



Fighting the draconian Anti-Homosexuality Bill in Uganda

By Sheena Magenya

In December 2008, the sexual minorities movement in Uganda celebrated a major victory when the High Court of Uganda ruled that Ugandan constitutional rights apply to all people regardless of their sexual orientation or gender identity. The case had been brought by two brave human rights defenders, Victor Juliet Mukasa and Oyoo, against the Attorney General of Uganda.

This victory has been followed by a serious backlash, forged by conservative church leaders from Uganda and the United States of America. In October 2009 a member of the Ugandan parliament introduced a draft 'Anti-Homosexuality Bill' that he is hoping to see passed into law. Its provisions include a life sentence for people who are guilty of "the act of homosexuality", which includes same-sex acts such as "kissing, touching or caressing with homosexual intent", and the death penalty for "aggravated homosexuality", where living with HIV is an aggravating factor. In addition, organisations that "promote homosexuality" can have their registration removed and their directors imprisoned for up to seven years. A person in authority, such as a teacher, doctor or social worker who fails to report an "offender" to the police within 24 hours will face three years in jail.

Sister Namibia managed to speak to a brave lesbian in Uganda about the Bill. Val Kalende works for Freedom and Roam Uganda, a non-governmental organisation that advocates for the rights of LGBTI members of society. She shared with us the mood of the LGBTI community in her county in the face of this Bill.

An interview with Val Kende

Val, what is the general attitude towards the LGBTI community in Uganda right now?

Since this Bill was tabled in parliament, Uganda is becoming one of the most dangerous places for LGBTI people. Homophobia has always been deeply rooted in the society but we have never experienced it the way it is now. Transgender people are mostly targeted because of their non-conforming looks and behaviour. There have been reported cases of 'curative' rape against lesbians.

The media is known for their 'name and shame' games where they publish names of suspected lesbian and gay people in local newspapers. This has resulted in loss of employment for many. I am a victim of that and I am now convinced it would be very hard for me to be employed anywhere apart from organisations working on LGBTI issues.

Most Ugandans are homophobic, though with the gradual growth of the gay rights movement some people are beginning to understand and embrace sexual minorities and transgender people. The feminist movement is one of such groups who are showing signs of being progressive regarding our rights.

What do you think makes Uganda such a homophobic society?

It is a combination of both culture and religion. In Uganda it is mostly religion which is being used to bash homosexuals. The church contributed a lot towards the drafting of the Anti-Homosexuality Bill. Culturally, homosexuality was not condoned, although homosexuals

existed in Uganda even before British colonial rule. It was Christian missionaries who imported homophobia to Uganda.

How does the LGBTI community feel about the Bill now being tabled in parliament?

This Bill has caused unimaginable fear and tension among LGBTI people here. Some are contemplating leaving the country and going to seek refuge elsewhere. Personally I feel betrayed by my own country. The death penalty has no place in the world we live in today.

The Bill proposes imprisonment for things that are impossible to determine, such as 'intent to commit homosexuality'. We will not be able to continue working here and having our organisations if this Bill becomes law. In fact, it will be impossible for LGBTI people to exist in this country whether we are out of the closet or not. Simple things like being open to your doctor or a counselor will become impossible, because they will be required by law to hand you over to authorities for imprisonment.

What kind of repercussions do you think it will have if this Bill is passed?

There will be irreversible consequences that Uganda will regret for so many years to come. This piece of legislation will be used against the very people who are pushing for it to become law. Politicians themselves will use it to blackmail each other, just like what happened in Zimbabwe. I foresee genocide.

What are local LGBTI and human rights groups doing to prevent the passing of Bill?

A coalition of now 25 civil society organisations including LGBTI organisations was formed in October 2009 to campaign against the Bill. The coalition is challenging the Bill from a human rights point of view and not necessarily as an LGBTI issue. We have a legal team whose work is

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to engage the Legal and Parliamentary Committee that is handling the Bill at parliament. There is a media team whose work is to write articles and arrange interviews as well as document the coalition's work. Some members of the coalition have been hosted by local television and radio talk shows to discuss the Bill.

So far we have organised two public dialogues to create more understanding of the implications of the Bill. Some members of parliament attended.

And what are local LGBTI organisations doing to raise awareness for the rights of sexual minorities in Uganda?

We have created a strong partnership of human rights activists, organisations and allies. This has helped strengthen and make loud our voices for freedom. We have used mainstream media and new media such as blogs and websites to gain visibility of LGBTI issues. Organising LGBTI people into one movement has been very helpful in raising awareness, but the safety of activists is always at risk.

Anything else you would like to add?

On behalf of the LGBTI movement in Uganda, I extend my gratitude to human rights activists and LGBTI people of Namibia for standing with us through these difficult times. Our success against odious legislation such as this Anti-Homosexuality Bill is Namibia's and indeed Africa's success too. If this Bill is passed it will have huge repercussions across the continent.

But I want to remain optimistic and believe that this Bill will not be passed.

Thank you, Val! Sister Namibia recognises that you are risking your own safety for the sake of all other human rights defenders in Uganda and Africa. We commend your bravery and stand together with you and your fellow activists in calling for this Bill to be scrapped immediately, and for all states in Africa to respect the personhood, dignity and equality of all their citizens, regardless of their sexual and gender diversity. If we cannot safeguard the rights of minorities in our societies, then we have failed all human rights, for we are all humans. ♀

Glossary

draconian: oppressive, severe

homophobic: expressing rejection, fear and hatred of homosexual people

The meanings of LGBTI

lesbian: a woman who is attracted to/loves other women

gay: a man who is attracted to/loves other men

bisexual: a person who is attracted to/loves both women and men

transgender: a person who resists and transgresses the gender boundaries of being 'a typical girl/woman' or 'typical boy/man' as expected in their society

intersex: a person born with a mixture of female and male physical characteristics, including hormones and sexual organs



The Speaker of Uganda's parliament (second from left) with petitioners from the church and civil society calling for the withdrawal of the Bill