

The Hon. Barack Obama
President of the United States of America
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

October 26, 2009

Dear Mr. President,

We, the undersigned organizations, urge you to swiftly condemn proposed legislation in Uganda to expand criminalization laws against lesbian, gay, bisexual and transgender (LGBT) people.¹

The proposed “Anti Homosexuality Bill, 2009” will not only violate the human rights of the LGBT community, its provisions will also seriously undermine HIV prevention, treatment and care efforts in Uganda.

Men who have sex with menⁱ (MSM) have been identified as a most-at-risk group (MARP) in the global AIDS epidemic. In low and middle-income countries, MSM are on average 19 times more likely to be infected with HIV than the general population.ⁱⁱ Due to the fluidity of social and sexual networks, concentrated HIV epidemics in any sub-population have implications for general population prevalence and vice versa. While data on HIV prevalence among MSM specifically in Uganda is weak – due in part to poor surveillance and reportingⁱⁱⁱ, as well as criminal laws that hinder disclosure of same-sex behavior – data published in the *Lancet*^{iv} and other peer reviewed journals^v increasingly substantiate a focus on MSM in meaningfully addressing the HIV epidemics of sub-Saharan Africa.

In Uganda and elsewhere, criminal penalties against the LGBT community hinder HIV control efforts by creating climate of fear and shame, driving sexual minorities underground where they are difficult to reach with HIV-related services. Countries whose laws do not criminalize homosexuality are better able to curb the transmission of the virus.^{vi} The ability to more effectively address HIV was a pivotal factor in the recent decision of the High Court of New Delhi to repeal section 337 of the penal code outlawing sodomy.^{vii}

Uganda’s own HIV/AIDS prevention experts have identified laws targeting sexual minorities as obstacles to effectively addressing AIDS. A 2009 joint report by the Uganda AIDS Commission and UNAIDS specifically called for a review of legal impediments to the inclusion of most-at-risk-populations - including MSM - in the national AIDS response.^{viii} The proposed “anti-homosexuality” legislation flies in the face of these expert public health recommendations.

Other provisions in the bill against ‘promotion of homosexuality’ are vague and could potentially be utilized to harass, fine or imprison individuals or non-governmental organizations providing life-saving HIV prevention education and other HIV-related services to sexual minorities. This has negative implications for the implementation of the President’s Emergency Plan for AIDS Relief (PEPFAR), which as of the 2008 reauthorization includes a directive for HIV prevention education specifically targeting MSM. Similarly, both UNAIDS and the Global Fund to Fight AIDS, Tuberculosis and Malaria have each recently adopted new action frameworks for addressing HIV among sexual minorities, in reaction to growing evidence of the impact of HIV on sexual minorities globally.^{ix}

In March of this year, the United States joined 66 other nations by signing on to the UN Statement on Human Rights, Sexual Orientation and Gender Identity. This statement reaffirms the universality of

¹ Provisions in the bill would drastically expand existing penalties against homosexuality - from the current maximum of 14 years imprisonment, to the death penalty for persons convicted of “aggravated homosexuality”.

human rights, condemns discrimination, violence and execution of individuals based on their sexual orientation or gender identity, and calls for the repeal of laws criminalizing homosexuality. Living up to these commitments is a critical factor in re-shaping America's approach to global development and foreign policy.

Both the United Nations and Members of the African Commission on Human and People's Rights have condemned laws that imprison lesbian, gay, bisexual and transgender (LGBT) individuals on the basis of their sexuality. Laws criminalizing homosexuality violate principles of privacy and equality, and in so doing, relegate LGBT persons to the status of "second-class" citizens – which may unofficially sanction harassment and violence against them, further exacerbating risk of HIV transmission.

On his first ever visit to the U.S. in September, UNAIDS Executive Director Michel Sidibé addressed a Congressional Forum in Rayburn House Office Building and called for "unwavering leadership" in implementing HIV programs for MSM.^x

We call on your leadership to set a global example by standing up for the health and human rights of the LGBT community around the world, and for an effective global AIDS response. We ask that you act swiftly to call for the withdrawal of this and any legislation that threatens the health and human rights of sexual minorities.

For further information, please contact Krista Lauer, MSc., Policy Associate at The Global Forum on MSM & HIV (MSMGF), c/o Secretariat: AIDS Project Los Angeles, The David Geffen Center, 611 South Kingsley Drive, Los Angeles CA 90005, email: klauer@msmgf.org or phone: + 1 (213) 201-1317.

Sincerely,

(list in alphabetical order):

ACT UP New York – New York, NY, USA

ACT UP Philadelphia – Philadelphia, PA, USA

Advocates for Youth – Washington, D.C.

Africa Action – Washington, D.C, USA

African Men for Sexual Health and Rights - Pretoria, South Africa

AIDS Action – Washington, D.C., USA

The AIDS Institute – Washington, D.C., USA

AIDS Committee of Toronto – Toronto, Ontario, Canada

AIDS Foundation of Chicago – Chicago, IL, USA

AIDS Taskforce of Greater Cleveland – Cleveland, OH, USA

AIDS Treatment News – Pennsylvania, PA, USA

AIDS Project Los Angeles – Los Angeles, CA, USA

Alternatives-Cameroun - Douala, Cameroun

American Jewish World Service – Washington, D.C., USA

amFAR – The Foundation for AIDS Research – New York, NY, USA

Asia Pacific Coalition on Male Sexual Health (APCOM) - Lucknow, India

Asia Pacific Council of AIDS Service Organisations (APCASO) - Kuala Lumpur, Malaysia

Asia Pacific Network Of Sex Workers (APNSW) - Thailand

Australian Federation of AIDS Organisations - Newton, New South Wales, Australia

British Columbia Centre for Disease Control – Vancouver, British Columbia, Canada

The Canadian AIDS Society - Ottawa, Ontario, Canada
Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (CARIFLAGS) - Caribbean
Caribbean Vulnerable Communities Coalition – Kingston, Jamaica
Colectivo Sol - México
Committee for the International Day against Homophobia and Transphobia – Paris, France
Community HIV/AIDS Mobilization Project (CHAMP) – New York, NY, USA
Drexel Program for LGBT Health – Philadelphia, PA, USA
Elton John AIDS Foundation - London, UK
Gay Activists Alliance International - Africa
Gay Men`s Health Crisis – New York, NY, USA
Global Action for Children – Washington, D.C., USA
Global AIDS Alliance – Washington, D.C., USA
Health GAP – New York, New York, USA
Housing Works, Inc. – Brooklyn, NY, USA
International Community of Women Living With AIDS (ICW Global) - London, UK
International Council of AIDS Service Organizations (ICASO) – Toronto, Ontario, Canada
International HIV/AIDS Alliance – Brighton, UK
International Rectal Microbicide Advocates (IRMA) – Chicago, IL, USA
Ishtar MSM - Nairobi, Kenya
Metropolitan Community Churches - New York, NY, USA
The National AIDS Housing Coalition -- Facilitator of the International AIDS Housing Roundtable –
Washington, D.C, USA
National MSM and HIV Policy Advocacy and Human Rights Task Force - India
Naz Foundation International - London, UK
Physicians For Human Rights - Boston, MA, USA
Sidaction – Paris, France
Society Against Sexual Orientation Discrimination (SASOD) – Guyana
Treatment Action Group (TAG) – New York, NY, USA
Visions in Action, Washington D.C., USA

Cc:

The Hon. Hilary Clinton
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20502

The Hon. John Kerry
Chairman, Senate Foreign relations Committee
U.S. Senate

218 Russell Senate Office Building
Washington D.C. 20510

The Hon. Howard Berman
Chairman, House Committee on Foreign Affairs
U.S. House of Representatives
2221 Rayburn House Office Building
Washington, D.C. 20515

Ambassador Eric Goosby
U.S. Global AIDS Coordinator
U.S. Department of State

Michel Kazatchkine
Executive Director, The Global Fund to Fight AIDS, Tuberculosis and Malaria

Michel Sidibé
Executive Director, UNAIDS

Jeffrey O'Malley
Director, HIV/AIDS
United Nations Development Programme

ⁱ Not all men who have sex with other men self-identify as gay or bisexual. The public health community uses the term “men who have sex with men”, or “MSM”, as a way to capture sexual behavior, as opposed to identity or sexual orientation. MSM include gay and non-gay identified men, bisexual men, “situational” sex between men (i.e. sex that occurs in all-male settings such as prisons, schools, and militaries), and male sex workers, among others.

ⁱⁱ Baral, S. et al. (2007). “Elevated Risk for HIV infection among men who have sex with men in low- and middle-income countries 2000-2006: a systematic review.” *PLoS Med.*; 4(12): e339. doi:10.1371/journal.pmed.0040339.

ⁱⁱⁱ amfAR. 2008. MSM, HIV and the Road to Universal Access – How far have we come?”

http://www.amfar.org/uploadedFiles/In_the_Community/Publications/MSM%20HIV%20and%20the%20Road%20to%20Universal%20Access.pdf Uganda failed to report on any of the 5 UNGASS indicators relevant to MSM.

^{iv} Smith A, Tapsoba P, Peshu N, Sanders E, Jaffe H. (2009). “Men who have sex with men and HIV/AIDS in sub-Saharan Africa”. *Lancet*. 374:416-22.

^v Baral S, Trapence G, Motimedi F, Umar E, Iiping S, et al. (2009). “HIV Prevalence, Risks for HIV Infection, and Human Rights among Men Who Have Sex With Men (MSM) in Malawi, Namibia and Botswana”. *PLoS ONE*. 4(3): e4997, doi:10.1271/journal.pone.0004997.

^{vi} Jeff O Malley, Director, United Nations Development Program. Quoted in: Kaiser Daily HIV AIDS Report. 2009. U.N. calls on India to Decriminalize Homosexuality.

http://www.kaisernetwork.org/Daily_Reports/rep_index.cfm?DR_ID=55446

^{vii} Sidibé, Michel. Executive Director of UNAIDS. 2009. “Universal access for men who have sex with men: winds of change; signs of hope”. Presentation to Congressional Forum on HIV, Human Rights, and Men who have Sex with Men (MSM). September 16, 2009. Washington, D.C.

^{viii} Republic of Uganda. 2009. *UGANDA: HIV Prevention Response and Modes of Transmission Analysis*. Final Report, March 2009. Uganda AIDS Commission and UNAIDS.

^{ix} See: UNAIDS Action Framework: Universal Access for Men who have Sex with Men and Transgender People and The Global Fund Strategy on Sexual Orientation and Gender Identity

^x Sidibé, Michel. Executive Director of UNAIDS. 2009. “Universal access for men who have sex with men: winds of change; signs of hope”. Presentation to Congressional Forum on HIV, Human Rights, and Men who have Sex with Men (MSM). September 16, 2009. Washington, D.C.