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Friday, 23 November 2012:

Statement – African civil society calls on President Museveni to veto the Uganda Anti-Homosexuality Bill

The AIDS and Rights Alliance (ARASA), a partnership of over 60 civil society organisations working in southern Africa to promote a rights-based response to HIV and TB, calls on the President of Uganda, His Excellency Yoweri Kaguta Museveni, to take leadership and veto the passing of the Anti Homosexuality Bill. The Bill was first introduced in 2009 and re-tabled before the Ugandan Parliament in February 2012. The Speaker of Parliament has promised to pass this bill before the end of 2013 as “a Christmas gift to Uganda.”

Acknowledging the existence of gay and lesbian people in Uganda, and providing supportive measures to assist men and women in same sex relationships to make informed choices in their sexual healthⁱ is the only responsible way forward in the HIV preventionⁱⁱ, urges the AIDS and Rights Alliance for Southern Africa (ARASA).

The controversial Anti-Homosexuality Bill provides for a life sentence for people who are guilty of “the act of homosexuality” and “aggravated homosexuality”, where living with HIV is an aggravating factor. In addition, organizations that “promote homosexuality” can have their registration revoked and their directors imprisoned for up to 7 years.

According to ARASA, the proposed Bill – if enacted into law – will threaten the achievements of Uganda in its response to HIV over the last 25 years and as such goes against its purported aim of protecting the Ugandan people. The law will violate basic human rights, including the rights of people in same sex relations, especially those living with HIV. It will not only undermine proven prevention, treatment and care efforts targeted at vulnerable populations such as men who have sex with men, but will also place them at greater riskⁱⁱⁱ.

Contrary to the provisions of Uganda’s own Constitution, in criminalising sexual acts between same sex consenting adults, the Bill threatens to violate individuals’ rights to equality, autonomy, bodily integrity and privacy^{iv}.

“Provisions in the Bill that make it an offence to ‘promote’ homosexuality place unacceptable limitations on the rights to freedom of expression and association,” stated Michaela Clayton, Director of ARASA : “The Bill will effectively allow the government to shut down civil society organizations and media houses that engage in any activities that are deemed to support ‘homosexuality and related activities’.”

The Bill will have direct democratic and public health effects. Civil society organizations will no longer be able to legally advocate for the rights of or even disseminate health information for men and women engaging in same sex relations.

Criminalizing most-at-risk populations such as men and women in same sex relations, hinders HIV prevention by denying people education, methods and tools to practice safer sex, and might potentially amplify the epidemic in the general population^v.

Uganda, which has previously shown leadership in the HIV response by being one of the first African countries to provide widespread access to prevention, treatment and care in the early years of the epidemic, stands to reverse the gains made if it passes this draconian piece of legislation.

Promulgation of the Bill also goes against the recent recommendations of the Global Commission on HIV and the Law, whose members included prominent African leaders such as Festus Gontebanye Mogae, former

President of Botswana. The report recommends that, in order “to ensure an effective, sustainable response to HIV that is consistent with human rights obligations, countries must prohibit police violence against key populations. Countries must also support programmes that reduce stigma and discrimination against key populations and protect their rights.”

ARASA urges Ugandan leaders and communities to promote and protect human rights and ensure an effective response to HIV by taking a stand against the passing of the Anti-Homosexuality Bill. By so doing they will be giving Uganda and its people the Christmas present they deserve – a Uganda in which the human rights of all Ugandans are respected, protected and upheld and in which all who need it have unhindered access to HIV prevention, treatment and care.

ENDS

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The AIDS & Rights Alliance for Southern Africa (ARASA) is a partnership of over 60 civil society organisations working together to promote a human rights based response to HIV and TB in the SADC region. For more information on ARASA’s work and its partners please visit: www.arasa.info

ⁱ United Nations General Assembly Special Session (UNGASS) (2001). *Declaration of Commitment on HIV/AIDS*. Paragraph 64; UNGASS (2006). *Political Declaration on HIV/AIDS*. Paragraph 20, 29.

ⁱⁱ UNAIDS (2005). *Intensifying HIV Prevention*. Geneva, Joint United Nations Programme on HIV/AIDS. Available at http://data.unaids.org/publications/irc-pub06/ic1165-intensif_hivnewstyle_en.pdf

ⁱⁱⁱ UNAIDS (2006). *UNAIDS Policy Brief: HIV and Sex between men*. http://data.unaids.org/pub/BriefingNote/2006/20060801_Policy_Brief_MSM_en.pdf (retrieved Oct. 23, 2009)

^{iv} Committee on Economic, Social and Cultural Rights (2000). General comment No. 14; Human Rights Committee, Toonen Decision (1994) and comments to States to repeal laws criminalizing same-sex sexual activity; see also the Report of the Special Rapporteur on the Right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, Document E/CN.4/2004/49, Par. 38.

^v UNAIDS (2006). *Ibid.*