

EMBRACE DIVERSITY; END DISCRIMINATION IN UGANDA!

Human Rights Day, 10 December 2009

Civil Society Coalition on Human Rights and Constitutional Law



REFUGEE LAW PROJECT



AWFDF



FIDA UGANDA



Centre for Women in Governance (CEWIGO)



Integrity Uganda



Spectrum Uganda



Uganda Feminist Forum



National Guidance & Empowerment Network of People Living with HIV/AIDS (NGEN+)



Center for Land Economy and Rights of Women (CLEAR - Uganda)



DENIVA



National Coalition of Women Living with HIV/AIDS (NACWOLA)



National Association of Women's Organisation in Uganda (NAWOU)

"All human beings are born free and equal in dignity and rights" is the bold opening statement of Article 1 of the Universal Declaration of Human Rights (UDHR), adopted on December 10, 1948 to try and ensure that the horrors of World War II—most notably the deliberate extermination of Jews, Gypsies and homosexuals by the Nazis—would never again be visited on anybody. It is extremely ironic that the chosen theme for this year's International Human Rights Day in Uganda is 'Embrace Diversity, End Discrimination in Uganda' when parliament is currently considering a bill that rejects diversity and promotes discrimination. Sixty one years after the UDHR, the theme serves as an opportunity to call on all concerned actors, be they citizens, religious leaders, parliamentarians, educators or the Government itself, to seriously reflect on and give meaning to those words.

The Civil Society Coalition on Human Rights and Constitutional Law believes that Uganda today stands at a crossroads. We can either turn further towards an agenda of divisionism and discrimination, and pay the costs in terms of internal suppression of our own citizens coupled with international isolation and marginalization, or we can embrace diversity, human rights and constitutionalism. The latter choice means the enjoyment of all the social, economic and political benefits that embracing diversity can potentially unleash. We call upon all Ugandans to choose this latter path.

Despite being bound by the UDHR and numerous subsequent land-mark human rights conventions, declarations and principles, Ugandan citizens are presently confronted with an unprecedented threat to their fundamental human rights in the form of the Anti-

Homosexuality Bill, otherwise best described as the 'Anti-Human Rights Bill.'

This bill aims to criminalise a person's natural sexual orientation. In its call for different treatment according to a person's sexual orientation, it effectively dehumanizes all those with non-heterosexual identities and orientations, as well as those who are in solidarity with them. As Apartheid once did in South Africa, the Bill flies in the face of the UDHR's profoundly important starting point of equality and dignity for everyone.

Sixty one years after the UDHR was promulgated, the Anti-Homosexuality Bill is seeking to turn back the clock. While claiming to protect the African traditional family, it fails to recognise the rich diversity of those family structures in our multiple traditions. By mounting an attack on the most fundamental principle of the human rights framework, namely the innate rights of all, and the indivisibility of those rights, it is also mounting an attack on some of the most cherished dimensions of African culture.

If passed into law, the Bill would make it impossible for persons of a same sex orientation to live in rights and dignity in Uganda and even abroad. Despite international recognition of the fact that same sex orientation is natural and innate, the Bill asserts that same sex attracted people are not entitled to the same rights as people of heterosexual orientation, and thus makes them less than human. The Bill thus promotes hatred, homophobia and discrimination, rather than an embrace of diversity.

As a Coalition concerned with constitutionalism, we note that it is not for members of Parliament to decide

to give and take away other people's rights, rights which are guaranteed in international human rights law and recognized in Uganda's Constitution. The law should not be used to promote discrimination, and the writing of laws should not be used as a vehicle for cheap popularity.

In our commitment towards a better future for *all* Ugandans, a future in which *all* people are clothed in dignity and rights, in our commitment to the principle of non discrimination before and under the law, and in our knowledge that hate breeds hate and that a country driven by hate is a country doomed to fail, we call for the withdrawal of this discriminatory bill from Parliament. We further call for the existing Penal Code to be amended to enable a clear distinction to be drawn between consensual and non-consensual sex, whether hetero or homosexual.

On the occasion of this Human Rights Day, and in support of the call by the Ugandan Human Rights Commission to 'Embrace Diversity and End Discrimination,' we call upon all Ugandans to:

1. Carefully read the Anti Homosexuality Bill 2009 in order to discern its true nature and intention;
2. Join us in calling for the withdrawal of this discriminative and oppressive Bill from Parliament, and
3. Demand for the full respect of the Constitution of Uganda and of international human rights documents which promote the spirit of tolerance and social justice.

Kampala, 10th December 2009



AKINA MAMA WA AFRIKA



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