

# URGENT ACTION

## ANTI-HOMOSEXUALITY BILL PASSED IN PARLIAMENT

**The Ugandan Parliament has passed a bill which entrenches discrimination and hatred against lesbian, gay, bisexual transgender and intersex people. The Bill is now with the President who can veto the Bill or ask Parliament to reconsider specific provisions.**

The Anti-Homosexuality Bill was tabled and passed within minutes by Parliament on 20 December. It was first introduced into Parliament in 2009.

The Ugandan Penal Code already prohibits 'carnal knowledge against the order of nature', which is punishable with life imprisonment. However, the Anti-Homosexuality Bill goes much further by including a range of different people who could be targeted for arrest for "aggravated homosexuality" – an offence that now carries a punishment of life imprisonment, replacing a maximum of sentence of the death penalty in a previous draft of the Bill. Those who could be charged with "aggravated homosexuality" include "serial offenders" and anyone who is HIV positive and found to have had sexual relations with a person of the same sex – even when such conduct is consensual and protected. Other disturbing provisions of the draft bill include criminalizing the "promotion" of homosexuality, compelling HIV testing in some circumstances, and imposing life sentences for entering into a same-sex marriage.

On 10 September the government's Speaker of Parliament launched a human rights checklist to give lawmakers criteria to assess whether new pieces of legislation were at risk of violating key rights and freedoms protected by Uganda's Constitution, including freedom of expression and freedom from discrimination. These rights – as well as many others protected by Uganda's constitution and international and regional human rights treaties to which Uganda is a party, would be violated if the President assents and the Bill is passed into law.

The President could reject the Bill in its entirety, or ask for Parliament to reconsider specific provisions in the Bill. However, even if the Bill is assented to with amendments by the President, it is likely to have lasting, harmful effects on any Ugandan believed to have breached its far-reaching provisions. It would also significantly hamper the work of human rights defenders and public health professionals.

### **Please write immediately in English or your own language:**

- Urging the Ugandan President to veto the Bill in its entirety;
- Reminding the Ugandan President that rights guaranteed under Uganda's Constitution and in international and regional human rights treaties to which Uganda is a party would be violated if the Bill were to become law.

### **PLEASE SEND APPEALS BEFORE 31 JANUARY 2014 TO:**

President of the Republic of Uganda

H.E. Kaguta Yoweri Museveni

Office of the President

P.O Box 7168, Kampala, Uganda

E-mail: [info@statehouse.go.ug](mailto:info@statehouse.go.ug)

Fax: +256 414 235 462

**Salutation: Your Excellency**

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

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### ADDITIONAL INFORMATION

The Anti-Homosexuality Bill was first introduced in October 2009 and was eventually debated and passed by parliament on 20 December 2013.

Now that the Bill has been passed by Parliament, it has gone to President Museveni who has 30 days to sign or veto it. If signed, it passes into law; if vetoed, it returns to Parliament once again for a vote. If it passes again in Parliament, the President can veto the Bill a second time. If the Bill returns to Parliament a third time and passes with a two-thirds majority vote, it becomes law regardless of whether the President assents to it or not. If the President fails to veto or assent within the 30 days of the Bill being passed by Parliament it will automatically become law.

The passing of the Bill comes amidst shrinking space for the right to freedom of expression and association in Uganda. Many groups have been banned from holding demonstrations and activists with dissenting views on issues including oil governance, corruption and human rights have faced ongoing intimidation, harassment and surveillance.

The Bill would also have severe impacts on the right to the highest attainable standard of health for lesbian, gay, bisexual, transgender and Intersex (LGBTI) people in Uganda; the provisions classing sex while HIV positive could deter people from seeking information about their HIV status, and in some circumstances the provisions on forced HIV testing could also violate this right. More generally, the passage of this Bill - and the climate of hostility towards those who are, or are suspected of being - LGBTI, risks limiting the ability of health professionals to provide services to LGBTI individuals, particularly HIV prevention services for men who have sex with men.

On 10 September this year the government's Speaker of Parliament launched a human rights checklist to give lawmakers criteria to assess whether new pieces of legislation were at risk of violating key rights and freedoms protected by Uganda's Constitution, including freedom of expression and freedom from discrimination. The passage of the Anti-Homosexuality Bill only three months later suggests Ugandan parliamentarians have completely disregarded this commitment

A significant proportion of the population in Uganda hold deeply entrenched homophobic views and the Bill enjoys popular support within the country. Internationally, the Bill has been condemned. Statements have already been made expressing concern about the Bill including by the governments of Canada, Sweden, France, the UK, and the USA, as well as by the EU. Sweden has gone as far as to say that it will cut funding if it is passed into law and UNAIDS and the WHO have indicated that they will re-think their decision to locate the African AIDS Vaccine Programme in Uganda if the Bill passes. Activists in Uganda have stated that countries cutting aid as a result of the Anti-Homosexuality Bill will be detrimental in their efforts to see the Bill overturned. Amnesty International does not support the withdrawal of aid from Uganda as a result of the passage of this Bill.

Amnesty International and other human rights organizations have documented instances of discrimination, arbitrary arrests, detention, torture and other ill-treatment of LGBTI people in Uganda. These human rights violations have been committed under the pretext of enforcing existing provisions of the Ugandan penal code. LGBTI people have also been excluded from government HIV/AIDS prevention programmes and the provision of other health services. This bill has the potential to further perpetuate and institutionalize such discriminatory practices. In addition, if enacted into law, this bill would send a clear message that people who violently attack people solely on the basis of their actual or perceived sexual orientation or gender identity will not be held accountable for such attacks.

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