



PERSECUTION & CRIMINALIZATION OF LGBTQIA+ COMMUNITY IN UGANDA

DEMANDS FOR INTERNATIONAL ENGAGEMENT TO PROTECT QUEER & TRANS PEOPLE

Amidst escalating attacks on the LGBTQI+ community worldwide, we are witnessing alarming developments in Uganda, where on March 21, 2023, the Parliament passed a sweeping Anti-Homosexuality Act with astonishing speed. It is presently awaiting signature by Ugandan President Yoweri Museveni.

During their discussion of anti-LGBTQI+ policies like this Anti-Homosexuality Act, various Ugandan government officials have made egregious statements about LGBTQI+ people; some have gone so far as to say that homosexuality is ‘a cancer’ in the nation. Other parliamentarians like MP Asuman Basalirwa have completely dismissed Uganda’s human rights obligations to queer and trans citizens, stating that “homosexuality is a human wrong that offends the laws of Uganda.” In 2014, President Museveni commissioned a group of Ugandan scientists to study whether homosexuality is a ‘learned’ choice or an ‘abnormality’ that one is born with. The legislative history of the current Anti-Homosexuality Act indicates wide support for these disturbing and dehumanizing ideologies. The passage of this draconian legislation, which mirrors similar laws being proposed in Ghana and Kenya, is part of a well-organized, decades-long effort influenced by anti-gay extremists to limit the ability of LGBTQI+ Africans to self-determine and affirm both their gender identities and sexual orientations.

Uganda’s first attempt in 2013 at enshrining discrimination against the LGBTQI+ community was met with fierce international opposition, which dubbed the legislation the “Kill the Gays” bill because it initially prescribed the death penalty as punishment for homosexuality. The Ugandan High Court ultimately overturned the law on a technicality, leaving the door open for renewed attacks. Since last year, the volume of anti-LGBTQI+ sentiment has once again reached a fever pitch, permeating a wide range of institutions in Uganda, from the judiciary and the police to the legislature and executive offices. In 2022, the Ugandan NGO Bureau issued a report investigating the activities of prominent human rights organizations that support the LGBTQI+ community, and seeking to scrutinize the activities of almost two dozen other civil society organizations. The Bureau has since forced such organizations as Sexual Minorities Uganda (SMUG) to shut down due to their work “promoting the normalisation of same sex relations.” A large swath of other civil society organizations may also be criminalized under the purview of the Anti-Homosexuality Act if it is signed into law.

A failure of the international community to respond with speed to the legislation and the broader environment of violence against Uganda’s LGBTQI+ community would constitute complicity in the violation of human rights of queer and trans people globally. The global community will effectively condemn LGBTQI+ communities in Uganda to socioeconomic precarity, continued discrimination, state-sanctioned violence, and open the door to such violations in other countries considering similar legislation.

THE ANTI-HOMOSEXUALITY ACT VIOLATES HUMAN RIGHTS OF QUEER & TRANS PEOPLE IN UGANDA AND CRIMINALIZES HUMAN RIGHTS DEFENSE

International human rights law offers clear protections for the most marginalized members of our community to live freely with dignity, without fear of persecution, discrimination, or arbitrary arrest. Human rights defenders are also protected to do their work, to gather, to organize, to protest injustice and promote equality for all.¹ The Anti-Homosexuality Act is a blatant violation of Uganda's human rights obligations that threatens the lives and well-being of the LGBTQI+ community, as well as human rights defenders. Key provisions of the unlawful act include:

- Criminalization of consensual sex and even intimacy between people of the same gender
- Imprisonment of 2-5 years for those found guilty of "promotion of homosexuality"
- Imprisonment of 2 years for those found guilty of "aiding and abetting homosexuality"
- Designation of HIV-positive status as an aggravating factor
- Criminalization of any gender identity or expression outside of the binary of male or female

DEMANDS OF STAKEHOLDERS:

- Issue an immediate and unequivocal statement condemning the law and the anti-LGBTQI+ environment from which it emerged, including comparable political climates of queer and trans antagonism across the globe.
- Consider sanctions and visa bans against primary decision makers, parliamentarians, and government officials in Uganda who have promoted this Anti-Homosexuality Act.
- The U.S. government should launch an interagency review led by the National Security Council (NSC) of the United States' bilateral relationship with Uganda to develop a new governmental response to the assault on the rights of LGBTQI+ citizens if the Anti-Homosexuality Act is signed into law by the President of Uganda.
- All implicated states should redirect aid out of Uganda if the Anti-Homosexuality Act is signed into law by the Ugandan President.
- All implicated states should pause salary disbursements to the Ugandan ministry of health officials who act on anti-LGBTQI+ sentiment through the encouragement of discriminatory medical care and neglect of the LGBTQI+ community in Uganda.

¹ See key international human rights standards guaranteeing the right to safety for LGBTQI+ persons: on the right to security in general (right to life), state human rights obligations, self-determination, freedom of thought, freedom of opinion and expression, freedom of religion, the right to marry and found a family, the right to have equal protection under the law, and the right to associate and assemble freely see Universal Declaration of Human Rights (UDHR) 1948 and the International Covenant on Civil and Political Rights (ICCPR) 1966, Arts. 2.1, 3, 6.1, 9, 16, 18, 19, 21, 22, 23, 26.