



15 January 2007

His Excellency Paul Kagame  
President of the Republic of Rwanda  
P.O. BOX 15, Kigali, Rwanda  
Kigali, Rwanda  
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Your Excellency:

We are writing to you today on behalf of our two organizations—the International Gay and Lesbian Human Rights Commission (IGLHRC) and the International Lesbian and Gay Association (ILGA)—to ask your government to reconsider the promulgation of a new law that penalizes consensual relationships between adults of the same sex. The provision appears as Article 160 in the French version and article 158 in the English version of the draft penal code currently on the website of the Ministry of Justice.

We salute the resolution of the government of Rwanda to abolish the death penalty, but find it unfortunate that as a result of the necessity of revising the penal code to reflect this decision, new, equally oppressive laws may be established—particularly the imposition of penalties for consensual same-sex acts.

Repeal of laws that criminalize same-sex conduct between adults is the trend throughout the world. The United Nations Human Rights Committee has held that laws that criminalize consensual, private homosexual conduct violate protections for privacy and non-discrimination in the International Covenant on Civil and Political Rights (ICCPR). The UN Working Group on Arbitrary Detention declared that detention on the basis of sexual orientation constitutes an arbitrary deprivation of liberty contrary to the ICCPR. The UN has called upon a number of countries including Cameroon, Egypt, Lesotho, to repeal these laws.

Both Cape Verde and South Africa have repealed their sodomy laws and government officials in Kenya, Malawi, and Mauritius have begun discussions about the harmfulness of such laws. Commissioners of the African Commission on Human and Peoples' Rights have also questioned the compatibility of anti-homosexuality laws with the African Charter in examining the state reports of Cameroon and Uganda at the 39<sup>th</sup> and 40<sup>th</sup> Ordinary Sessions of the Commission.

Rwanda has been at the forefront of the response to HIV/AIDS in Africa and has been highly successful at stabilizing HIV transmission rates. Criminalizing homosexuality will only

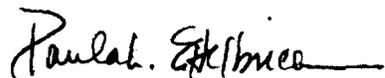
hamper your efforts to fight HIV, by driving gay and bisexual Rwandese underground and making them even more afraid than they already are to discuss their sexual behavior with medical personnel, counselors, their husbands, wives and partners.

Mr. Kagame, same-sex practicing people exist in Rwanda. They are good, everyday, patriotic Rwandese—farmers, teachers, lawyers, laborers, nurses— men and women who are committed to the peace, prosperity, and development your government is working to achieve. Your Excellency, adding an anti-homosexuality law to your penal code will serve no purpose other than to provide a legal platform on which to discriminate against these citizens. Sodomy laws offer impunity against violence and promote the targeting of unpopular groups of individuals.

Your Excellency, we are profoundly aware of the pain that Rwanda has suffered as a result of social divisions and fictional cleavages in your society. Whenever one group of people is marginalized—in policy or practice—they become fair game for oppression and violence. We ask you to please not let this happen again.

We would welcome a dialogue with you or other members of your government about this issue. IGLHRC's Africa program can be contacted at [cjohnson@iglhrc.org](mailto:cjohnson@iglhrc.org).

Yours sincerely,



Paula Ettelbrick  
Executive Director  
IGLHRC



Phillip Braun & Rosanna Flamer-Caldera  
Secretaries General  
International Lesbian and Gay Association

Cc:

- H.E. Mr. Tharcisse KARUGARAMA, Minister of Justice
- H.E. Dr. Jean Damascène NTAWUKULIRYAYO. Minister of Health
- H.E. Christine NYATANYI, In Charge of Community development and Social Affairs
- H.E. Dr. Innocent NYARUHIRIRA, Minister In Charge of HIV/AIDS and other epidemic diseases

- Ms. Sylvie KAYITESI, President, National Human Rights Commission
- H.E. Dr. Zac NSENGA, Rwandan Ambassador to the United States
- H.E. Joseph NSENGEMANA, Rwandan Ambassador the the UN