

President Yoweri Kaguta Museveni
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Prime Minister Apollo Nsibambi
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October 26, 2009

Your Excellencies,

We, the undersigned organizations, stand together in calling for the immediate withdrawal of the “Anti Homosexuality Bill, 2009”.

The proposed legislation will not only violate the human rights of the lesbian, gay, bisexual and transgender (LGBT) community, its provisions will also seriously undermine HIV prevention, treatment and care efforts in Uganda.

Men who have sex with menⁱ (MSM) have been identified as a most-at-risk group (MARP) in the global AIDS epidemic. In low and middle-income countries, MSM are on average 19 times more likely to be infected with HIV than the general population.ⁱⁱ Uganda’s own HIV/AIDS experts acknowledge that “most-at-risk populations...including MSMs...play a role in the occurrence of new infections”ⁱⁱⁱ in Uganda. Moreover, despite their vulnerability to HIV infections, MARPs such as MSM are under serviced.^{iv}

Criminal penalties against the LGBT community hinder HIV control efforts by creating climate of fear and shame, driving sexual minorities underground where they are difficult to reach with HIV-related services. Countries whose laws do not criminalize homosexuality are better able to curb the transmission of the virus.^v The ability to more effectively address HIV was a pivotal factor in the recent decision of the High Court of New Delhi to repeal section 337 of the penal code outlawing sodomy.^{vi}

Laws targeting sexual minorities have been identified as obstacles to effectively addressing HIV in Uganda. A 2009 joint report by the Uganda AIDS Commission and UNAIDS specifically called for a review of legal impediments to the inclusion of most-at-risk-populations - including MSM - in the national AIDS response.^{vii} The proposed “anti-homosexuality” legislation goes directly against these expert public health recommendations.

Other provisions in the bill against ‘promotion of homosexuality’ are vague and could potentially be utilized to harass, fine or imprison individuals or non-governmental organizations providing life-saving HIV prevention education and other HIV-related services to sexual minorities. This has negative implications for the implementation of the President’s Emergency Plan for AIDS Relief (PEPFAR) – the source of 61% of all of Uganda’s HIV prevention funding in 2006/2007^{viii} - which as of the 2008 reauthorization includes a directive for HIV prevention education specifically targeting MSM. Similarly, both UNAIDS and the Global Fund to Fight AIDS, Tuberculosis and Malaria have each recently adopted new action frameworks for addressing HIV among sexual minorities, in reaction to growing evidence of the impact of HIV on sexual minorities globally.^{ix}

On September 16th of this year, UNAIDS Executive Director Michel Sidibé called for “unwavering leadership” in implementing HIV programs for MSM, and specifically pointed to LGBT criminalization laws as a barrier to HIV-related services for sexual minorities, noting that “it is no secret why MSM lack universal access—in short, homophobia, prejudice, stigma and discrimination. It pains me that 80 countries have laws which criminalize same sex sex and it outrages me that seven countries can invoke the death sentence for homosexual practice.”^x

Both the United Nations and Members of the African Commission on Human and People's Rights have condemned laws that imprison lesbian, gay, bisexual and transgender (LGBT) individuals on the basis of their sexuality. Laws criminalizing homosexuality violate principles of privacy and equality, and in so doing, relegate LGBT persons to the status of "second-class" citizens - which may unofficially sanction harassment and violence against them, further exacerbating the risk of HIV transmission.

Recognizing that all human beings are born free and equal in dignity and in rights, and in pursuit of our mutual endeavor for an effective HIV/AIDS response worldwide, we call for the immediate withdrawal of this and any bill that threatens the health and human rights of your citizens.

For further information, please contact Krista Lauer, MSc., Policy Associate at The Global Forum on MSM & HIV (MSMGF), c/o Secretariat: AIDS Project Los Angeles, The David Geffen Center, 611 South Kingsley Drive, Los Angeles CA 90005, email: klauer@msmgf.org or phone: + 1 (213) 201-1317.

Sincerely,

(list in alphabetical order):

ACT UP New York – New York, NY, USA

ACT UP Philadelphia – Philadelphia, PA, USA

Advocates for Youth – Washington, D.C.

Africa Action – Washington, D.C, USA

African Men for Sexual Health and Rights - Pretoria, South Africa

The AIDS Institute – Washington, D.C., USA

AIDS Committee of Toronto – Toronto, Ontario, Canada

AIDS Foundation of Chicago – Chicago, IL, USA

AIDS Taskforce of Greater Cleveland – Cleveland, OH, USA

AIDS Treatment News – Pennsylvania, PA, USA

AIDS Project Los Angeles – Los Angeles, CA, USA

Alternatives-Cameroun - Douala, Cameroun

American Jewish World Service – Washington, D.C., USA

amfAR – The Foundation for AIDS Research – New York, NY, USA

Asia Pacific Coalition on Male Sexual Health (APCOM) - Lucknow, India

Asia Pacific Council of AIDS Service Organisations (APCASO) - Kuala Lumpur, Malaysia

Asia Pacific Network Of Sex Workers (APNSW) - Thailand

Australian Federation of AIDS Organisations - Newton, New South Wales, Australia

British Columbia Centre for Disease Control – Vancouver, British Columbia, Canada

The Canadian AIDS Society - Ottawa, Ontario, Canada

Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (CARIFLAGS) - Caribbean

Caribbean Vulnerable Communities Coalition – Kingston, Jamaica

Colectivo Sol - México

Committee for the International Day against Homophobia and Transphobia – Paris, France

Community HIV/AIDS Mobilization Project (CHAMP) – New York, NY, USA

Drexel Program for LGBT Health – Philadelphia, PA, USA

Elton John AIDS Foundation - London, UK
Gay Activists Alliance International - Africa
Gay Men`s Health Crisis – New York, NY, USA
Global Action for Children – Washington, D.C., USA
Global AIDS Alliance – Washington, D.C., USA
Health GAP – New York, New York, USA
Housing Works, Inc. – Brooklyn, NY, USA
International Community of Women Living With AIDS (ICW Global) - London, UK
International Council of AIDS Service Organizations (ICASO) – Toronto, Ontario, Canada
International Rectal Microbicide Advocates (IRMA) – Chicago, IL, USA
Ishtar MSM - Nairobi, Kenya
Metropolitan Community Churches - New York, NY, USA
The National AIDS Housing Coalition -- Facilitator of the International AIDS Housing Roundtable – Washington, D.C, USA
National Association of Social Workers (NASW) – Washington, D.C. USA
National MSM and HIV Policy Advocacy and Human Rights Task Force - India
Naz Foundation International - London, UK
Physicians For Human Rights - Boston, MA, USA
Sidaction – Paris, France
Society Against Sexual Orientation Discrimination (SASOD) – Guyana
Treatment Action Group (TAG) – New York, NY, USA
Visions in Action, Washington D.C., USA

Cc:

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ⁱ Not all men who have sex with other men self-identify as gay or bisexual. The public health community uses the term “men who have sex with men”, or “MSM”, as a way to capture sexual behavior, as opposed to identity or sexual orientation. MSM include gay and non-gay identified men, bisexual men, “situational” sex between men (i.e. sex that occurs in all-male settings such as prisons, schools, and militaries), and male sex workers, among others.

ⁱⁱ Baral, S. et al. (2007). “Elevated Risk for HIV infection among men who have sex with men in low- and middle-income countries 2000-2006: a systematic review.” *PLoS Med.*; 4(12): e339. doi:10.1371/journal.pmed.0040339.

ⁱⁱⁱ Uganda AIDS Commission 2006. A rapid assessment of the drivers of the HIV/AIDS epidemic and effectiveness of prevention interventions in Uganda. UAC, Kampala Uganda July 2006. Quoted in: Republic of Uganda. 2009. UGANDA: HIV Prevention Response and Modes of Transmission Analysis. Final Report, March 2009. Uganda AIDS Commission and UNAIDS.

^{iv} Republic of Uganda. 2009. UGANDA: HIV Prevention Response and Modes of Transmission Analysis. Final Report, March 2009. Uganda AIDS Commission and UNAIDS.

^v Jeff O Malley, Director, United Nations Development Program. Quoted in: Kaiser Daily HIV AIDS Report. 2009. U.N. calls on India to Decriminalize Homosexuality.

http://www.kaisernetwork.org/Daily_Reports/rep_index.cfm?DR_ID=55446

^{vi} Sidibé, Michel. Executive Director of UNAIDS. 2009. “Universal access for men who have sex with men: winds of change; signs of hope”. Presentation to Congressional Forum on HIV, Human Rights, and Men who have Sex with Men (MSM). September 16, 2009. Washington, D.C.

^{vii} Republic of Uganda. 2009. *UGANDA: HIV Prevention Response and Modes of Transmission Analysis*. Final Report, March 2009. Uganda AIDS Commission and UNAIDS.

^{viii} Ibid.

^{ix} See: UNAIDS Action Framework: Universal Access for Men who have Sex with Men and Transgender People and The Global Fund Strategy on Sexual Orientation and Gender Identity

^x Sidibé, Michel. Executive Director of UNAIDS. 2009. “Universal access for men who have sex with men: winds of change; signs of hope”. Presentation to Congressional Forum on HIV, Human Rights, and Men who have Sex with Men (MSM). September 16, 2009. Washington, D.C.