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Uganda: Reject Anti-Homosexuality Bill

The Ugandan parliament should reject the Anti-Homosexuality Bill that has been the subject of public hearings in recent days before the Legal and Parliamentary Affairs Committee, Amnesty International and Human Rights Watch said today. The Parliamentary Order Paper of 10 May indicates that the Bill could be debated by the Parliament and come up for a vote on May 11.

The bill would introduce the death penalty as a sanction for some consensual sex between members of the same sex, the same penalty provided for terrorism and treason. It would be an offense for a person who is aware of any violations of the bill's provisions not to report them to the relevant authorities within 24 hours. The bill also would criminalize the "promotion of homosexuality," which would jeopardize the legitimate work of national and international activists and organizations working to defend and promote human rights in Uganda.

One clause would require Uganda, a member of the United Nations Human Rights Council, to withdraw from all international legal instruments that contradict the provisions of the bill. As the bill is inconsistent with the right of non-discrimination, among others, this would in effect mean that Uganda should withdraw from all human rights treaties, the groups said. "It is deeply alarming that the Ugandan parliament is again considering this appalling bill, which flies in the face of human decency and violates international human rights law," said Michelle Kagari, Amnesty International's Deputy Director for Africa.

The Committee's hearings were held on May 6 and 9. The Committee has said that it will finalize its report on the bill and then offer the bill for legislative debate in either its current or a modified form. Although the Committee is noncommittal about the time frame for these processes, there is a real possibility that the Bill could be presented for consideration and passage into law before May 18, when the current parliamentary session officially concludes.

The author of the bill, David Bahati, a member of parliament from the ruling party, has suggested that some provisions could be amended or deleted but there is no new draft so the content of the potential amendments remains unknown.

Bahati introduced the bill in October 2009. It was subsequently condemned by a wide range of African and international actors, including US President Barack Obama, who in early 2010 called it "odious." President Yoweri Museveni, who will be inaugurated for his fourth term this week, responded to the international outcry by saying the bill had become a "foreign policy issue." The bill then stalled in parliament for over a year.

The recent rush to move the bill forward is particularly troubling in light of recent protests against government spending and corruption, Human Rights Watch and Amnesty International said. Since early April, many Ugandans have taken to the streets in "Walk to Work" protests over high commodity and fuel prices. The government has deployed the military and the police in Kampala, Gulu and other parts of the country to quell demonstrations. The security forces' response has been marked by brutality; at least 9 people have been killed by gunshots in situations in which the use of lethal force was unnecessary.

“The Anti-Homosexuality Bill and the government’s violent crackdown on peaceful protests seen in recent weeks are evidence of a diminishing space for human rights in Uganda,” said Graeme Reid, LGBT rights director at Human Rights Watch. “We strongly urge the Ugandan parliament to reject the bill immediately.”

The bill would also place significant obstacles in the path of effective HIV/AIDS prevention efforts – a national priority, the groups said.

At the recent public consultations on the pending bill, activists spoke up in criticism of the many repugnant provisions. “Am I going to be hanged for being who I am?” a said Kasha Jacqueline, winner of the 2011 Martin Ennals Award for Human Rights Defenders.

“Not only would the bill institutionalize discrimination against those who are, or who are thought to be, gay, lesbian, bisexual or transgender; If this bill is passed, it could be interpreted as an official incitement to commit violence against LGBT people,” Reid said.

In recent years human rights organizations including Amnesty International and Human Rights Watch have documented cases of discrimination, arbitrary arrests, unlawful detention, and mistreatment on the basis of sexual orientation and gender identity in Uganda, and against activists exposing violations against the LGBT community.

On January 26, the Ugandan gay rights activist David Kato was murdered in his home. Police have arrested one man who has been charged with his murder, but the incident has caused significant fear within the LGBT community. David Kato had been calling for the authorities to take action to end discrimination against LGBT people in Uganda, particularly in tabloid newspapers that had been publishing the names, photos and personal details of people they believe to be LGBT.

“The bill would have a deeply negative effect, not only the LGBT community, but on the lives of all Ugandans,” Michelle Kagari said. “The Ugandan authorities should not legislate hate against any group.”