



**Testimony Presented at
Tom Lantos Memorial Human Rights Commission
Hearings on Uganda's Anti-Homosexuality Bill**

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Madam Chairman, Members of this Commission, Esteemed Guests:

On behalf of the International Gay and Lesbian Human Rights Commission, I thank you for this opportunity to address the Private Member's Anti-Homosexuality Bill currently being debated by the Parliament of Uganda, and the devastating impact that this legislation would have, if passed, on human rights in Uganda, in East Africa, and in Africa as a whole. In the last three years, no fewer than five African countries have moved to strengthen criminal penalties against lesbian, gay, bisexual and transgender people. In April 2009, Burundi passed a law making same-sex consensual acts illegal for the first time. Neighboring Rwanda discussed a similar law, but withdrew it from consideration prior to a vote by Parliament. Both Uganda and the Democratic Republic of Congo passed constitutional amendments to criminalize same-sex marriage, though existing laws already prevented same-sex marriage and there was no activism in these countries to advocate for such marriages. And anti-rights factions in Nigeria, Africa's most populous nation, have twice now introduced legislation that would make organizing for gay rights a crime. In the last year alone, my organization has documented the arbitrary arrest and detention of LGBT people in Burundi, Malawi, Senegal, Togo and Uganda. African LGBT people live with violence on a daily basis, and discrimination in the areas of employment, education, and housing are rampant throughout much of Africa.

In light of such human rights violations, Uganda's Anti-Homosexuality Bill is especially restrictive and violent, criminalizing the "promotion of homosexuality," requiring people to report those they suspect of violating the law, and punishing some groups—including those who are HIV+ or those euphemistically called "serial offenders"—with the death penalty. The Bill, if enacted into law, would violate so many articles of the

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African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights—to both of which Uganda is legally committed—that the drafters of the Bill needed to include an article that would allow Uganda to opt-out of its membership in the world's human rights mechanisms. Even adherence to the Ugandan Constitution would become a mockery if this law were passed, particularly Article 21, which promises freedom from discrimination on the grounds of sex, race, color, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.

The lack of an unequivocal condemnation of the Bill by the Ugandan government, the East African Community and even the African Union has already done grave damage. Hate crimes are based on confidence by the perpetrators that violence against marginalized members of society will be met with silence or even approval by the state. How many LGBT have already lost their jobs, been expelled from school, or have faced violence as a result of the debate as to whether homosexuality should be punishable by death? How is such a debate even possible in a democratic society?

Ensuring human rights for sexual minorities is perhaps the truest barometer of the full integration of human rights principles in a society, because their enshrining in law and integration into societal norms and practices are not always a matter of popular opinion. Instead, ensuring basic rights for LGBT represents an acceptance of a belief in the human dignity of each and every person. The killing, torture, imprisonment and expulsion of millions of Ugandans under the first and second Obote regimes, under Idi Amin, and in the context of the war in the North of the country should have provided plenty of evidence to Ugandans that targeting individuals because of their identity is destructive to the national unity and economic growth that all Ugandans desire and deserve.

Uganda has been one of the United States' closest African partners for more than 20 years, and the U.S. government has many options at its disposal to express its disapproval of the Anti-Homosexuality Bill. We have been heartened by the statements of Assistant Secretary Carson, Secretary of State Clinton, and by President Obama himself. We believe that pressure must be maintained to make clear to the Ugandan government that simply removing the most obviously egregious aspects of the Bill—such as the wielding of the death penalty—will not make this legislation any less destructive.

We further believe that the Department of State and the Administration should use their offices to encourage African governments and the African Union itself to speak up against the Bill, particularly those signatories to the December 2008 UN General Assembly Statement to which the United States added its important agreement. The six African signatories—including important players in the African Union such as Gabon and Mauritius—as well as South Africa must be encouraged by all means to break the silence that has somehow prevented them from condemning one of the most retrograde pieces of legislation to garner serious consideration by an African state in a long, long time.

As a gay man of African descent, I would like to draw particular attention—and express particular exception—to recent comments by the Speaker of the Ugandan Parliament, Edward Ssekandi, who said that “As black people, the way we understand this issue (of homosexuality) is not the same way the whites understand.” Honorable Ssekandi’s comments seem to be providing a cultural, *even racial* rationale for homophobia, which we cannot accept. In fact, much of the support for the Anti-Homosexuality Bill has been ensconced in the flimsy argument that same-sex attraction and gender non-conformity are either unfortunate remnants of colonialism or neo-colonial plots to undermine African families. African-American gays and lesbians were confronted with similar arguments when we began to find our voices here in the U.S. We reject these arguments, not simply as ahistorical and unresearched, but as a disrespectful and myopic failure to acknowledge the important roles that Black LGBT play in families, in our communities, and in society as a whole.

While family values are being cited as the justification for this new legislation, the Anti-Homosexuality Bill will in fact damage Ugandan families by turning family members into informers, by underwriting blackmail and extortion, and by legislating the imprisonment or even execution of parents, sons, daughters, school teachers, bricklayers, lawyers, traditional healers—anyone who is suspected of having a diverse sexual orientation or gender identity. This legislation is a blueprint for the type of witch-hunt that a country like Uganda cannot afford and which the world community cannot abide.