

## ANTI-GAY BIGOTS PLUNGE AFRICA INTO NEW ERA OF HATE CRIMES

Uganda is likely to pass a law within months that will make homosexuality a capital offence, joining 37 other countries in the continent where American evangelical Christian groups are increasingly spreading bigotry

*From The Guardian, 13 December 2009*

“Learned behaviour can be unlearned,” said David Bahati. “You can’t tell me that people are born gays. It is foreign influence that is at work.”

Bahati has just presented his anti-homosexuality bill 2009 to Uganda’s parliament. The bill, which will be debated within a fortnight and is expected to become law by February, will allow homosexuality to be punishable by death.

“Most people have misunderstood the bill,” Bahati told the Observer. “The section of the death penalty relates to defilement by an adult who is homosexual and this is consistent with the law on defilement which was passed in 2007. The whole intention is to prevent the recruitment of under-age children, which is going on in single-sex

schools. We must stop the recruitment and secure the future of our children.”

There is wide support for Bahati’s law which, while being an extreme piece of anti-gay legislation, is not unique. As far as gay rights are concerned, it would appear that much of Africa is going backwards. Nigeria has a similar bill waiting to reach its statute books and already allows the death penalty for homosexuality in northern states, as does Sudan. Burundi criminalised homosexuality in April this year, joining 37 other African nations where gay sex is already illegal. Egypt and Mali are creeping towards criminalisation, using morality laws against same-sex couples.

He denied reports that international pressure

## ARCHBISHOP OF CANTERBURY HEEDS PETITION 12 December 2009

The Archbishop of Canterbury, Rowan Williams, has for the first time, publicly expressed his opposition to the Anti-Homosexuality Bill. His statement follows weeks of pressure, numerous calls for him to speak out and a petition signed by thousands urging him to condemn the Bill.

“Overall, the proposed legislation is of shocking severity,” said Rowan Williams in an interview with today’s Daily Telegraph, “And I can’t see how it could be supported by any Anglican who is committed to what the Communion has said in recent decades”. He added that “Apart from invoking the death penalty, it makes pastoral care impossible – it seeks to turn pastors into informers”.

On 3 December, the Archbishop’s office had insisted that he was working behind the scenes to influence the Anglican Church in Uganda, which has still not taken a position on the Bill. They said that his discussions on the issues would be “intensive but private”.

Meanwhile, a petition urging Christian leaders, and Williams in particular, to oppose the Bill has attracted over 3,000 signatures, including those of priests and ministers in Britain, Africa and elsewhere.

“The Archbishop’s comments are very welcome, not least because of the importance of Anglicanism in Uganda,” said Symon Hill, associate director of the religion and society thinktank Ekklesia, who started the petition.

He said, “Rowan Williams has demonstrated his willingness to listen to thousands of people from around the world. Other church leaders and Christian groups can demonstrate the same trait by joining him in opposing this legislation”.

Hill added that “Christians with a range of views on sexual ethics have united in opposition to this draconian Bill. Those who refuse to speak out may effectively be giving up any claim to be taken seriously in debates on sexuality”.

In Entebbe last week, 200 religious leaders, under the powerful umbrella group Inter-Religious Council of Uganda, demanded diplomatic ties be severed with “ungodly” donor countries, including the UK, Sweden and Canada, who are “bent on forcing homosexuality on Ugandans”.

might result in parts of the bill being toned down. “We are not going to yield to any international pressure? we cannot allow people to play with the future of our children and put aid into the game. We are not in the trade of values. We need mutual respect.”

But many suspect that it was outsiders who inspired this bill in the first place. In March, Bahati met several prominent anti-gay US Christian activists who attended a conference in Uganda where they pledged to “wipe out” homosexuality. The conference featured Scott Lively, president of California’s anti-gay Abiding Truth Ministries and co-author of *The Pink Swastika*, a book claiming that leading Nazis were gay. Also there was Don Schmierer, on the board of Exodus International, which promotes the “ex-gay” movement, believing people can change their sexuality and be redeemed. The third extremist evangelical to attend was Caleb Lee Brundidge, who is linked to Richard Cohen who believes that psychotherapy can “cure” homosexuality.

Bahati’s bill was drawn up within weeks of the conference, but it has only just begun to cause waves within America’s powerful evangelical community. Legalising killing gay people has triggered a bad press for the bill.

Lively released a half-hearted condemnation: “It should be no surprise? that modern Ugandans are very unhappy that homosexual political activists from Europe and the US are working aggressively

to rehomosexualise their nation.” The Ugandan law, he said, was “unacceptably harsh”, but he praised those who drafted it. “If the offending sections were sufficiently modified, the proposed law would represent an encouraging step in the right direction? it would deserve support from Christian believers.”

Bahati said yesterday that he regretted Warren’s retreat. “It’s unfortunate that a man of God who has inspired many people across the world can give in to pressure and disappoint them.”

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Joshua Kitakule, the council’s secretary-general, said: “Those countries should respect our spiritual values. They shouldn’t interfere. All senior religious leaders have been given copies of the bill to read and educate people in churches and mosques.”

For Ugandans such as Pastor Martin Ssempe, who organises anti-gay rallies, the bill brings legitimate moral force to bear on the “corrupting influence” from western societies.

For developing nations, the attraction of right-wing organisations with dollars to spend, combined with fears over a creeping “westernisation” of societies, is increasing the demonisation of gay people.

In 2004, Ruben del Prado, co-ordinator of the Joint United Nations programme on HIV/AIDS in Uganda, was prematurely transferred out of the country after he held meetings with lesbian and gay groups about preventing HIV/AIDS. The Ugandan government later accused him of holding secret meetings with undesirable groups. Since then, NGOs and aid officials have kept silent.

*New Vision, 11 December 2009*

# Regarding homosexuals and lesbians

**I**t is a truth universally acknowledged that this column cuts directly and to the point to issues concerned. But there are subjects which spring so deeply from within the human psyche that attempting to ride roughshod over them becomes dangerously counter-productive.

The subject this week: Regarding Homosexuality and Lesbianism, comes high on the list, but that should never make it a no-go area for serious discussion. Or that if you take a pro-stance on same-sex love you should be banished from polite society. Equally, if you are personally dead against it, that in itself is not a hanging offence: you are after all only exercising your right to have an opinion in the vexed matter. So far, no sensible person can surely quarrel with the foregoing. But let the bar be raised and acrimony will break out like a rash!

Another thing: I really resent the word Gay being annexed and monopolised by homosexuals and lesbians. The Shorter Oxford English Dictionary (all 2515 large pages of it) says, of Gay: "Full of or disposed to joy and mirth; light-hearted, exuberantly cheerful, sportive, merry." Oh, I want some of that! I bet many others, including those who annexed it - leaving the rest of us to be morose, grey, boring; in short not gay - merry with what they stole.

When I was much younger, we called male, same-sex lovers, Queers or, sneeringly, Faggots. The word for a woman of that ilk was Lesbo or, more aggressively, Dyke (there was an old Dutch story of a girl who heroically saved a town by putting her finger in a hole in the dyke to stop the water burying its citizens).

Organise a competition to find a suitable alternative (mine is same-sex lovers, ssl) so that Gay returns to us all, Queer and otherwise.

Of course that will have no effect on the practice itself. And that is where same-sex lovers' haters will do their nut!



**John Nagenda**  
presidential advisor

The recent month I was away a parliamentarian introduced a Bill of hugely draconian measure, including heavy penalties on those who wouldn't report same-sex lovers they knew about! In the US there was a man whose name, McCarthy, is now a synonym (as mccarthyism) for cruel witch-hunting. For him Communism was the hot issue, although he would doubtless have looked at same-sex love as a product of that political system.

In the Inquisition period, evil prelates tortured people who deviated from current beliefs, including by saying the world was not flat but round! Now we all laugh about these odd characters. Lower down the scale, people were tortured for being left-handed (indeed called sinister for it) or being very short, or being blind: in short for not being normal. I believe, and I am raising the bar, that we must laugh at this MP and others like him: laugh and stay sane. What crime have same-sex lovers committed, per se, by being who they are? Would those who believe God made mankind exclude them, and on what grounds?

You may find it repugnant that men have sex with other men, and women with women. They, on the other hand, might find the "usual" way repugnant, because of their nature.

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Probably same-sex lovers will call me traditionally naïve when I talk about the "usual" way, just short of the "normal" way (normal to whom?) but I find there is logic attached to words like usual, normal, average. And that logicity comes from what "goes on" in the society involved. And that society must get involved in change, with the changing times, to cater for its diverse citizenry. I would see no harm at all, no sense of any criminality, in adult, consenting, same-sex love relationships.

Of course, involving children, or under-age youths, is criminal and must be stamped on, but obviously this happens in heterosexual habits also. I have a deeper confession, still to do with the time and age in which we live. Because in most societies people are still transfixed, even horrified, by signs of same-sex love brazenly exhibited, I would urge decorousness. (In many situations this even goes for heterosexual lovers.)

**T**he question to put to ourselves is: does in-your-face behaviour hasten or hinder the fateful day when lovers of all variations are accepted for what they are? To tell the truth, for the time being, I would go as far as refusing same-sex couples adopting young children; because the outcome would almost certainly be that those children would take after these parents. Also, I wouldn't allow same-sex marketing to young children. But there again I am only considering "usual, normal, average".

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

## THE EUROPEAN PARLIAMENT FIRMLY DENOUNCES UGANDA'S ANTI-HOMOSEXUALITY BILL

17 December 2009

The plenary session of the European Parliament today adopted a resolution strongly condemning the Anti-Homosexuality Bill 2009 tabled by David Bahati MP in the Ugandan Parliament.

Joining widespread international outcry from the British, French and Swedish governments as well as the White House, the European Parlia-

**The text further calls on the European Commission and Council to reconsider European aid to Uganda should the text pass in the Parliament (representing USD 275M annually, or 16.6% of Uganda's total official development aid).**

ment officially calls on Ugandan authorities "not to approve the bill and to review their laws to decriminalize homosexuality".

The resolution reminds the Ugandan government of its legally-binding obligations under international treaties, including the Cotonou Agreement, as well as its inability to withdraw from ratified international human rights treaties.

The text further calls on the European Commission and Council to reconsider European aid to Uganda should the text pass in the Parliament (representing USD 275M annually, or 16.6% of Uganda's total official development aid). Mi-

chael Cashman MEP, Co-president of the European Parliament's Intergroup on LGBT Rights, praised the move: "The European Parliament is committed to promoting democracy and the human rights of all citizens in the countries it works with; Uganda is about to dishonour its moral leadership and its people by going against universally-agreed human rights."

Recently returned from a diplomatic mission in Angola and Botswana, he continued: "The Ugandan government must ask David Bahati MP to withdraw the draft bill that will kill, imprison and fine Ugandans, simply for being who they are. This bill is uncivilised and unacceptable to all decent people."

Ulrike Lunacek, Co-president of the European Parliament's Intergroup on LGBT Rights, added: "Homosexuality has always existed and will always exist in Africa—as everywhere else. Homosexuality is nothing un-African, as some African leaders wrongly claim. That is why lesbian, gay, bisexual and transgender people need protection and acceptance, not hate legislation".

In the plenary debate, the European Commission also expressed their "deep concern" regarding recent developments in Uganda.

Anglican, Catholic and Evangelist representatives also recently spoke out against the bill in Uganda, and the criminalisation of homosexuality in general.

## APPENDIX

# THE ANTI-HOMOSEXUALITY BILL, 2009

### 1.1. The principle

The object of this Bill is to establish a comprehensive consolidated legislation to protect the traditional family by prohibiting (i) any form of sexual relations between persons of the same sex; and (ii) the promotion or recognition of such sexual relations in public institutions and other places through or with the support of any Government entity in Uganda or any non governmental organization inside or outside the country.

This Bill aims at strengthening the nation's capacity to deal with emerging internal and external threats to the traditional heterosexual family.

This legislation further recognizes the fact that same sex attraction is not an innate and immutable characteristic.

The Bill further aims at providing a comprehensive and enhanced legislation to protect the cherished culture of the people of Uganda, legal, religious, and traditional family values of the people of Uganda against the attempts of sexual rights activists seeking to impose their values of sexual promiscuity on the people of Uganda.

There is also need to protect the children and youths of Uganda who are made vulnerable to sexual abuse and deviation as a result of cultural changes, uncensored information technologies, parentless child developmental settings and increasing attempts by homosexuals to raise children in homosexual relationships through adoption, foster care, or otherwise.

### 2.1. Defects in existing law

This proposed legislation is designed to fill the gaps in the provisions of other laws in Uganda e.g. the Penal Code Act Cap. 120.

The Penal Code Act (Cap 120) has no comprehensive provision catering for anti homosexuality. It focuses

on unnatural offences under section 145 and lacks provisions for penalizing the procurement, promoting, disseminating literature and other pornographic materials concerning the offences of homosexuality hence the need for legislation to provide for charging, investigating, prosecuting, convicting and sentencing of offenders.

This legislation comes to complement and supplement the provisions of the Constitution of Uganda and the Penal Code Act Cap 120 by not only criminalizing same sex marriages but also same-sex sexual acts and other related acts.

### 3.0. The objectives of the Bill

The objectives of the Bill are to:

- (a) provide for marriage in Uganda as that contracted only between a man and a woman;
- (b) prohibit and penalize homosexual behavior and related practices in Uganda as they constitute a threat to the traditional family;
- (c) prohibit ratification of any international treaties, conventions, protocols, agreements and declarations which are contrary or inconsistent with the provisions of this Act;
- (d) prohibit the licensing of organizations which promote homosexuality.

3.1. Part I of the Bill incorporating clause 1 provides for preliminary matters relating to interpretation of the words and phrases used in the Bill.

3.2. Part II of the Bill incorporating clause 2 to 6 prohibits homosexuality and related practices by introducing the offences of engaging in homosexuality, and the penalties of imprisonment upon conviction. This part also provides for protection, assistance and support for victims of homosexuality.

3.3. Part III of the Bill incorporating clause 7 to clause 14 creates offences and penalties for acts that promote homosexuality, failure to report the offence and impose a duty on the community to report suspected cases of homosexuality.

3.4. Part IV of the Bill incorporating clause 15 to clause 17 provides for the jurisdiction of Uganda Courts in case of Homosexuality, including extra territorial jurisdiction.

3.5. Part V of the Bill incorporating clauses 18 and 19 provides for miscellaneous provisions on International Treaties, Protocols. Declarations and conventions and the Minister to make regulations to give effect to the Act.

Schedule of the Bill gives the value of the currency point.

HON. DAVID BAHATI,  
Member of Parliament, Ndorwa County West Kabale

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A BILL FOR AN ACT  
ENTITLED  
**THE ANTI-HOMOSEXUALITY ACT, 2009.**

An Act to prohibit any form of sexual relations between persons of the same sex; prohibit the promotion or recognition of such relations and to provide for other related matters.

BE IT ENACTED by Parliament as follows:

**PART I — PRELIMINARY.**

**I. Interpretation**

In this Act, unless the context otherwise requires –  
“authority” means having power and control over other people because of your knowledge and official position; and shall include a person who exercises religious, political, economic or social authority;  
“bisexual” means a person who is sexually attracted to

both males and females;

“child” means a person below the age of 18 years;

“currency point” has the value assigned to it in the Schedule to this Act;

“disability” means a substantial limitation of daily life activities caused by physical, mental or sensory impairment and environment barriers resulting in limited participation;

“felony” means an offence which is declared by law to be a felony or if not declared to be a misdemeanor is punishable without proof of previous conviction, with death or with imprisonment for 3 years or more;

“gay” means a male person who engages in sexual intimacy with another person of the same sex;

“gender” means male or female;

“HIV” means the Human Immunodeficiency Virus;

“homosexual” means a person who engages or attempts to engage in same gender sexual activity;

“homosexuality” means same gender or same sex sexual acts;

“lesbian” means a female who engages in sexual intimacy with another female;

“Minister” means the Minister responsible for ethics and integrity;

“misdemeanor” means an offence which is not a felony;

“serial offender” means a person who has previous convictions of the offence of homosexuality or related offences;

“sexual act” includes –

(a) physical sexual activity that does not necessarily culminate in intercourse and may include the touching of another’s breast, vagina, penis or anus:

(b) stimulation or penetration of a vagina or mouth or anus or any part of the body of any person, however slight by a sexual organ;

(c) the unlawful use of any object or organ by a person on another person’s sexual organ or anus or mouth;

“sexual organ” means a vagina, penis or any artificial sexual contraption;

“touching” includes touching—

(a) with any part of the body;

(b) with anything else;

(c) through anything;

and in particular includes touching amounting to penetration of any sexual organ, anus or mouth.

“victim” includes a person who is involved in homosexual activities against his or her will.

## **PART II — HOMOSEXUALITY AND RELATED PRACTICES.**

### **2. The offence of homosexuality**

- (1) A person commits the offence of homosexuality if-
- (a) he penetrates the anus or mouth of another person of the same sex with his penis or any other sexual contraption;
  - (b) he or she uses any object or sexual contraption to penetrate or stimulate sexual organ of a person of the same sex;
  - (c) he or she touches another person with the intention of committing the act of homosexuality.
- (2) A person who commits an offence under this section shall be liable on conviction to imprisonment for life.

### **3. Aggravated homosexuality**

- (1) A person commits the offense of aggravated homosexuality where the-
- (a) person against whom the offence is committed is below the age of 18 years;
  - (b) offender is a person living with HIV;
  - (c) offender is a parent or guardian of the person against whom the offence is committed;
  - (d) offender is a person in authority over the person against whom the offence is committed;
  - (e) victim of the offence is a person with disability;
  - (f) offender is a serial offender, or
  - (g) offender applies, administers or causes to be used by any man or woman any drug, matter or thing with intent to stupefy or overpower him or her so as to there by enable any person to have unlawful carnal connection with any person of the same sex.
- (2) A person who commits the offence of aggravated homosexuality shall be liable on conviction to suffer death.
- (3) Where a person is charged with the offence under this section, that person shall undergo a medical examination to ascertain his or her HIV status.

### **4. Attempt to commit homosexuality**

- (1) A person who attempts to commit the offence of homosexuality commits a felony and is liable on con-

viction to imprisonment seven years.

- (2) A person who attempts to commit the offence of aggravated homosexuality commits an offence and is liable on conviction to imprisonment for life.

### **5. Protection, assistance and payment of compensation to victims of homosexuality**

- (1 ) A victim of homosexuality shall not be penalized for any crime committed as a direct result of his or her involvement in homosexuality.
- (2) A victim of homosexuality shall be assisted to enable his or her views and concerns to be presented and considered at the appropriate stages of the criminal proceedings.
- (3) Where a person is convicted of homosexuality or aggravated homosexuality under sections 2 and 3 of this Act, the court may, in addition to any sentence imposed on the offender, order that the victim of the offence be paid compensation by the offender for any physical, sexual or psychological harm caused to the victim by the offence.
- (4) The amount of compensation shall be determined by the court and the court shall take into account the extent of harm suffered by the victim of the offence, the degree of force used by the offender and medical and other expenses incurred by the victim as a result of the offence.

### **6. Confidentiality**

- (1) At any stage of the Investigation or trial of an offence under this Act, law enforcement officers, prosecutors, judicial officers and medical practitioners, as well as parties to the case, shall recognize the right to privacy of the victim.
- (2) For the purpose of subsection (1), in cases involving children and other cases where the court considers it appropriate, proceedings of the court shall be conducted in camera, outside the presence of the media.
- (3) Any editor or publisher, reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer or director of a film in case of the movie industry, or any person utilizing trimedia facilities or information technology who publishes or causes the publicity of the names and personal circumstances or any other information tending to establish the victim's identity without authority of

court, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty currency points.

### **PART III — RELATED OFFENCES AND PENALTIES**

#### **7. Aiding and abating homosexuality**

A person who aids, abets, counsels or procures another to engage in acts of homosexuality commits an offence and is liable on conviction to imprisonment for seven years.

#### **8. Conspiracy to engage in homosexuality**

A person who conspires with another to induce another person of the same sex by any means of false pretence or other fraudulent means to permit any person of the same sex to have unlawful carnal knowledge of him or her commits an offence and is liable on conviction to imprisonment for seven years.

#### **9. Procuring homosexuality by threats, etc.**

- (1) A person who—
- (a) by threats or intimidation procures or attempts to procure any woman or man to have any unlawful carnal knowledge with any person of the same sex, either in Uganda or elsewhere;
  - (b) by false pretences or false representations procures any woman or man to have any unlawful carnal connection with any person of the same sex, either in Uganda or elsewhere; or
- (2) A person shall not be convicted of an offence under this section upon the evidence of one witness only, unless that witness is corroborated in some material particular by evidence implicating the accused.

#### **10. Detention with intent to commit homosexuality.**

A person who detains another person with the intention to commit acts of homosexuality with him or herself or with any other person commits an offence and is liable on conviction for seven years.

#### **11. Brothels**

- (1) A person who keeps a house, room, set of rooms

or place of any kind for the purposes of homosexuality commits an offence and is liable on conviction to imprisonment for seven years.

2) A person being the owner or occupier of premises or having or acting or assisting in the management or control of the premises, induces or knowingly suffers any man or woman to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man or woman of the same sex whether such carnal knowledge is intended to be with any particular man or woman generally, commits a felony and is liable on conviction to imprisonment for five years.

#### **12. Same sex marriage**

A person who purports to contract a marriage with another person of the same sex commits the offence of homosexuality and shall be liable on conviction to imprisonment for life.

#### **13. Promotion of homosexuality**

- (1) A person who—
- (a) participates in production, procuring, marketing, broadcasting, disseminating, publishing pornographic materials for purposes of promoting homosexuality;
  - (b) funds or sponsors homosexuality or other related activities;
  - (c) offers premises and other related fixed or movable assets for purposes of homosexuality or promoting homosexuality;
  - (d) uses electronic devices which include internet, films, mobile phones for purposes of homosexuality or promoting homosexuality and;
  - (e) who acts as an accomplice or attempts to promote or in any way abets homosexuality and related practices; commits an offence and is liable on conviction to a fine of five thousand currency points or imprisonment of a minimum of five years and a maximum of seven years or both fine and imprisonment.
- (2) Where the offender is a corporate body or a business or an association or a non-governmental organization, on conviction its certificate of registration shall be cancelled and the director or proprietor or promoter shall be liable on conviction to imprisonment for seven years.

#### **14. Failure to disclose the offence**

A person in authority, who being aware of the commission of any offence under this Act, omits to report the offence to the relevant authorities within twenty-four hours of having first had that knowledge, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty currency points or imprisonment not exceeding three years.

#### **PART IV — JURISDICTION**

##### **15. Jurisdiction**

Save for aggravated homosexuality that shall be tried by the High Court, the magistrates court shall have jurisdiction to try the other offences under this Act.

##### **16. Extra-Territorial Jurisdiction**

This Act shall apply to offenses committed outside Uganda where –

- (a) a person who, while being a citizen of or permanently residing in Uganda, commits an act outside Uganda, which act would constitute an offence under this Act had it been committed in Uganda; or
- (b) the offence was committed partly outside and or partly in Uganda.

##### **17. Extradition**

A person charged with an offence under this Act shall be liable to extradition under the existing extradition laws.

#### **PART V — MISCELLANEOUS**

##### **18. Nullification of inconsistent international treaties, protocols, declarations and conventions**

(1) Any International legal instrument whose provisions are contradictory to the spirit and provisions enshrined in this Act, are null and void to the extent of their inconsistency.

(2) Definitions of “sexual orientation”, “sexual rights”, “sexual minorities”, “gender identity” shall not be used in anyway to legitimize homosexuality, gender identity disorders and related practices in Uganda.

[19. Regulations, Schedule ommitted]

## **FROM THE REFUGEE LAW PROJECT STATEMENT ON WORLD AIDS DAY...**

“Outdated and retrograde laws on sex and sexual violence, which are currently being reinforced through the tabling of new legislation, most notably Hon. Bahati’s Anti-Homosexuality Bill, are damaging the prospects of pro-active interventions in support of HIV/AIDS prevention and treatment. The most significant and damaging weakness of existing and proposed legislation is the failure to distinguish consensual sex between adults from abusive, coercive and non-consensual sex, which generally amounts to rape and frequently includes gang-rape. As a result, survivors of sexual violence, in particular those who are already marginalised and disenfranchised, are themselves likely to be charged rather than being able to lay charges against their abusers.”

### **Contact the Civil Society Coalition on Human Right and Constitutional Law (CSCHRCL)**

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**THE MEMBERS:** African Women’s Development Fund (AWDF); Akina Mama wa Afrika (AMWA); Advocates for Public International Law in Uganda (APILU); Center for Land Economy and Rights of Women (CLEAR-Uganda); Centre for Women in Governance (CEWIGO); Development Network of Indigenous Voluntary Associations (DENIVA); East & Horn of Africa Human Rights Defenders Project; Uganda Association of Women Lawyers (FIDA-U); Forum for Women in Democracy (FOWODE); Human Rights Awareness & Promotion Forum; Human Rights & Peace Centre (HURIPEC), Faculty of Law, Makerere University; Integrity Uganda; Mentoring and Empowerment Programme for Young Women (MEMPROW); National Association of Women’s Organisations in Uganda (NAWOU); National Coalition of Women Living with HIV/AIDS (NACWOLA); Refugee Law Project (RLP), Faculty of Law, Makerere University; National Guidance & Empowerment Network of People Living with HIV/AIDS (NGEN+); Spectrum Uganda; Uganda Feminist Forum; Women’s Organisation & Network for Human Rights Advocacy (WONETHA)

# Civil Society Coalition on Human Rights and Constitutional Law

Press statement on Human Rights Day, 11 December 2009

"All human beings are born free and equal in dignity and rights" is the bold opening statement of Article 1 of the Universal Declaration of Human Rights (UDHR), adopted on December 10, 1948 to try and ensure that the horrors of World War II—most notably the deliberate extermination of Jews, Gypsies and homosexuals by the Nazis—would never again be visited on anybody. It is extremely ironic that the chosen theme for this year's International Human Rights Day in Uganda is 'Embrace Diversity, End Discrimination in Uganda' when parliament is currently considering a bill that rejects diversity and promotes discrimination. Sixty one years after the UDHR, the theme serves as an opportunity to call on all concerned actors, be they citizens, religious leaders, parliamentarians, educators or the Government itself, to seriously reflect on and give meaning to those words.

The Civil Society Coalition on Human Rights and Constitutional Law believes that Uganda today stands at a crossroads. We can either turn further towards an agenda of divisionism and discrimination, and pay the costs in terms of internal suppression of our own citizens coupled with international isolation and marginalization, or we can embrace diversity, human rights and constitutionalism. The latter choice means the enjoyment of all the social, economic and political benefits that embracing diversity can potentially unleash. We call upon all Ugandans to choose this latter path.

Despite being bound by the UDHR and numerous subsequent land-mark human rights conventions, declarations and principles, Ugandan citizens are presently confronted with an unprecedented threat to their fundamental human rights in the form of the Anti-

Homosexuality Bill, otherwise best described as the 'Anti-Human Rights Bill.'

This bill aims to criminalise a person's natural sexual orientation. In its call for different treatment according to a person's sexual orientation, it effectively dehumanizes all those with non-heterosexual identities and orientations, as well as those who are in solidarity with them. As Apartheid once did in South Africa, the Bill flies in the face of the UDHR's profoundly important starting point of equality and dignity for everyone.

Sixty one years after the UDHR was promulgated, the Anti-Homosexuality Bill is seeking to turn back the clock. While claiming to protect the African traditional family, it fails to recognise the rich diversity of those family structures in our multiple traditions. By mounting an attack on the most fundamental principle of the human rights framework, namely the innate rights of all, and the indivisibility of those rights, it is also mounting an attack on some of the most cherished dimensions of African culture.

If passed into law, the Bill would make it impossible for persons of a same sex orientation to live in rights and dignity in Uganda and even abroad. Despite international recognition of the fact that same sex orientation is natural and innate, the Bill asserts that same sex attracted people are not entitled to the same rights as people of heterosexual orientation, and thus makes them less than human. The Bill thus promotes hatred, homophobia and discrimination, rather than an embrace of diversity.

As a Coalition concerned with constitutionalism, we note that it is not for members of Parliament to decide

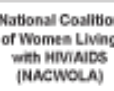
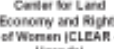
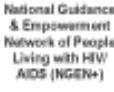
to give and take away other people's rights, rights which are guaranteed in international human rights law and recognized in Uganda's Constitution. The law should not be used to promote discrimination, and the writing of laws should not be used as a vehicle for cheap popularity.

In our commitment towards a better future for *all* Ugandans, a future in which *all* people are clothed in dignity and rights, in our commitment to the principle of non discrimination before and under the law, and in our knowledge that hate breeds hate and that a country driven by hate is a country doomed to fail, we call for the withdrawal of this discriminative bill from Parliament. We further call for the existing Penal Code to be amended to enable a clear distinction to be drawn between consensual and non-consensual sex, whether hetero or homosexual.

On the occasion of this Human Rights Day, and in support of the call by the Ugandan Human Rights Commission to 'Embrace Diversity and End Discrimination,' we call upon all Ugandans to:

1. Carefully read the Anti Homosexuality Bill 2009 in order to discern its true nature and intention;
2. Join us in calling for the withdrawal of this discriminative and oppressive Bill from Parliament, and
3. Demand for the full respect of the Constitution of Uganda and of international human rights documents which promote the spirit of tolerance and social justice.

**Kampala, 10th December 2009**



**THE GREAT DIVIDE**  
**KILL THE GAYS**  
**OR**  
**KILL THE BILL?**