

## **The International AIDS Society Urges Strong and Swift Opposition to Proposed Anti-Homosexuality Legislation in Uganda**

*Measure Would Authorize Execution of People Living with HIV Who Engage in Same-sex Sexual Behaviour and Have a Chilling Effect on HIV Prevention and Care*

**22 October 2009 – (Geneva, Switzerland)** The International AIDS Society (IAS) today urged Uganda's political and public health leaders to oppose and reject the Anti-Homosexuality Bill presented last week in Uganda's parliament.

If enacted, the bill would dramatically expand existing criminal sanctions on same-sex practices between consenting adults, including authorizing the death penalty in certain circumstances, such as same-sex sexual behaviour by "serial offenders" and people living with HIV. Beyond representing a sweeping violation of human rights, the bill would seriously compromise proven HIV prevention initiatives. It would prohibit frank discussions of sexuality and the provision of condoms to men engaging in same-sex behaviors.

"The International AIDS Society unequivocally rejects any efforts to criminalize consensual same-sex behavior or HIV status," said Dr. Julio Montaner, IAS President and Director of the BC Centre for Excellence in HIV/AIDS in Vancouver, Canada. "The legislation stands in direct violation of fundamental human rights and contradicts all evidence of how best to respond to the AIDS epidemic. Instituting a death penalty for homosexuality is a terrifying prospect intended to fuel a culture of fear that will further drive sexual minorities underground and away from vital health information and services, including HIV prevention, treatment and care."

Despite its much heralded early successes in promoting a public health response to HIV, Uganda already enforces a sodomy law that punishes homosexual conduct with life imprisonment. "Criminalization of homosexuality is counterproductive to sound public health practices," said Elly Katabira, IAS President-elect and Associate Professor of Medicine at Makerere Medical School in Kampala, Uganda. "Rather than further criminalizing and stigmatizing homosexuality with the threat of execution, our nation's leaders should move to lift the veil of secrecy that shrouds the nation's sexual minorities. The Anti-Homosexuality Bill should be rejected and existing laws repealed."

Uganda's laws targeting sexual minorities run counter to proven international evidence and best practice on HIV prevention, which shows that removing structural barriers (including anti-sodomy legislation) is essential for effective interventions. Uganda's own HIV prevention experts have recognized this. A 2009 report by the Uganda AIDS Commission and the Joint United Nations Programme on HIV/AIDS (UNAIDS) called for a review of legal impediments to the inclusion of most-at-risk-populations, including gay

men and men who have sex with men (MSM), in the national AIDS response. Key international funding agencies concur. 61% of all of Uganda's HIV prevention funding in 2006/2007 comes from the US President's Emergency Plan for AIDS Relief (PEPFAR) which has a legal directive for HIV prevention education specifically targeting MSM. Both UNAIDS and the Global Fund to Fight AIDS, Tuberculosis and Malaria have 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.

The impacts of criminalization and stigmatization are clear and widespread. According to UNAIDS, fewer than one in 20 men who have sex with men (MSM) around the world has access to HIV prevention, treatment, and care with even lower numbers in low-income settings. HIV testing rates among MSM in much of Africa, Asia and Eastern Europe are often less than 20%, as compared to rates of 63–85% among MSM in Australia, Europe and North America. The proposed law would exacerbate efforts to encourage men who have sex with men in Uganda to get tested and to take affirmative steps to protect their health and the health of their male and female sexual partners.

The proposed law would also impose strict penalties on individuals and organizations for “promotion” and “aiding and abating” homosexuality, as well as for the failure by those in authority to disclose knowledge of an offence under the law. Accordingly, a health care worker could be imprisoned for not disclosing the consensual sexual practices of a patient, or for counseling a patient in risk-reducing sexual practices and providing them with condoms.

“We are gravely concerned about the chilling effect that the proposed law would have on the ability of AIDS care and prevention programmes to operate in Uganda, and of health care professionals to care for and counsel those most in need,” said Robin Gorna, IAS Executive Director. “HIV professionals must have the freedom to care for those living with and at risk for HIV without risk of prosecution.”

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The **International AIDS Society** (IAS) is the world's leading independent association of HIV professionals, with 14,000 members from 190 countries working at all levels of the global response to AIDS. Our members include researchers from all disciplines, clinicians, public health and community practitioners on the frontlines of the epidemic, as well as policy and programme planners. The IAS is the custodian of the biennial International AIDS Conference, which will next be held in Vienna, Austria in July 2010.

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