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Commission internationale de juristes - Comisión Internacional de Juristas

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### **Uganda: The International Commission of Jurists Urges Parliament Not to Pass Anti-Homosexuality Bill**

The ICJ condemns the decision to hold hearings on the Anti-Homosexuality Bill in the Legal and Parliamentary Affairs Committee. Reports indicate that the Bill could be adopted during the current session of Parliament. The ICJ believes that the Bill would threaten the human rights of all Ugandans and undermine Uganda's obligations under international law.

Same-sex sexual conduct is already criminalized in Uganda. The Anti-Homosexuality Bill would impose the death penalty for acts of "aggravated homosexuality." In addition, the Anti-Homosexuality Bill criminalizes the promotion of homosexuality, which is defined to include all advocacy activities. Under the Bill, anyone in authority, such as a teacher or medical professional, who fails to report an offence to law enforcement within twenty-four hours, is liable to three years' imprisonment.

The Bill has already been used to chill civil society. In December 2010, the Ethics and Ministry Minister Nsaba James Buturo prevented the Uganda Human Rights Commission and the UN Office of the High Commissioner on Human Rights from screening a documentary about Ugandan human rights defenders on the ground that it promoted homosexuality.<sup>1</sup>

The Bill has also been invoked by the editor of *Rolling Stone*, a Ugandan tabloid, as the reason he published a cover story titled "Uganda's Top Homos" and urged readers to "hang them."<sup>2</sup> The tabloid included photographs and specific addresses or locations of those accused of being lesbian or gay. One of the men featured on the cover, David Kato, was later murdered.

The criminalization of same-sex sexual conduct is prohibited under international law, including the International Covenant on Civil and

<sup>1</sup> U.S. Department of State, *2010 Country Reports on Human Rights Practices: Uganda* (Washington, DC 8 April 2011); Remarks of UN Special Rapporteur on the Situation of Human Rights Defenders Margaret Sekaggya (Geneva 15 February 2011).

<sup>2</sup> "More Homos' Faces Exposed," *Rolling Stone*, November 2-8, 2010; "Attacks Reported on Ugandans newspaper 'outed' as gay," BBC, 22 October 2010.

Political Rights, to which Uganda is a party. UN human rights experts, the African Commission on Human and People's Rights, and the European Court of Human Rights, as well as numerous national courts, have all held that the right to non-discrimination includes the right to be protected from discrimination on the basis of sexual orientation.

*“Adopting the Anti-Homosexuality Bill would be a serious threat to the human rights and human dignity of LGBT individuals and organisations,”* said Alli Jernow, Senior Legal Advisor at the ICJ. *“Under the Bill, not only might someone face life in prison or the death penalty for being gay, human rights defenders would be prevented from speaking out to challenge the law.”*

Within Uganda, civil society organizations have banded together to oppose the passage of the Bill. The ICJ supports the work of the Coalition on Human Rights and Constitutional Law and other human rights defenders. The ICJ urges Parliament to reject the Anti-Homosexuality Bill and to reaffirm the rights to non-discrimination, privacy, freedom of expression and freedom of association for all Ugandans.