



International Gay and Lesbian Human Rights Commission
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20 November 2007

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Secretary-General
Commonwealth Secretariat,
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RE: Consideration of the Rights of Lesbian, Gay, Bisexual and Transgender (LGBT) People at the Upcoming Commonwealth Heads of Government Meeting in Kampala, Uganda

Your Excellency:

On the occasion of the upcoming Commonwealth Heads of Government Meeting (CHOGM), Sexual Minorities Uganda (SMUG) and the International Gay and Lesbian Human Rights Commission (IGLHRC) welcome you to Uganda and wish you fruitful deliberations. Recognizing the importance of the Commonwealth of Nations as an international organization through which countries of diverse social, political, and economic backgrounds co-operate within a framework of common values and goals, we would like to seek your assistance in promoting human rights for all citizens of the Commonwealth—including sexual minorities.

The final article of the Singapore Declaration, issued on 22 January, 1971, at the conclusion of the first CHOGM, states that the organization will, “assist in the elimination of discrimination based on differences of race, colour or creed, maintain and strengthen personal liberty, contribute to the enrichment of life for all, and provide a powerful influence for peace among nations.” The Harare Declaration, issued on 20 October, 1991, during the twelfth CHOGM, goes on to say that the Commonwealth, “believe(s) in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief, and in the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives.”

Many of the Commonwealth nations have actualized these aspirations by abolishing antiquated laws criminalizing consensual same-sex acts, recognizing that each and every one of us, regardless of sexual orientation or gender identity, has a right to live a full life, free from arbitrary arrest and detention, discrimination and social stigma. This is in keeping with both the decisions of the United Nations Human Rights Committee and the UN Working Group on Arbitrary Detention, which have determined that arrests based on laws criminalizing homosexuality are arbitrary and unfair and constitute violations of the rights to privacy and equality.

Unfortunately, too many Commonwealth states maintain laws criminalizing homosexuality—including most of the countries of the Caribbean and more than two-thirds of African nations. India, the most populous Commonwealth state, continues to penalize homosexuality under Article 377 of its criminal code. In four African countries, including Nigeria, consensual homosexual acts are still punishable by death.

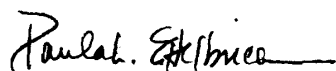
These statutes create a climate of fear for LGBT people and offer official justification for homophobic hatred and violence. In addition to unfair imprisonment, anti-homosexuality laws are used to deny access to employment, education, health care, and housing, and form the basis of extortion and blackmail claims. In the most extreme cases, same-sex practicing people have been subjected to physical abuse and executions.

Here in Uganda, Article 140 of the penal code threatens LGBT people with life imprisonment. Some Members of Parliament have called for even harsher penalties, which we can only surmise will include attacks on the freedom of association, assembly and expression of LGBT human rights defenders. Recently, a coalition of conservative Ugandan religious leaders called for the burning and starvation of lesbians and gay men; senior members of government have taken part in these verbal attacks. The denial of the Ugandan LGBT communities' right to health is of particular concern. While Uganda has made significant strides in the fight against HIV, the government has refused to establish targeted prevention programs for Ugandan men who have sex with men, and has attacked public discussions about the vulnerability of LGBT communities to HIV.

In its recent human rights campaign, "Let us Live in Peace," SMUG sent a simple message to the government and people of Uganda: respect the basic human rights and dignity of LGBT people and allow them to live, love, work, play and contribute like all other Ugandans. This sentiment is echoed by LGBT rights groups throughout the Commonwealth.

We ask you to use the occasion of the CHOGM to reaffirm the commitment of the Commonwealth to a set of human rights principles that includes equal rights for lesbian, gay, bisexual and transgender people. Please appeal to all Commonwealth nations that maintain criminal penalties for homosexuality to repeal such laws.

Thank you for your attention to this matter.



Paula Ettelbrick
Executive Director
IGLHRC



Frank Mugisha
Co-Chairperson
SMUG

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IGLHRC works to secure the full enjoyment of the human rights of all people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression, and/or HIV status. A US-based nonprofit, nongovernmental organization, IGLHRC effects this mission through advocacy, documentation, coalition building, public education, and technical assistance.

Sexual Minorities Uganda (SMUG) is a coalition of four LGBT organisation that works to oversee and support member organizations to achieve the objective of LGBT liberation with a focus on advocacy and coordination of efforts with local and international bodies. A Uganda-based human rights organization they advocate for equality of all Ugandans irrespective of their sex, sexual orientation, age, tribe, and religion.