

Tom Lantos Human Rights Commission (TLHRC) Hearing
Thursday, January 21, 2010
Room 2172 Rayburn HOB
2:00 – 3:30 PM

JULIUS KAGGWA – TESTIMONY

Madame Chairperson, distinguished members of the Commission, I thank you for this invitation to speak with you today about a grave human rights crisis in my country of Uganda.

I speak here this afternoon as a member of Uganda's sexual minorities, as a Ugandan human rights activist, and as a Christian who believes in the foundational faith principles of love, tolerance, compassion, and mercy.

On a daily basis, Lesbians, Gay, Bisexual, Transgender, and Intersex individuals in Uganda face gross hostility and abuse. This abuse includes verbal insults, physical and sexual harassment, humiliating publicity, arbitrary arrests and torture, denial of access to health care, housing, education, and other social services. These acts and deprivations are inflicted on us solely on grounds of what is considered to be traditionally non-conforming sexual identities or orientation.

I have personally been a victim of this hostility on several occasions. In one case, I was forced to resign from a job for the simple reason that controversy around my identity had placed the reputation of the organisation I worked for in question. They felt that having me on their staff drew "unwanted" attention to their organisation. In another case, a house I rented was set on fire by unidentified people. In yet another case, a company I worked for sent me on a journey with the wrong contact information in order to get me stranded; a situation which set off a series of humiliating media reports. The reports resurrected and made a mockery of my identity crisis experience rather than the matter at hand at the time. The same company then used the media reports as grounds to terminate me from work. On still another occasion, a dentist I visited openly asked me if there were witches in my family and if that could be the reason for my gender variance. From 1995, when my gender variance was publicly known, I had several demands for invasive and humiliating body checks as a precondition for job appointments, or acceptance into church membership.

I personally know lesbians who have been raped by male relatives in order to so-called "cure them" of their lesbianism. Sadly, although they were thus infected with HIV, they cannot access justice. I know gay men who have been habitually blackmailed to avoid arrest. I have further seen first-hand the trauma of transgender Ugandans who have been sexually abused, including by the police, and arrested purely for their gender expression. One transgender woman had a gang of men violently insert rough pieces of wood in her anus to remind her that she was a biological man and not a woman. These and similar abuses are what LGBT Ugandans live with on a daily basis. In most cases, the government has not held the perpetrators accountable.

The Ugandan penal code already criminalises same sex relations in ways that the United States and many other countries have come to reject. Those who are convicted are punished with life imprisonment. Legal recourse is not an option for most LGBT Ugandans, the majority of whom are not economically able to afford legal services.

The anti-homosexuality bill, which was introduced into Uganda's parliament on October 14th, 2009 by Hon. Bahati, has aggravated this situation. If enacted, I have no doubt that it will heighten legislative and social harassment and persecution of sexual minorities in Uganda. Indeed, it already has. It will – among other things – nullify all constitutional protections of homosexual Ugandans as minorities within Uganda. The constitution of Uganda provides for the right to privacy, freedom of expression, and for the protection of all its citizens, including minorities.

It also upholds respect for diversity as well as all other universal human rights enshrined in the United Nations declaration on human rights. Unfortunately, some laws have been passed that undercut these rights for sexual minorities. If this bill is passed, it will undermine the most basic human rights and protections of the Ugandan LGBTI community. By undermining these protections, it also will have a chilling effect on broader human rights respect in my country and the rest of Africa. The bill gives Uganda extra-territorial jurisdiction, which means that as sexual minorities, we cannot be safe at home and abroad.

The bill will increase hate crimes against members of our community, and consequent risk of torture, blackmail, and murder of homosexuals by both state and non-state actors. It proposes to criminalise not only homosexual acts, but also even the “intent” to commit a homosexual act, as well as withholding of information about a “suspected” homosexual by anyone in “a position of authority”. The bill further proposes to criminalise everyone and every organisation with an operating base in Uganda that advocates for the rights of sexual minorities. This would include individuals and organisations from the United States, Madame Chairperson.

Since the bill’s first reading in the Ugandan parliament, the Civil Society Coalition on Human Rights and Constitutional Law has been approached for help by homosexual people who have received death threats. We have also been approached by human rights activists whose offices have been raided by police and where police surveillance continues daily. Religious leaders have threatened to hunt homosexuals if the government does not pass the bill quickly. The bill has increased fear among sexual minorities and among everyone who believes in respect for diversity in Uganda.

Therefore this bill does not only affect me and my family just because I am a member of Uganda’s sexual minorities, but it also affects me because I am a human rights activist and because my citizenship rights are being threatened.

If passed, this bill will further worsen the access of sexual minorities to health services. The greatest scare for all sexual minorities in Uganda is how to protect themselves from HIV infection and to access treatment for those living with HIV. Sexual minorities in Uganda are already excluded from mainstream HIV and AIDS interventions. We are not able to readily access relevant health care and information. This bill makes this exclusion worse by proposing the death penalty for HIV positive homosexual Ugandans. If it is passed, most homosexual Ugandans will not be brave enough to seek the medical care that any human being needs and deserves. This provision also leaves a lot of room for malicious blackmail and venomous attacks and it threatens to further prevent homosexual Ugandans from voluntarily testing for HIV, and accessing preventive information and treatment.

In the face of such a draconian bill, and at the risk of arrest and closure of the operations of our non-governmental organisations, we have joined hands with several elements of Uganda’s civil society to form a coalition to campaign against the monstrous anti-human rights and undemocratic implications of this bill. To date, the coalition is made up of twenty six indigenous organisations, consisting of women’s rights organisations, children rights organisations, sexual minority groups, legal practitioners, and organisations working in the field of HIV prevention and treatment.

Our campaign has included bold media statements against the bill and engagement of community, members of parliament, and international partners on the outrageous implications of this bill. The bill does not only affect homosexual Ugandans. It affects all Ugandans, and all non Ugandans living and working in Uganda, who support or even accommodate the protection of sexual minorities’ rights. We therefore believe that the character of our country, and of the rights afforded its citizens is at stake.

The civil society coalition campaign has yielded some positive responses thus far, and amendments to certain clauses of the bill are being proposed by various local religious and political leaders. However, as a coalition of Ugandan civil society and sexual minorities, we continue to insist that the parliament and government of Uganda withdraws the bill in its entirety. We make this demand because the bill is unconstitutional, and because it would show our country to be among the most repressive and dangerous for people who belong to sexual minorities.

Many countries around the world recognize sexual minorities as an integral part of their diversity, entitled to all human rights accorded to each citizen under their constitution. We insist on the same for our country, and for the sexual minorities for whom Uganda is home. Our rights as humans are universal. They should not be circumscribed by where we were born. And they should not be eroded by passage of this law, which in itself would be an abuse of power.

Madame Chairperson, I thank you and your colleagues for your attention.