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Dangerous and Discriminatory Anti-LGBTQ Bill Signed into Law

President Museveni bows to parliamentary and extremist pressure

(May 29, 2023) President Museveni's signing of the Anti-Homosexuality Act 2023 into law today is a deeply misguided attack on Uganda's constitution and signifies total disregard for building an inclusive, economically prosperous democracy, said the Convening For Equality (CFE) today. The CFE is a Ugandan LGBTIQ community led Coalition working alongside a broad range of national and international partners.

The new law duplicates and increases the penalty for consensual same sex adult sexual relations, which Uganda already has codified under a British-imported Colonial-era anti-sodomy law, and creates several new crimes. The law creates a new crime of "promoting homosexuality," criminalizing all advocacy in support of the rights of LGBTIQ+ Ugandans, punishing such legitimate work with a possible 20-year prison sentence. Under this new provision, public health workers and others – Ugandans or visitors to the country – could face long prison sentences and hefty fines for implementing programs or voicing allyship.

"Criminalizing and suppressing legitimate human rights advocacy is unacceptable in true Democracy," said Clare Byarugaba of Chapter Four Uganda. *"Creating new crimes like these are a well-known way to engineer a legal basis to throw those with divergent views behind bars. It will push many into self-censorship and silence critical voices as Uganda's governance and human rights crises continue to deteriorate."*

The law permits the death penalty for the new crime of "aggravated homosexuality," a clause that perpetuates stigma of people living with HIV by defining consensual sex with a person with HIV as "aggravated homosexuality." Such provisions drive people underground, discouraging most at risk populations from seeking testing and treatment and it will devastate the fight against HIV.

"*Museveni's assent to this disastrous law shows his reckless disregard for the lives and health of Ugandans. This law will devastate the HIV response and the public health efforts overall, by driving persecuted minorities further underground and interrupting life-saving programs. He has undermined his known successes as a leader in the HIV response,"* said Richard Lusimbo of the Uganda Key Populations Consortium.

The mere proposal of this law has already led to targeted witch hunts of LGBTIQ people in Uganda, physical and online attacks, unlawful evictions, despicable and false claims of "recruitment of children" have led to increased vigilantism, arbitrary arrests and other gross violations of human rights. Just a few days ago, before this bill was passed, a transgender woman was violently attacked and mutilated in a hate crime that was lauded by her neighbours, simply for being her authentic self. She is now fighting for her life with emotional and physical wounds that will never be healed. Emergency legal assistance to those on the frontlines of the fight against this law will now be more critical than ever.

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The retrogressive and unconstitutional law is clearly designed to distract ordinary Ugandans from the fact that day to day, Parliamentarians offer no solution to the many crises they face attempting to support their families and loved ones. This includes pressing concerns such as rising commodity prices, significant unemployment, failing education and healthcare systems and other catastrophic effects of grinding and unrelenting poverty. Instead of addressing those pressing governance challenges, parliament and the President are choosing dangerous diversionary tactics to inflame hatred and sow division.

Uganda has adequate laws to punish anyone who rapes or defiles a child and those laws are not adequately enforced and they should be. Contrary to some propaganda, this law does nothing to protect Ugandan children. The law infact appears to further outlaw comprehensive sexuality education curriculum which is a key tool in educating young people about sexual and reproductive health, further jeopardizing children's health and rights.

Countries providing aid to Uganda will need to urgently review their assistance and likely restructure their programming. Funders to Uganda's public health and human rights sectors should ensure there is emergency legal aid assistance available for those working in their programs and who could now face the risk of imprisonment for "promotion." Funders should also ensure that they are not providing funds to any government or non-profit entity which conducts its programming in an exclusionary and discriminatory manner. Funders who provide direct budget support and/or sector budget support to government ministries should redirect that funding to the non-profit sector so as to ensure that their own taxpayers' money is not being spent in furtherance of Uganda's hateful government stance. This is a key time for stakeholders, such as the US and the EU, to move forward with sanctions against Ugandans implicated in human rights abuses and high-level corruption.

The new law is in sharp contrast to ample evidence that shows that such laws entrench discrimination and inequality and perpetuate stigma against gender and sexual minorities while undermining human rights of all citizens. When a similar bill was passed into law in Uganda in 2014, the then World Bank President Jim Yong Kim stated that discrimination is bad for economies, as well as for societies and individuals. He further stated that discrimination can prevent people from fully participating in the workforce and discourage multinational companies from investing or locating their activities in countries with discriminatory laws. Uganda will now be an unfortunate case study of that reality.

There can be no doubt that the President's action today will have a harmful effect on various sectors of Uganda's economy as a whole: the country's image abroad upon which the tourism industry, coffee export and other key investments depend will suffer. Uganda will experience a brain drain as some of its brightest and best seek safety from persecution elsewhere. A coalition of leading global companies, which includes Microsoft, Mastercard and Google, have already stated that this law would "undermine Uganda's attractiveness as a place to do business and invest." Foreign direct investors such as the Virgin Group holdings, whose personnel policies are based on human rights principles of non-discrimination and equality, have already stated this law will harm Uganda's economy.

After the 2014 bill became law, several donors cut and restructured their funding to Uganda. The United States expressed that the law complicated the bilateral relationship and announced a series of changes,

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including non-public visa bans, discontinuing a $2.4 million community policing program, shifting support for salaries for government health officials to NGOs, and cancelling an Air Chiefs Conference, among other steps. The Netherlands cut $9.6 million in aid to the Ugandan government that was originally planned to help improve the judicial system. Denmark and Norway each withheld several million dollars in government-to-government aid and redirected it to civil society. The World Bank delayed a large loan to the healthcare sector.

Once the Bill has been published in the government gazette, activists, their partners and allies will seek to challenge the constitutionality of this new law before the courts. The petitions will challenge the inclusion of the death penalty and detail how the new law violates Uganda's constitution, including rights to free expression and association, among others.

"*Despite our concerted efforts to stop the passage of the Anti-Homosexuality Bill, the President has today legalised state-sponsored homophobia and transphobia by signing this bill into law. It will erode the inherent rights of LGBTIQ individuals and put innocent Ugandans at cross hairs of grave violations from State and non-state actors. We now look forward to the legal challenge in court, and the law being repealed,*" said Frank Mugisha of Sexual Minorities Uganda (SMUG).

We are stronger together
Convening for Equality Coalition

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