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Uganda: 'Anti-Homosexuality' Bill Threatens Liberties and Human Rights Defenders

(Kampala) - The draft "Anti-Homosexuality Bill" introduced on October 14, 2009 in Uganda's parliament would violate human rights and should be withdrawn immediately, a group of 17 local and international human rights organizations said today.

"This bill is a blow to the progress of democracy in Uganda," said David Kato of Sexual Minorities Uganda. "It goes against the inclusive spirit necessary for our economic as well as political development. Its spirit is profoundly undemocratic and un-African."

In an attack on the freedom of expression, a new, wide-ranging provision would forbid the "promotion of homosexuality" - including publishing information or providing funds, premises for activities, or other resources. Conviction could result in up to seven years in prison.

"This draft bill is clearly an attempt to divide and weaken civil society by striking at one of its most marginalized groups" said Scott Long, director of the Lesbian, Gay, Bisexual, and Transgender Rights Program at Human Rights Watch. "The government may be starting here, but who will be next?"

The bill would criminalize the legitimate work of national and international activists and organizations working for the defense and promotion of human rights in Uganda. It would also put major barriers in the path of effective HIV/AIDS prevention efforts, the groups said.

"Discrimination and punitive laws like this aimed at marginalized groups and at those often among the most affected by HIV drives people underground and does nothing to help slow down the AIDS epidemic," said Daniel Molokele, Africa program officer at the World AIDS Campaign.

Under Uganda's existing laws, the police arbitrarily arrest and detain men and women accused of engaging in consensual sex with someone of the same sex. Human rights organizations have documented cases of torture or other ill-treatment against lesbians and gay men in detention because of their sexual orientation.

"Certain provisions in this bill are illegal; they are also immoral," said Kate Sheill, Amnesty International's expert on sexual rights. "They criminalize a sector of society for being who they are, when what the government should be doing instead is protecting them from discrimination and abuse."

Over recent months, there has been increased campaigning against homosexuality in Uganda, led by churches and anti-gay groups. The media have joined this campaign, and have publicly pointed to individuals they accuse of being gay or lesbian.

People suspected of being gay have faced death threats and been physically assaulted. Many have been ostracized by their families or faced discrimination, including dismissal from their place of employment.

This new draft bill includes a provision that could lead to the imprisonment for up to three years of anyone, including heterosexual people, who fails to report within 24 hours the identities of everyone they know who is lesbian, gay, bisexual, or transgender, or who supports human rights for people who are.

"This inflammatory bill will be taken as further confirmation that it is OK to attack or even kill people perceived to be lesbian, gay, bisexual, or transgender," said Victor Mukasa, of the International Gay and Lesbian Human Rights Commission. "It is the government's responsibility to immediately withdraw this dangerous proposal."

Background

- The existing law, Section 140 of the Ugandan penal code, penalizes "carnal knowledge of any person against the order of nature" with imprisonment of up to 14 years. This legacy of British colonialism was introduced to punish local practices of what the colonial powers deemed to be "unnatural sex." The laws stand as proof that same-sex sexual practices and gender diversity are, and always have been, part of Ugandan culture. The draft bill tabled today seeks to imprison anyone convicted of "the offense of homosexuality" for life.
- Paragraph 3 of the draft bill sets out provisions on what it names as "aggravated homosexuality," which will incur the death penalty, contradicting the global trend toward a moratorium on the use of the death penalty.
- The final section of the bill provides for Uganda to nullify any of its international or regional commitments that it deems "contradictory to the spirit and provisions enshrined in this Act." As both the African Commission and the UN Human Rights Committee have held, a state cannot, through its domestic law, negate its international human rights obligations.

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