources to enable communities prepare adaptation measures in order to reduce loss and damage arising from impending disasters.
4. Carry out widespread training, sensitisation and awareness campaigns for personnel involved in the disaster recovery processes on key populations issues so that they make specific efforts to reach out to key populations as required by the human rights based approach.
5. Push for the repeal of the Anti-Homosexuality Act and provisions in the Penal Code Act that criminalise consensual same-sex relations and sex work. This is to enable a legal environment that enables inclusion of these communities in line with international commitments.

To the Ministry of Health

The Ministry should revisit the policy on integration of health services and resume promoting access to healthcare services for key populations through specialised KP and HIV/AIDS clinics and ART pharmacies as well as reinstating focal persons and peer educators at public hospitals and health centres, especially in regions where the health systems are heavily affected by climate disasters.

To the Police

1. The Police should work with LC1s and Disaster Management Committees to prevent mob violence, eviction, or harassment of KPs during and after climate disasters. Officers must intervene promptly when community members attempt to expel KPs from shelters or deny them relief.
2. Police officers should be trained and instructed to ensure that sex workers and LGBTQ persons are not excluded from evacuation centres, food distribution points, or temporary shelters.

To Mainstream Civil Society organisations

1. Continue supporting key populations in climate resilience and adaptation.
2. Train key population focal persons in climate change response and adaptation.

To civil society organisations of key populations

1. Engage district authorities to ensure that KP focal persons and peer educators are incorporated in coordination of relief items and humanitarian interventions by both government and non-governmental entities during response to climate disasters.
2. Continuously engage with stakeholders at all levels of government in order to build awareness on the plight of climate-vulnerable KP communities as a critical step towards ensuring their inclusion in recovery and relief programs.
3. Engage with KP communities that are particularly vulnerable to climate change in order to build resilience through awareness creation and community-led mitigation, adaptation and recovery programs. KP-led CSOs should continue to build sustainable resources for climate disaster recovery programs for KPs in order to ensure access to necessary resources even in instances when the government fails to specifically provide for the needs of KPs.
4. Focus on training climate-vulnerable KP communities in sustainable agricultural and waste management practices in order to mitigate the negative impacts of climate change and ensure food security for vulnerable communities.
5. Work towards establishing safe spaces and shelters for climate vulnerable KP communities in order to ensure access to safe housing and other basic resources in times of disaster.
6. Invest in enabling access to affordable mental health care and wellness services for vulnerable communities to aid recovery in the wake of disasters.

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About HRAPF

Background

Human Rights Awareness and Promotion Forum (HRAPF) is an independent, nonpartisan, non-governmental organisation. HRAPF works to ensure that the human rights of all persons, including marginalised persons and key populations are valued, respected, and protected.

Founded in 2008, HRAPF targets some of the most marginalised persons in Uganda and has, over the years, been committed to promoting respect, value and protection of human rights for marginalised persons by challenging unfavourable laws, social and cultural norms, beliefs and practices in Uganda.



Legal Status

HRAPF is registered as a non-governmental organisation. It operates a fully licensed legal aid clinic for marginalised persons and key populations in Uganda.



Vision

A society where the human rights of all persons, including marginalised persons and key populations, are valued and respected.



Mission

To promote respect and protection of the human rights of marginalised persons and key populations through enhanced access to justice, advocacy and influencing, research, strategic litigation and knowledge development, and capacity enhancement.



HRAPF's Objectives

1. To strengthen sustainable access to justice for marginalised persons and key populations.
2. To operate a centre of excellence on research, strategic litigation and proactive protection of the rights of marginalised persons and key populations.
3. To advocate for a just and fair legal and policy environment that promotes the health rights of marginalised persons and key populations.
4. To enhance the capacity of communities to demand and protect the human rights of marginalised persons in Uganda.



HRAPF Values

- 1. Transparency, integrity, and accountability:**
We are open to external scrutiny and answerable to our constituencies.
- 2. Learning, reflecting, and innovative:**
We are a learning organisation looking for new ways of improving ourselves, and adapting to changing needs and contexts.
- 3. Equality, Justice and Non-discrimination:**
We exist to serve our target constituencies without discrimination, irrespective of gender, race, ethnicity, sexual orientation and other biases.
- 4. Teamwork:**
We work together towards achieving our goals and with passion.
- 5. Quality and Excellence.**



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