

URGENT ACTION

ANTI-HOMOSEXUALITY BILL AWAITS DECISION

The Anti-Homosexuality Bill has been presented to President Museveni of Uganda, who now has 30 days to respond. If the Bill were to become law, it would be in violation of Uganda's Constitution as well as international and regional human rights treaties to which Uganda is party.

According to information received by Amnesty International, the Anti-Homosexuality Bill was formally presented to President Museveni on 23 January. He must respond within 30 days – either by signing, vetoing, or returning the Bill to Parliament with suggested amendments. Amnesty International reiterates its call on the President to demonstrate his commitment to freedom of expression and human rights and veto the Bill in its entirety.

The Bill was passed by Parliament on 20 December 2013. During the session, amendments were made to the Bill. A final copy has not yet been released. However, regardless of amendments made, the Bill is likely to have lasting, harmful effects on any Ugandan believed to have breached its far-reaching provisions, which include harsh penalties for anyone engaging in same-sex sexual activity. It would also significantly hamper the work of human rights defenders and public health professionals.

Despite media reports stating otherwise, the President has not yet responded to the Bill. If he fails to respond within 30 days, the Bill will automatically become law.

Please write immediately in English or your own language:

- Urging the Ugandan President to veto the Bill in its entirety;
- Reminding the Ugandan President that rights guaranteed under Uganda's Constitution and in international and regional human rights treaties to which Uganda is a party would be violated if the Bill were to become law.

PLEASE SEND APPEALS BEFORE 22 FEBRUARY 2014 TO:

President of the Republic of Uganda
H.E. Kaguta Yoweri Museveni
Office of the President
P.O Box 7168, Kampala, Uganda
E-mail: info@statehouse.go.ug
Fax: +256 414 235 462

Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 346/13. Further information: www.amnesty.org/en/library/info/AFR59/004/2013/en

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ADDITIONAL INFORMATION

The Anti-Homosexuality Bill was first introduced to Parliament in October 2009 and was eventually debated and passed by parliament on 20 December 2013. It was presented to the President on 23 January 2014.

Now that the Bill has been passed by Parliament, it has gone to President Museveni who must sign or veto it before 22 February. If signed, it passes into law; if vetoed, it returns to Parliament once again for a vote. If it passes again in Parliament, the President can veto the Bill a second time. If the Bill returns to Parliament a third time and passes with a two-thirds majority vote, it becomes law regardless of whether the President assents to it or not. If the President fails to veto or assent within the 30 days of the Bill being presented to the president it will automatically become law.

The passing of the Bill comes amidst shrinking space for the right to freedom of expression and association in Uganda. Many groups have been banned from holding demonstrations and activists with dissenting views on issues including oil governance, corruption and human rights have faced ongoing intimidation, harassment and surveillance.

The Bill would also have severe impacts on the right to the highest attainable standard of health for lesbian, gay, bisexual, transgender and Intersex (LGBTI) people in Uganda; the provisions in the original draft classing sex while HIV positive as "aggravated homosexuality" could deter people from seeking information about their HIV status, and in some circumstances the provisions on forced HIV testing could also violate this right. More generally, the passage of this Bill - and the climate of hostility towards those who are LGBTI, or are suspected of being LGBTI - risks limiting the ability of health professionals to provide services to LGBTI individuals, particularly HIV prevention services for men who have sex with men.

On 10 September 2013 the government's Speaker of Parliament launched a human rights checklist to give lawmakers criteria to assess whether new pieces of legislation were at risk of violating key rights and freedoms protected by Uganda's Constitution, including freedom of expression and freedom from discrimination. The passage of the Anti-Homosexuality Bill only three months later suggests Ugandan parliamentarians have disregarded this commitment

The Bill has been condemned internationally. Statements have already been made expressing concern about the Bill including by the governments of Canada, Sweden, France, the UK, and the USA, as well as by the EU. Sweden has gone as far as to say that it will cut funding if it is passed into law and UNAIDS and the WHO have indicated that they will re-think their decision to locate the African AIDS Vaccine Programme in Uganda if the Bill passes. Activists in Uganda have stated that countries cutting aid as a result of the Anti-Homosexuality Bill will be detrimental in their efforts to see the Bill overturned. Amnesty International does not support the withdrawal of aid from Uganda as a result of the passage of this Bill.

Amnesty International and other human rights organizations have documented instances of discrimination, arbitrary arrests, detention, torture and other ill-treatment of LGBTI people in Uganda. These human rights violations have been committed under the pretext of enforcing existing provisions of the Ugandan penal code. LGBTI people have also been excluded from government HIV/AIDS prevention programmes and the provision of other health services. This bill has the potential to further perpetuate and institutionalize such discriminatory practices. In addition, if enacted into law, this bill would send a clear message that people who violently attack people solely on the basis of their actual or perceived sexual orientation or gender identity will not be held accountable for such attacks.

Further information on UA: 346/13 Index: AFR 59/002/2014 Issue Date: 24 January 2014