



Statement on the Uganda Anti-Homosexuality Bill 2009

The Commonwealth Lawyers Association (CLA) is a pan-Commonwealth professional association of lawyers that exists to maintain and promote an independent legal profession and the rule of law throughout the Commonwealth.

The CLA is concerned about the *Anti Homosexuality Bill 2009* (the bill) which was introduced on 14th October 2009 in the Parliament of Uganda.

The CLA is especially disturbed about the imposition of the death penalty for ‘aggravated homosexuality’ and the criminalisation of many actions relating to homosexuality, including awareness of the commission of any offence under the Act and failure to report it to the police.

If enacted, the bill will disregard fundamental provisions of the Constitution of Uganda, such as the right to equality and freedom from discrimination, freedom of speech and expression and the right to privacy, besides going against the 2008 decision of the High Court of Uganda in *Mukasa & Oyoo vs Attorney General* which held that the constitutional rights of Uganda apply to all people regardless of their sexual orientation. In addition, the bill will also contravene fundamental human rights, such as the right to life, as set down in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights, to all of which Uganda is a party.

The CLA notes that by virtue of its membership of the Commonwealth, and particularly as the current Chairperson in Office of the Commonwealth, Uganda is committed to the shared fundamental values and principles of the Commonwealth, at the core of which is a shared belief in, and adherence to, democracy, good governance, human rights and the rule of law.

The CLA is opposed to the death penalty as a form of punishment in all instances and supports calls for the decriminalisation of sexual orientation legislation throughout the Commonwealth. Therefore, the CLA calls upon the government of Uganda to demonstrate its commitment to the fundamental principles of equal rights and non-discrimination and withdraw the bill accordingly.

The CLA is reassured by the response of the Commonwealth Secretariat to discuss taking forward the CLA Resolution calling for the establishment of a Commonwealth working group to consult widely and in a manner that is consistent with the Commonwealth’s commitment to universal human rights for all its citizens. The CLA looks forward to working with the relevant organisations in facilitating this dialogue without delay.

13 November 2009

Commonwealth Lawyers Association