

Uganda: State homophobia threatens health and human rights

Critics claim that the Ugandan government's persecution of homosexuals is contributing to that country's HIV pandemic.

Kampala - In a country where homosexual conduct can be punished with life imprisonment, the Ugandan government's latest call for arrests based on sexual orientation is a grave threat to basic freedoms, Human Rights Watch says in a letter to President Yoweri Museveni. The letter urged the government to repeal its colonial-era sodomy law and end a long record of harassing lesbian, gay, bisexual, and transgender (LGBT) people.

On August 21, Uganda's Radio One announced that Deputy Attorney General Fred Ruhindi had called for the criminal law to be used against lesbians and gays in Uganda. "I call upon the relevant agencies to take appropriate action because homosexuality is an offence under the laws of Uganda," he reportedly said. "The penal code in no uncertain terms punishes homosexuality and other unnatural offences."

Homosexual acts are criminalized in Uganda under a sodomy law inherited from British colonial times, although punishments were substantially strengthened in 1990. Section 140 of the criminal code punishes "carnal knowledge against the order of nature" -interpreted to include consensual same sex relationships - with a maximum of life imprisonment.

Freedoms are in danger

"For years, President Museveni's government has drummed up homophobia and denied the basic rights of LGBT people for his own political advantage," said Juliana Cano Nieto, researcher in the LGBT rights program at Human Rights Watch. "If lesbians and gays can be punished simply for speaking up for their rights, the freedoms of all Ugandans are endangered."

This announcement came a week after an organization called Sexual Minorities Uganda (SMUG), a coalition of four LGBT organizations - Freedom and Roam Uganda, Spectrum Uganda, Integrity Uganda and Icebreakers Uganda - launched a campaign called "Let us Live in Peace." In a press conference in Kampala on August 16, the group condemned discrimination and violence against LGBT people, as well as the life-threatening silence about their sexualities in HIV/AIDS prevention programs. Juliet Victor Mukasa, a SMUG leader, described how authorities raided her home in 2005 and forced her into hiding.

In response, Ethics and Integrity Minister James Nsaba Buturo told the BBC (<http://news.bbc.co.uk/2/hi/africa/6952157.stm>) on August 17 that homosexuality was "unnatural." He denied charges of police harassment of LGBT people, but also declared, "We know them, we have details of who they are."

In the wake of the SMUG press conference, Pastor Martin Ssempe organized an August 21 rally in Kampala to address what he called "a call for action on behalf of victims of homosexuality." Calling homosexuality "a criminal act against the laws of nature," Ssempe led hundreds of demonstrators demanding government action against LGBT people. They also called for the deportation of an American intern at the national newspaper *The Monitor* who has reported on the experiences of gays and lesbians in Uganda.

Homophobia undermines efforts against HIV/AIDS

Ssempe, whose Makerere Community Church has received HIV-prevention funding through the Bush administration's President's Emergency Plan for AIDS Relief (PEPFAR) program, is well-known in Uganda for his campaigns against condom use as well as homosexuality. He has burned condoms in public to condemn their use in HIV prevention.

"Harassing rights defenders and silencing discussion of sexuality threaten more than freedom - they threaten life," said Cano Nieto. "State homophobia and well-funded fanaticism are undermining Uganda's efforts to combat the spread of HIV/AIDS."

Human Rights Watch called on the government to end its long campaign of homophobic statements by top officials, and to ensure full integration of issues of sexual orientation and gender identity into nationwide HIV prevention and care programs.

Background Information

In addition to Section 140 of Uganda's Penal Code, providing a maximum penalty of life imprisonment for homosexual conduct, Section 141 punishes "attempts" at carnal knowledge with a maximum of seven years of imprisonment. Section 143 punishes acts of "gross indecency" with up to five years in prison. In both Britain and Uganda, these terms were long understood to describe consensual homosexual conduct between men. A sodomy conviction carries a penalty of 14 years to life imprisonment.

Ugandan government officials have regularly threatened and harassed lesbian, gay, bisexual and transgender Ugandans. In October 2004, James Nsaba Buturo, the country's information minister at the time, ordered police to investigate and "take appropriate action against" a gay association allegedly organized at Uganda's Makerere University.

State-owned media have repeatedly called for stronger measures against homosexual conduct. On July 6, 2005, an article in the government-owned New Vision newspaper urged authorities to crack down on homosexuality, saying, "The police should visit the holes mentioned in the press, spy on the perverts, arrest and prosecute them. Relevant government departments must outlaw or restrict websites, magazines, newspapers and television channels promoting immorality - including homosexuality, lesbianism, pornography, etc."

Later that month, local government officers raided the home of Juliet Victor Mukasa, a lesbian activist and chairperson of SMUG. They seized documents and other materials, and arrested another lesbian activist and held her overnight. The two have since brought a case against the government for the harassment. *Yvonne Oyoo and Juliet Victor Mukasa v. the Attorney General* is currently being heard before the High Court.

On September 29, 2005, President Museveni signed into law a constitutional amendment banning gay marriage. The amendment says "marriage is lawful only if entered into between a man and a woman," and specifies that "it is unlawful for same-sex couples to marry." A parliamentary spokesperson said at the time that criminal penalties for engaging in such marriages would be imposed later.

The government has also silenced discussion of gay and lesbian rights and lives. The Broadcasting Council, a government licensing board for electronic media, fined a radio station 1.8 million shillings (more than US\$1,000) for hosting a lesbian and two gay men on a talk show, where they protested against discrimination and called for repeal of the sodomy laws.

In February 2005, the Media Council - a state censorship board - banned a staging of the play, *The Vagina Monologues* by

the US author Eve Ensler, because it "promotes illegal acts of unnatural sexual acts, homosexuality and prostitution."

In August 2006, the tabloid paper *Red Pepper* published a list of first names, workplaces and other identifying information of 45 alleged homosexuals, all men. The paper claimed it was publishing the list "to show the nation...how fast the terrible vice known as sodomy is eating up our society."

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