

**LGBT COMMUNITY UNDER ATTACK:  
UGANDA'S ANTI-HOMOSEXUALITY BILL**

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HEARING  
BEFORE THE  
TOM LANTOS HUMAN RIGHTS COMMISSION  
HOUSE OF REPRESENTATIVES

ONE HUNDRED AND ELEVENTH CONGRESS  
FIRST SESSION

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JANUARY 21, 2010

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TOM LANTOS HUMAN RIGHTS COMMISSION

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**THURSDAY, JANUARY 21, 2010**

HOUSE OF REPRESENTATIVES,  
TOM LANTOS HUMAN RIGHTS COMMISSION,  
*Washington, D.C.*

The Commission met, pursuant to call, at 2:00 p.m., in Room 2172, Rayburn House Office Building, Hon. James P. McGovern [co-chairman of the Commission] presiding.

Chairman McGOVERN. Good afternoon, ladies and gentlemen. I would like to welcome all of you to today's important hearing on the situation of the LGBT community in Uganda.

As co-Chair of the Tom Lantos Human Rights Commission, I would like to express my gratitude to my friend and colleague from Wisconsin, Congresswoman Tammy Baldwin, for requesting today's timely hearing. Congresswoman Baldwin is an active member of the Executive Committee of the Commission, the co-Chair of the Congressional Lesbian, Gay, Bisexual, and Transgender Equality Caucus, and a national leader on concerns of the LGBT community. She will be serving as the Chair of today's hearing.

The Tom Lantos Human Rights Commission was set up to defend the human rights of all people, regardless of gender, faith, nationality, ethnic origin, or sexual orientation and identity. As you know, the Commission has, since its relatively recent inception, covered a broad range of human rights issues around the globe, advocated on behalf of countless individuals, and shone a spotlight on the often-unrecognized human rights violations. Today's hearing is another important step toward fulfilling the broad mandate that the House of Representatives, under the leadership of Speaker Pelosi, has given to this Commission.

The Commission's namesake, our former colleague Congressman Tom Lantos, called the first precedent-setting public briefing on Capitol Hill on August 7, 1998, when the then Human Rights Caucus held a hearing on "International Human Rights Violations Based on Sexual Orientation," which gave an around-the-world overview of the worst forms of human rights violations based on individual's real or perceived sexual orientation or gender identity.

As a bit of institutional history, I encourage all of you to read the testimonies of the 1998 Caucus in the Congressional Record from the 105th Congress, which you can easily search on the Web site of the Library of Congress at [www.thomas.gov](http://www.thomas.gov). Just search for the words "international human rights violations based on sexual orientation, August 7, 1998."

Unfortunately, you will find that those testimonies could easily have been given today. Sadly, in 1998, just as today, LGBT issues seem to be mired in partisan politics. And I am glad we in Congress can rely on the strong leadership of Congresswoman Baldwin in bringing attention to this often life-threatening form of discrimination and violations of basic human rights.

This is especially true when we look at the anti-homosexuality bill in Uganda. This draft legislation -- and I do want to stress that it is only draft at this point -- is steeped in religious bigotry and homophobia, begotten by a frenzy of hate stirred by whipped-up public sentiment, which unfortunately is not uncommon in too many countries around the world with varying degrees of anti-LGBT legislation and decrees.

It imposes life sentences for same-sex sexual acts, limits the distribution of HIV-AIDS information, and imposes the death penalty for aggravated homosexuality. It also turns the citizenry of Uganda into "sex spies," as they would be required to report on their LGBT friends and family under penalty of prison.

I do want to repeat that this is currently draft legislation and that the President of Uganda has announced that the parliament needs more time to consider this bill, as it has now become a foreign policy issue because of the concerns voiced by the international community.

I am grateful to our witnesses for their testimony today. I very much look forward to hearing their testimony. And I want to make it clear there are many Members in this Congress, both Democrat and Republican, who have deep, deep concerns about what is happening in Uganda and are outraged by this draft legislation.

At this time, I recognize the Chair of today's hearing, my friend, Representative Baldwin.

Ms. BALDWIN. [Presiding.] Thank you. And I applaud the wonderful things you have done as co-Chair of this Commission.

We are here this afternoon to deal with questions of life or death. This past September, Uganda Parliamentarian David Bahati introduced draconian legislation in Uganda outlawing homosexuality and making any form of intimate relations between people of the same sex punishable by prison or even death.

The Anti-Homosexuality Act of 2009 is an extreme and hateful attempt to make people criminals not because of anything they do but because of who they are and who they love. This act also makes it a crime if a person does not turn in to the authorities a son or a daughter, a niece or a nephew, or anyone else they know to be gay. And, as has happened elsewhere, this proposed legislation appears to be the product of Americans recruiting prominent African religious leaders to campaign to restrict the human rights of LGBT individuals in their countries. This bill is despicable and reprehensible.

Uganda is part of an alarming trend. More than two-thirds of African countries have laws criminalizing consensual same-sex acts, and over 80 countries worldwide currently have in place sodomy laws or other legal provisions that criminalize their LGBT communities. The Rwandan Parliament recently debated but then halted plans to pass a draft revision of their criminal code that would have for the first time made homosexuality a crime in Rwanda. Burundi has recently added a

criminal provision targeting the LGBT community, again, in a country where consensual conduct was not previously criminalized.

These proposals represent contemptible statements of hate and bias, but they also have serious consequences. These global efforts to target sexual minorities represent enormous obstacles to effectively addressing HIV-AIDS and, I believe, the effectiveness of U.S. contributions through PEPFAR, the President's Emergency Plan for AIDS Relief. In Uganda alone, 2008 PEPFAR spending amounted to almost \$300 million, representing approximately 2.6 percent of the total Ugandan economy. We know that countries that do not discriminate are better able to curb the transmission of the virus. The anti-homosexuality bill will put PEPFAR's goal -- to effectively address the needs of most at-risk populations, including men who have sex with men -- in serious jeopardy.

The severity of the Ugandan legislation requires a severe response. Other nations have already responded. Sweden has indicated that it will cut bilateral assistance to Uganda should the bill be passed. Canada and the United Kingdom have condemned the bill. Here in the House of Representatives, 93 of my colleagues, both Republican and Democrat, joined me in sending a letter to President Obama and to Ugandan President Museveni this week requesting their strong support in preventing the Anti-Homosexuality Act from becoming law. There have been other calls from Congress to review Uganda's trade status and revoke its beneficiary status should this legislation become law.

So, what is the appropriate U.S. response? What have we already done to prevent destructive efforts in Uganda and elsewhere around the world to criminalize LGBT communities? Will we answer this call to stand up for human rights? It is my hope that our hearing this afternoon will answer these important questions.

I look forward to hearing from our administration a positive report that it is using every means possible to deter the Anti-Homosexuality Act and similar hate-based measures from passage. And I hope that all Ugandans, and particularly those who are lesbian, gay, bisexual, and transgender, will hear the voice of this Congress state very clearly that we will not tolerate these types of human rights violations.

The United States has a long and proud, albeit imperfect, history of being a world leader in standing up for human rights and human dignity. We meet here today in the name of our former colleague, Tom Lantos, who suffered at the hands of oppressors and made it his life's work to ensure that America always stood as a beacon of justice in the face of hatred and violence.

It is time once again for America to lead. Individuals and nations around the world know that sanctioning intolerance is not the policy of our Nation. They must hear that we view the issues at stake in Uganda as larger than the specific concerns of any one group. Human rights, justice, tolerance, freedom from oppression, human dignity -- these rights are meaningless when they are not applied equally to all members of society. They will hear today that we reject any attempt to characterize it otherwise.

I would like to extend my sincerest thanks to all of our witnesses this afternoon for being here, and a special thanks to Mr. Kaggwa for traveling all the way from Uganda to testify.

Mr. Kaggwa, we are all very much appreciative of your time and look forward to hearing your testimony.

Before we begin to receive testimony, I want to take a brief moment to thank many people whose help was instrumental in putting this hearing together. My special thanks to the Council for Global Equality and the American Jewish World Service.

We are very pleased to be joined this afternoon by Karl Wycoff, Deputy Assistant Secretary for Central African Affairs and East African Affairs at the Department of State. Secretary Wycoff joined the foreign service in 1980. In Africa, he has served at the U.S. Embassies in Yaounde, Cameroon, and Monrovia, Liberia. He has also served as deputy chief of missions at the U.S. Embassies in Rangoon, Burma, and Vientiane, Laos.

In Washington, Mr. Wycoff has served in the Department's Executive Secretariat, in the Bureau of East Asian and Pacific Affairs, and as deputy coordinator in the Office of the Coordinator for Counterterrorism.

Welcome, Secretary Wycoff. You can begin your testimony.

**STATEMENT OF KARL WYCOFF, DEPUTY ASSISTANT SECRETARY  
FOR CENTRAL AFRICAN AFFAIRS AND EAST AFRICAN AFFAIRS, U.S.  
DEPARTMENT OF STATE**

Mr. WYCOFF. Thank you. And please accept my regrets that I wasn't able to be here earlier. It is an honor to be here, Chair.

I would just open on a personal note, if I could. I had the pleasure of working with Representative Tom Lantos and some of his staff on a number of issues over the years, especially in East Asia. So it is a special privilege for me to be here with you this afternoon to discuss Uganda's anti-homosexuality bill. I do have some brief comments I would like to make, and then I would look forward to answering any questions that I could and hearing further comments from the bench.

Let me open my remarks by noting the importance that the administration has placed on our relationship with Africa in the 21st century. At the core of this is our belief, the administration's belief, that respect for human rights and good governance are integral to the development of peace, security, and prosperity across the continent.

As President Obama said during his July trip to Ghana, "I do not see the countries and peoples of Africa as a world apart. I see Africa as a fundamental part of our interconnected world, as partners with America on behalf of the future that we want for all our children. Africa's diversity should be a source of strength, not a cause for division. We all share common aspirations: to live in peace and security, to access education and opportunity, to love our families, our communities, and our faith. That is our common humanity. That is why we must stand up to inhumanity in our midst."

The introduction of this anti-homosexuality bill in Uganda characterizes just such a moment, one where we must say to our friends, whose friendship we value, that together we must stand against injustice, in this case against the LGBT community.

You have already given in your introductory comments a description of the



bill. I stand ready to try to answer any additional questions on that. I would simply note that the bill also, in addition to the concerns that you have outlined, fundamentally contravenes a number of very basic human rights issues for the United States. It also contains provisions enabling Uganda to charge individuals for behavior outside of Uganda, and it nullifies international agreements or treaties regarded as contradictory to this proposed legislation.

I would highlight for you, since the bill's introduction in September, the U.S. Government has indeed led a growing international chorus of voices opposing this bill. The White House has made a statement in January expressing our opposition to the bill. My own Secretary, Secretary Clinton, has personally informed Uganda's President Museveni of our position, our strong opposition to this legislation, and has also referenced our strong opposition in two recent speeches. My boss, Assistant Secretary for African Affairs Johnny Carson, has noted our opposition to this bill in conversations with President Museveni at some length and in some detail.

And our Embassy, led by Ambassador Jerry Lanier, has been very active on this subject with representatives of the Ugandan Government, with civil society, with local gay and lesbian groups, and with others, to press for this bill to be dropped. I would note that our Embassy issued on October 29th the first -- or one of the first statements, public statements, opposing this legislation.

As you note, these efforts have been complemented by a widespread and continuous international outcry, including comments by U.K. Prime Minister Gordon Brown, by the Canadian Prime Minister Stephen Harper, and by others. We also note that there have been many, many statements of opposition from human rights groups, religious leaders, and newspaper editorial boards from around the world that have added their voices to this opposition.

On January 11th, President Museveni told senior members of his ruling National Resistance Movement Party that this bill is becoming a major foreign policy issue for Uganda and has urged that restraint be shown, that the Ugandan parliament go slow on its review of this legislation. In response, the Speaker of the Ugandan parliament and other parliamentarians said the bill would continue to move through parliament. The parliamentary committee to which it has been assigned will likely begin debate on this legislation in March or April, is our estimate.

Some in Uganda have suggested that dropping provisions on capital punishment and mandatory reporting requirements will render this legislation less controversial. It is clear, however, even with such changes, the bill constitutes a serious affront to internationally accepted human rights norms, and our fundamental objections to legislation that uses sexual orientation or gender identity as a basis for criminal prosecution would remain.

We are monitoring developments daily in Uganda and will keep in close contact with key Ugandan actors, including political leaders, as the legislation is considered.

I would note that there is significant domestic opposition to this proposed legislation. Influential Ugandans have argued that further criminalizing homosexuality, which has been illegal in Uganda since the colonial era, is not a priority; that the bill would seriously inhibit Uganda's ability to combat the spread of HIV-AIDS; and that mandatory reporting requirements will undermine the roles of

religious leaders, teachers, health care providers, lawyers, parents, and others.

The sponsors of this bill use homophobic rhetoric, religious appeals, and various conspiracy theories to consolidate local support for this legislation, claiming that Uganda's traditional values are somehow threatened by foreign influence. The bill's most vocal supporters have channeled this fear into significant domestic support. Ironically, foreign criticism of the bill has in some ways bolstered internal support for the legislation, as many Ugandans interpret foreign condemnation as interference in their internal affairs. Some of the bill's supporters have even called for Uganda to reject development assistance from foreign nations that oppose this bill.

In order to avoid fueling the rhetoric of this legislation's most virulent supporters, we are focused on what is most at stake: the potential mass persecution of an entire cross-section of individuals in Uganda based solely on their sexual orientation, the potential abuse of this legislation to politically target or intimidate others regardless of their sexual orientation, and the hugely negative implications this legislation will have on Uganda's human rights record, including its ongoing efforts to stem the spread of HIV-AIDS, as well as its international reputation.

The U.S. enjoys a close and mutually beneficial partnership with Uganda, and our views and policies are taken seriously and well-received by many in the Ugandan public. We are major stakeholders in Uganda, having invested some \$521 million in the country's economic development in 2009 through a variety of foreign assistance programs, including PEPFAR that the Chair mentioned.

Secretary Clinton, on World AIDS Day, in reference to PEPFAR and our work against AIDS, noted on November 30th, "Our efforts to stem the spread of HIV-AIDS are hampered whenever discrimination or marginalization of certain populations results in less effective outreach and treatment." So we are working not only to ensure access for all who need it, but also to combat discrimination more broadly.

We stand against efforts to marginalize and criminalize and penalize members of the LGBT community worldwide. It is an unacceptable step backwards on behalf of human rights, but it is also a step that undermines the effectiveness of efforts to fight the HIV-AIDS disease worldwide.

With that, I would invite your comments and questions. Thank you.

[The prepared statement of Mr. Wycoff is unavailable]

Ms. BALDWIN. Thank you, Secretary Wycoff.

We have just been joined by Congresswoman Carolyn Maloney from New York.

I would recognize you for an opening statement before we proceed to the questions, if you so desire.

Mrs. MALONEY. Thank you very much, Madam Chair. And I would like to thank Chairman McGovern, also, and Ranking Member Wolf for holding these important hearings.

The recent developments in Uganda have sent shock waves throughout the international community, and for good reason. The Uganda parliament recently introduced a bill that would further criminalize homosexual behavior. It would make, and I quote, "any form of sexual relations between persons of the same sex," end

quote, punishable by a minimum of 7 years in prison and, in cases of so-called serial offenders and HIV-positive individuals, death.

This form of officially sanctioned discrimination is both deeply troubling as a piece of legislation and an affront to the universal values of individual liberty and human rights.

Among its many offensive and dangerous provisions, the Anti-Homosexuality Act of 2009 would force individuals to reveal the whereabouts of gays and lesbians to the police or face prosecution; establish extraterritorial jurisdiction to prosecute lesbian, gay, bisexual, and transgendered Ugandans living abroad; criminalize LGBT advocacy; and limit the distribution of information on HIV prevention.

In response to this legislation, I have joined my colleagues in sending two letters, one to President Obama expressing our concerns with the bill's discriminatory nature, and the second to the Ugandan President urging him to support the legislation's immediate withdrawal.

I share Secretary of State Clinton's fear, and others in the human rights community, that this type of legislation could incite violence against Uganda's LGBT community and further push this already-marginalized population underground. Gay Ugandans, as The New York Times reported, are repeatedly subject, and I quote, "to beatings, blackmail, death threats, constant harassment, and even so-called correctional rape."

Moreover, at a time when the United States sends hundreds of millions of dollars each year to Uganda through the PEPFAR and other health initiatives, we should closely examine the impact this anti-gay bill may have on our efforts to encourage HIV prevention, treatment, and care in this country.

The Washington Post has called the anti-homosexuality bill an "ugly and ignorant piece of legislation." I believe that is putting it mildly. As a member of the LGBT Caucus and a longstanding champion of equal rights for LGBT persons, I am deeply troubled by the very notion that someone could be discriminated against, let alone sentenced to death, for their sexual orientation. Such a measure goes far beyond ugliness and ignorance; it is hate in its rawest form.

I welcome the testimony of the panelists who are here today to share their knowledge and look forward to hearing from each and every one of you.

Thank you for allowing me this opportunity.

Ms. BALDWIN. Thank you, Congresswoman.

Secretary Wycoff, I understand that you have had a handful of conversations with President Museveni. I commend your initiative for speaking with him.

He reportedly has assured you that he will veto the bill if it is passed by the parliament. But President Museveni himself is reported to have said some years ago that lesbian and gay Ugandans should be killed by firing squad. And even now, some members of his government have signaled their support for the bill.

Do you take him at his word for what he has promised you? And what specific steps would you want to consider vis-a-vis our relationship with Uganda should the bill be signed into law despite his promises to the contrary?

Mr. WYCOFF. Thank you for that.

Just to be very clear, it is not I that have had the conversations with President Museveni; rather, Secretary Clinton and my boss, Assistant Secretary Johnny Carson.

I would prefer not to characterize all of the content of those conversations, but what I can say is that we have made our points to President Museveni very clear. I think there are many indications that he and most members of his government understand very, very thoroughly our position and the rationale for our position on this proposed legislation.

I wouldn't be in a position to speak for him, in terms of what his intent is with this legislation. There is clearly, within the body politic of Uganda and within the Government of Uganda, divided opinions about how to proceed. Our interest in this, I think, is to be as effective as we can in ensuring that this legislation does not go anywhere.

So, as I said in my testimony, we are in daily contact with a number of Ugandans, with Ambassador Lanier and others in Kampala, to try to calibrate what our approach is. We don't want to do things that would be counterproductive in the short term. As I mentioned in my testimony, there is a train of thought in the body politic in Uganda that foreign interests are trying to dictate to us what to do.

So, from our perspective, we need to make certain that we have done everything that we can, that we think will be effective in this instance. And that is what we are doing and what we intend to do.

I will stop there. Thank you.

Ms. BALDWIN. Along the same lines, many countries, including the U.S., have publicly condemned Uganda's Anti-Homosexuality Act. And the reaction by supporters of the bill in Uganda have commonly invoked two arguments to push back against such condemnation: Namely, this is a private members bill, and debate of any proposed legislation is essential to a democracy; and, secondly, that as a sovereign nation, Uganda will not bow to outside influences that seek to influence its legislation.

How does the State Department respond to those arguments?

Mr. WYCOFF. In terms of the procedures of the Ugandan parliament, they do have their procedures. We are not seeking for them to do something extra-legal in this case. I have heard no discussion of that.

But I would also say that we see it incumbent, the administration sees it incumbent to make certain that our views and the rationale for those views in terms of the Universal Declaration of Human Rights, the construct that the international community is building in this area, including through the U.N. system, that the reasons for that are made clear to them.

There has been reference by both of you honorable congresswomen in terms of the impact that this could have on the HIV-AIDS situation, that it literally could encourage or facilitate the wider spread of HIV-AIDS in the Ugandan people. So those are the kinds of arguments that we use.

Ms. BALDWIN. In March 2009, the U.S. joined 66 other countries at the U.N. in calling for global decriminalization of homosexuality, yet the situation has worsened for LGBT individuals in parts of Africa, especially East Africa, since then.

What strategies has the African Bureau of the State Department sought to put into place over the past year to follow up on President Obama's call for global decriminalization?

Mr. WYCOFF. Thank you. I could say a couple of things on that

continent-wide subject, if I may.

One is, as I tried to make clear in my opening statement, democracy, good governance, and respect for human rights is at the heart of our overall policy on Africa. So that encompasses a wide array of issues. How we pursue those in individual countries is contingent on the environment in that country and how we think we can best be effective.

Two things that I would highlight for you in that process are directly relevant to this issue. One is that, for a number of years in our Human Rights Reports, there has been a section in the Human Rights Report for every country that specifically addresses LGBT issues. And so that is cause for a routine gathering of information and a, I would say, routine interaction with host governments about what is going on in this area to make clear our views. And that may be with the ministry of foreign affairs and other ministers. It depends on the particular country how that dialogue is taken forward.

The other thing I would say is that Assistant Secretary Posner, the Assistant Secretary for Democracy, Human Rights, and Labor, has set up a task force on LGBT issues. You may be aware of that. I believe you probably are aware of that already. So the Africa Bureau is working with that task force to see what else we might do.

There are a number of cases in other countries that we follow, that we have interacted with, with governments, in terms of the treatment of LGBT who have been arrested or detained or harassed. So it is, as I said, to a large extent, it is situational with the particular country, in terms of what is going on in that country and how we think we can best influence events.

Ms. BALDWIN. It has been reported in the media that David Bahati, the sponsor of the Anti-Homosexuality Act, is planning to travel to Washington, D.C., to attend the National Prayer Breakfast on February 4th.

I am wondering whether the State Department has received a visa request yet from Mr. Bahati regarding his planned travel. And will the State Department allow Mr. Bahati to travel to Washington to attend the event?

Mr. WYCOFF. I don't have much I could say on that issue. I am aware of press reports, I think is what I have seen, of his intent. I think there has been an invitation, although I would be a little reticent to go much further than that.

To my knowledge, there hasn't been a visa application, but the issuance of U.S. visas is governed by law. So I think we would have to look at the specifics of that. So I am really am aware of that as an issue, but I couldn't give you a judgment, if you will, or what the outcome of that will be.

Ms. BALDWIN. I will now yield time to Congressman McGovern to ask questions.

Mr. McGOVERN. Thank you very much for being here. I have just a couple of questions.

Just relating to the one that Congresswoman Baldwin just raised about Mr. Bahati traveling to the United States, I mean, I would think that, based on our criteria of who gets visas and who doesn't, that somebody leading an effort to discriminate against a population could be easily denied a visa. I mean, we deny people visas for sometimes silly reasons, but this is a legitimate reason.

And I think it would send a powerful signal that the United States stands out

loud and foursquare for human rights, and we are not going to allow him the privilege and ability to traveling to a conference where he can spread hate here in the United States. So, I mean, I know you can't make a decision right now, but I would respectfully suggest that I think this is an important signal to send.

The only question I have, I was interested in your opening statement when you said sometimes outside pressure can be counterproductive. And I am trying to understand, if that is the case, how best do we approach this? You know, I think if we were silent, then they would move ahead with this.

I understand the sentiment sometimes in countries when others comment on their internal affairs, that sometimes there is kind of a knee-jerk reaction to do the exact opposite thing. But I worry, when it comes to human rights, sometimes we are too quiet. And I think we need to make it very, very clear that this is much more important than a trade agreement or a bilateral agreement on whatever. This goes to the core of what we stand for, and there are some issues where we draw a line in the sand.

So I am wondering, how do we approach this then? If pressure like this is interpreted as counterproductive in Uganda, what do we do?

Mr. WYCOFF. Thank you for that.

I did not mean to imply that we would be silent in the future, not at all. I simply meant to acknowledge the dynamic that is playing out in Uganda. And I would just emphasize, as I hope I have made clear, that our goal is to be effective in this process and to have this legislation pass from the scene without being enacted.

So, from my perspective, the Secretary of State has spoken very clearly on this publicly and privately. The Assistant Secretary has spoken. The messages have been sent. We are in a situation now of monitoring and continuing to have conversations in Kampala that we hope will continue this process.

I was simply just trying to acknowledge that it is conceivable that, if you were trying to do too much -- and I don't want to speculate on the hypothetical things that one could do -- if you were to put too much public pressure or to be seen as, to use, if I may, a sports analogy, piling on, that that might result in a counterproductive effect. That is all.

Mr. McGOVERN. I appreciate you putting it in that perspective.

Let me also just say that I welcome this administration's recognition that this is a problem and that there is a need to address it. So, you know, I didn't want to seem like I was trying to diminish the work that you have already done or the comments of the Secretary of State. I am just trying to figure out how best we can be effective here and how we can stop this.

And, also, as my colleague talked about, the situation for a lot of people, especially in East Africa, has worsened. And I am trying to understand the reasons why. Is it these outside religious influences? I mean, what all of a sudden is causing this issue to worsen?

Mr. WYCOFF. Thank you for that. And thank you for the acknowledgment of the administration's efforts. As I say, we will continue. I can assure you that the administration, at its most senior levels, will continue to focus on this issue in Uganda and also globally and certainly continent-wide in Africa.

I could say that African societies generally are quite conservative, and there is

a strain of thinking in many parts of Africa -- and I hate to over-generalize, but there is a train of thought that men having sex with men is not part of African culture; it has been imported somehow. As I mentioned in the statement, there are conspiracy statements and whatnot.

So I think, from our perspective, we want to be engaged in many ways, and are, in terms of promoting democracy, good governance, respect for human rights with a special focus on this issue, but it is not something we will solve in the short term.

I am not in a position, really, to address the question of, you know, how much of this is flowing from outside of the continent in. What I can say, from my experience in Africa, is that many of these societies and cultures are quite conservative. So there is an inclination to be opposed or to support some kind of anti-homosexual legislation should it pop up.

There have been, and I think you mentioned it, Madam Chairman, in terms of Rwanda, that there was an inclination there to put some legislative provision that was dropped after further discussion. I have also mentioned that, in terms of our Embassies, they are engaged in a conversation with government officials on this systematically, continent-wide, through the human rights reporting system.

Mr. McGOVERN. Just one final question. Given that this bill was strongly supported by religious extremists, will the State Department Bureau on International Religious Freedom report on these activities?

Mr. WYCOFF. There is a Religious Freedom Report done on Uganda -- I have reviewed it -- and on all of the continent. So, to the extent we find things germane to that report, yes, sir.

Mr. McGOVERN. Thank you.

Ms. BALDWIN. I have an additional question relating to the refugee situation in Uganda. According to the Office of the United Nations High Commissioner for Refugees, Uganda currently hosts over 150,000 refugees from the Democratic Republic of Congo, Sudan, and other African countries.

Given the pervasive homophobia that we have discussed in Uganda and existing laws which criminalize same-sex conduct, an unknown number of LGBT refugees remain underground and invisible.

As the U.S. engagement on Uganda's anti-homosexuality bill continues, the protection concerns of LGBT refugees, who are doubly marginalized by their sexual orientation and their uncertain legal status, should be included, especially given the role of the U.S. as the largest donor to the United Nations High Commissioner for Refugees and, obviously, a primary development partner in Uganda.

Can you describe how the U.S., together with the U.N. High Commissioner for Refugees and other resettlement states, is working to develop standard operating procedures to assist LGBT refugees and other vulnerable individuals facing imminent risk and, hence, require basically fast-track resettlement?

Mr. WYCOFF. Madam Chairman, I am afraid I would not be in a position to speak authoritatively on that question. If I may, I will take it and get an answer back to the Commission.

Ms. BALDWIN. That would be much appreciated.

Thank you again for your time and your testimony. You are hereby excused

as a witness.

I will call the second panel to the table.

I would ask unanimous consent that all other members of the Commission who were unable to attend would be allowed to submit their questions in writing, and we will follow up with you in that regard.

Our second panel of witnesses -- and I would ask you to come to the table as I introduce you -- includes Julius Kaggwa, program director for SIPD Uganda.

Mr. Kaggwa is an experienced LGBTI activist and a founding member of the LGBTI movement in Uganda. He is playing a leading role in the Civil Society Coalition on Human Rights and Constitutional Law opposing the anti-homosexuality bill in Uganda, coordinating both LGBTI activism in Uganda and international responses.

Mr. Kaggwa is the founder and program director of the Support Initiative for People with Atypical Sex Development, SIPD. SIPD is a grassroots organization in Uganda that promotes the health and human rights of children and people with atypical sex development.

Mr. Kaggwa is joined by Cary Alan Johnson, executive director of the International Gay and Lesbian Human Rights Commission. Mr. Johnson is an author, an activist with more than 20 years of experience in the LGBT movement and in African social and economic development. He has worked in management positions for Amnesty International USA, Africare in Rwanda and Zimbabwe, the UNHCR in the Democratic Republic of Congo, and Planned Parenthood in southern Africa.

Mr. Johnson holds a master's degree in international affairs and a certificate in African studies from Columbia University and has written numerous articles on gender and sexuality in Africa.

Reverend Kapyka Kaoma is project director of Political Research Associates. Reverend Kaoma is also an Anglican priest from Zambia, now leading churches in the Episcopal Diocese of Massachusetts. A doctoral candidate at Boston University School of Theology, he has studied in evangelical schools in Zambia and the United Kingdom.

From 1998 to 2001, he served as dean of St. John's Cathedral in Mutare, Zimbabwe, and lecturer at African University, where he co-authored a text in ethics, "Unity in Diversity." From 2001 to 2002, he was academic dean of St. John's Anglican Seminary in Kitwe, Zambia, where he launched its women's studies and church school training programs.

Finally, we have Christine Lubinski, executive director of HIV Medicine Association of the Infectious Diseases Society of America, IDSA. Ms. Lubinski has more than 20 years of Federal policy analysis and advocacy experience in Washington, D.C., where her primary focus has been health policy.

Prior to joining IDSA in 1998, Christine Lubinski served as the deputy executive director for the program at AIDS Action Council, a national AIDS advocacy group, for more than 5 years. She was the lead policy spokesperson for AIDS action and led Federal advocacy, community outreach, and media advocacy programs.

We are delighted to have all of you here this afternoon.

And I would start out with recognizing Julius Kaggwa for your testimony.



You may begin.

**STATEMENTS OF JULIUS KAGGWA, PROGRAM DIRECTOR, SUPPORT INITIATIVE FOR PEOPLE WITH ATYPICAL SEX DEVELOPMENT, UGANDA**

Mr. KAGGWA. Madam 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 foundation of 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 assaults, physical and sexual harassment, humiliating publicity, 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 the grounds of what is considered to be traditionally nonconforming sexual identities and orientations.

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 comments about my identity had placed the reputation of the organization that I worked for in question, the fact that having me on their staff drew unwanted attention to their organization.

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 infuriating media reports. The reports overreacted and made a mockery of my identity 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 firsthand the trauma of transgender Ugandans who have been sexually abused, including by the police, and arrested purely for their gender expression. One transgendered woman had a gang of men violently insert pieces of wood in her anus to remind her that she was a biological man and not a woman.

These and similar abuses, Madam Chairwoman, are what LGBT Ugandans live with on a daily basis. In most cases, the government has not held perpetrators accountable.

The Ugandan Penal Code already criminalizes 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 14, 2009, by Honorable 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 provisions of homosexual Ugandans as minorities within Uganda.

The Constitution of Uganda, Madam Chairperson, provides for the right of privacy, freedom of expression, and for the protection of all its citizens, including minorities. It also upholds a 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 LGBT 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 extraterritorial 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 and blackmail by both state and non-state actors. It proposes to criminalize not only homosexual acts but also even the intent to commit a homosexual act, as well as withholding of information about, in quotes, a "suspected homosexual" by anyone in a position of authority.

The bill further proposes to criminalize everyone and every organization operating in Uganda that advocates for the rights of sexual minorities. These would include individuals and organizations from the United States, Madam 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 harm homosexuals if the government does not pass the bill quickly.

The bill has increased fear among all of us, especially 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 have been threatened.

If passed, this bill would further lessen 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 testing for HIV and accessing preventive information and treatment.

In the face of such a draconian bill and at the risk of arrest, we have joined hands with several elements of Ugandan civil society to form a coalition to complain against the monstrous un-human rights and undemocratic implications of the bill. To date, the coalition is made up of 26 indigenous organizations, consisting of women's rights organizations, children's rights organizations, sexual minority groups, legal practitioners, and organizations 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 come under 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 have been 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 withdraw 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.

Madam Chairperson and distinguished members of this Congress, I thank you for your attention.

[The prepared statement of Mr. Kaggwais is unavailable]

Ms. BALDWIN. And we thank you, Mr. Kaggwa, for your presence and your testimony.

Next for testimony I will call on Cary Alan Johnson. You may begin.

**STATEMENT OF CARY ALAN JOHNSON, EXECUTIVE DIRECTOR,  
INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION**

Mr. JOHNSON. Thank you.

Madam Chairman, members of this Commission, esteemed guests, on behalf

of the International Gay and Lesbian Human Rights Commission, I thank you for this opportunity to address the anti-homosexuality private members bill currently being debated by the Ugandan parliament and the devastating impact that this legislation would have, if passed, on human rights in Uganda, in East Africa, and in Africa as a whole.

In the last 3 years, no fewer than five African countries have moved to strengthen criminal penalties against LGBT people. In March 2009, Burundi passed a law making same-sex consensual acts illegal for the first time in that country's history. Neighboring Rwanda discussed a similar law but withdrew its consideration prior to a vote by parliament. Both Uganda and the Democratic Republic of Congo passed constitutional amendments to criminalize same-sex marriage, though existing laws already prevented same-sex marriage and there was no activism in these countries to advocate for such marriages. And anti-rights factions in Nigeria, Africa's most populous nation, have twice now introduced legislation that would make organizing for gay rights a crime.

In the last year alone, my organization has documented the arbitrary arrest and detention of lesbian, gay, bisexual, and transgendered people in Burundi, Malawi, Senegal, Togo, and Uganda, to name just a few nations.

African LGBT people live with violence on a daily basis and discrimination in the areas of employment, education, and housing, which are rampant. In light of such human rights violations, Uganda's anti-homosexuality bill is especially restrictive and violent, criminalizing the promotion of homosexuality, requiring people to report those they suspect of violating the law, and punishing some groups, including those who are HIV-positive or those euphemistically called "repeat offenders" with the death penalty.

The bill, if enacted into law, would violate so many articles of the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights, to both of which Uganda is legally committed, that the drafters of the bill needed to include an article that would allow Uganda to opt out of its membership in the world's human rights mechanisms.

Even adherence to the Ugandan Constitution would become a mockery if this law were passed, particularly article 21 of the Ugandan Constitution which promises freedom from discrimination on the grounds of race, sex, color, ethnic origin, tribe, birth, creed, or religion, social, or economic standards, political opinion, or disability. The lack of an unequivocal condemnation of the bill by the Ugandan government by the East African community states and even by the African Union has already done grave damage.

Hate crimes are based on confidence by the perpetrators that violence against marginalized members of society will be met with silence or even approval by the state. How many LGBT Ugandans have already lost their jobs, already been expelled from schools, or have faced violence as a result of simply the debate as to whether homosexuality should be punished by death? How is such a debate even possible in a democratic society?

Ensuring human rights for sexual minorities is perhaps the truest barometer of the full integration of human rights principles in a society because they are enshrining in law an integration into societal norms and practices of popular opinion. Instead,

ensuring basic rights for LGBT people represents an acceptance of a belief in the human dignity of each and every person.

The killing, torture, imprisonment, and expulsion of millions of Ugandans under the first and second Obote regimes, under Idi Amin in the context of the war in the north of the country should have provided plenty of evidence to Ugandans that targeting individuals because of their identity is destructive to the national unity and economic growth that all Ugandans desire and deserve.

Uganda has been one of the United States' closest partners in Africa for more than 20 years, and the U.S. government has many options at its disposal to express its disapproval with the anti-homosexuality bill. We have been heartened by the statements of Assistant Secretary Carson, Secretary of State Clinton, and President Obama himself and by the actions of many Members of this Congress.

We believe that pressure must be maintained to make clear to the Ugandan Government that simply removing the most egregious aspects of the bill, such as the death penalty, will not make this legislation less destructive.

We further believe that the Department of State and the administration should use its good offices to encourage African governments and the African Union itself to speak up against the bill, particularly among the signatories to the December 2008 U.N. General Assembly statement to which the United States added its important agreement.

There are six African signatories to that statement, including African players in the African Union such as Gabon and Mauritius, as well as South Africa. These states must be encouraged by all means to break the silence that has somehow prevented them from condemning one of the most retrograde pieces of legislation to garner serious consideration by an African state in a long, long time.

As a gay man of African descent, I would like to draw particular attention and express particular exception to recent comments by the Speaker of the Ugandan Parliament that, as black people, we understand the issue of homosexuality differently than whites. Honorable Ssekandi's comments seem to be providing a cultural, even a racial, rationale for homophobia which we cannot accept. In fact, much of the support for the anti-homosexuality bill has been ensconced in the flimsy argument that same-sex attraction and gender nonconformity are either unfortunate remnants of colonialism or neo-colonial plots to undermine African families.

African American gays and lesbians were confronted with similar arguments when we began to find our voice here in the United States. We reject these arguments not simply as a historical and unresearched but as a disrespectful and myopic failure to acknowledge the important roles that Ugandan LGBTs play in families, in our communities, and in society as a whole.

While family values are being cited as the justification for this legislation, the anti-homosexuality bill will in fact damage Ugandan families by turning family members into informers, by underwriting blackmail and extortion, and by legislating the imprisonment or even the execution of parents, of sons, of daughters, of schoolteachers, of bricklayers, of lawyers, of traditional healers, of anyone suspected of having a diverse sexual orientation or gender identity.

This legislation is a blueprint for the type of witch hunt that a country like Uganda cannot afford and which the world community cannot abide.

Thank you.

[The prepared statement of Mr. Johnson is unavailable]

Ms. BALDWIN. Next we turn to Reverend Kapya Kaoma. You may begin your testimony now.

**STATEMENT OF REVEREND KAPYA KAOMA, PROJECT DIRECTOR,  
POLITICAL RESEARCH ASSOCIATES**

Rev. KAOMA. Thank you, Madam Chairperson. Good afternoon.

I am Reverend Kapya Kaoma, a researcher for Political Research Associates, an independent organization in Boston.

In 2009, I spent time in Uganda investigating the influence of United States' conservatives in Africa, gathering information for PRA's report entitled "Globalizing the Culture Wars: U.S. Conservatives, African Churches, and Homophobia."

As part of my research, I met with a group of activists -- and Julius was one of them -- to debrief the implications of the now-famous anti-gay seminar hosted last March by U.S.-based anti-gay activists and the Ugandan-based anti-gay Family Life Network in Kampala. The main speakers at the seminar were from the U.S. Christian Right: Scott Lively of Abiding Truth Ministries, Don Schmierer of Exodus International, and Caleb Lee Brundidge of the International Healing Foundation.

One Ugandan LGBT activist at the briefing excused herself to go and meet someone outside the meeting. Just as she stepped out, she was arrested by the police. Her crime: She is a lesbian. Although she was ultimately released, she lost money and other valuables. In tears, she told me, "This is how we live." I asked her why she did not consider leaving Uganda. Her answer was even more revealing: "I will die fighting for my rights. Nobody will force me out of Uganda."

Madam Chairperson, Ugandans are fighting for their rights, and all they need is American support.

The seminar we are discussing is just one example on how U.S. anti-gay propaganda is being used in Africa. Across Africa, sexual minorities continue to live in fear of their own governments, the institutions that should protect them. They are denied fundamental rights to employment, medical care, education, and other basic human rights. They are economically, politically, and socially powerless.

American researchers like Fredrick Clarkson, Jeff Sharlet, and Bruce Wilson are among those who have explored the roles various United States-based religious and political conservative groups are playing in Africa. As PRA's report reveals, U.S. religious conservatives have nearly unlimited access to African politicians. In this regard, their influence is not restricted to this bill as we are discussing today but extends to public health, labor, and other social welfare issues.

No one can deny the influence of the United States of America and its citizens around the world. U.S. fundamentalists have used this U.S. influence to affect policies in Africa in frightening ways. Opinion makers Scott Lively and mega-church pastor and best-selling author Rick Warren have felt free to utter anti-gay sentiments in Africa. Despite his welcome condemnation of the current bill, Pastor Warren once denied that homosexuality is a human rights issue while visiting Uganda.

Similarly, statements made at the anti-gay seminar demonized gays as evil, monstrous, and violent persons who are out to molest children, kill, and destroy families. In Uganda and elsewhere, conservative religious people like Lively are seen as experts on human sexual behavior because they are members of the clergy. The wording of the anti-gay bill, which calls for capital punishment for some LGBT people, was taken directly from presentations at the seminar. Such expressions of hate from Americans only encourages bigotry and incites violence against minorities in Africa.

Many African political and religious leaders promote the mistaken idea that homosexuality is a Western export, and as such it is a form of imperialism and neocolonialism. This belief is exploited and encouraged by U.S. conservatives. Such claims are used to deny sexual minorities of their fundamental human rights. In Uganda, Nigeria, and Kenya, where my research was based, behavior existed long before the Europeans arrived.

As an African minister schooled in Western thought, I am sensitive to charges of neocolonialism, but this issue is not about neocolonialism, nor is it about Western impositions. It is about the rights of lesbian, gays, transgenders, and bisexual human beings. It is about the human rights to which we are entitled. It is about the very essence of our human life. We do not have time to play anti-colonial politics. We need to act now.

Uganda is miles away from Washington. But I suggest that the United States government has a moral responsibility to act on at least three levels.

First, it must challenge the hatred that is being exported in the name of America to unsuspecting Africans. We have laws in this country that protect vulnerable communities like LGBT persons based on our commitment to human rights. The U.S. government must make it clear to people of Uganda and other parts of Africa that these religious conservative views are not representing American government policies or values.

Second, we need to review U.S. aid policies to avoid supporting African institutions like Uganda Christian University that diminish human rights. Such funding distorts the image of the United States and contributes to hatred and bigotry.

Finally, America should not settle on Uganda dropping the current anti-gay bill. Important as this might be, the United States government should consider asking the majority of African countries that criminalize millions of Africans to repeal their own colonial laws that deny fundamental human rights on the basis of sexual orientation.

Thank you.

[The prepared statement of Rev. Kaoma is unavailable]

Ms. BALDWIN. Thank you.

Next we call on for her testimony Christine Lubinski.

**STATEMENT OF CHRISTINE LUBINSKI, EXECUTIVE DIRECTOR, HIV MEDICINE ASSOCIATION, INFECTIOUS DISEASES SOCIETY OF AMERICA**

Ms. LUBINSKI. Thank you very much for offering the Center for Global Health Policy the opportunity to testify about this critical issue.

The Global Center is a project of the HIV Medicine Association and the Infectious Diseases Society of America and is charged with bringing the expertise and perspective of physicians, scientists, and clinicians to Federal policy discussions about global HIV and TB.

Uganda is a country of approximately 30 million people with an estimated HIV prevalence of 5.4 percent, roughly five times the HIV prevalence in the United States.

The most recent U.N. AIDs data estimates 940,000 people living with HIV in Uganda, more than a million Ugandans have died, and more than 1.2 million children have been orphaned by the disease. The prevalence of HIV infection amongst women in Uganda is even higher, at 7.5 percent.

Our frontline clinicians and physician scientist members are concerned and outraged by the proposed anti-homosexuality legislation in Uganda. They view it as both a profound violation of human rights and as a major threat to efforts to combat the HIV epidemic. Many of our members have significant experience working in sub-Saharan Africa, including Uganda, and their opposition is based on human rights, HIV prevention grounds, and direct knowledge of what programs need to be successful.

Given this level of concern, we worked them to develop a letter to President Museveni. In one week, we garnered nearly 1,600 signatories on the letter which we are disseminating widely to leaders in Uganda as well as Washington policymakers.

Seen through the lens of AIDS, the proposed legislation is not simply an outright assault on sexual minorities, but it also places at risk a comprehensive program of HIV prevention, care, and treatment. Until now, Uganda has been held up as a model for real progress against AIDS by demonstrating serious high-level political leadership, a willingness to engage in straight talk about HIV risk reduction and to mount a concerted condom distribution campaign.

This proposed bill not only criminalizes homosexuality but, by extension, demonizes all persons with HIV by labeling same-gender sexual activity by HIV-infected people, so-called aggravated homosexuality, punishable by death.

Furthermore, the bill sponsor dangerously and incorrectly asserts that by criminalizing homosexual behavior the country's AIDS epidemic will be ameliorated. Stigma already poses a formidable barrier for HIV services for people living with HIV in Uganda and elsewhere.

This law, if enacted, would render every person with HIV a potential criminal subject to scrutiny about their sexual behavior and threatened with life in prison or even death. Moreover, the law would essentially criminalize not only the activities of all organizations working in the LGBT communities but also potentially all organizations developing HIV prevention, care, and treatment services by calling for imprisonment of anyone who fails to report individuals who engage in homosexual



acts.

From the perspective of the HIV clinicians, researchers, and educators, this law would cripple the provider-patient relationship, making it virtually impossible for physicians and other caregivers to provide quality medical care and risk-reduction counseling. It would also raise new barriers to enrollment in HIV clinical trials in the conduct of epidemiological research.

It is especially troubling that this proposal has emerged at a time when there is finally a concerted effort under way to evaluate the impact of the AIDS epidemic on MSM and developing countries and to ensure that targeted human rights-based programming is available to address their needs.

U.N. AIDS has embraced a clear agenda of ensuring the needs of an at-risk populations, including MSM, are met and Ambassador Eric Goosby has made his interest in prioritizing services to this population clear.

The enactment of this law would make efforts to assess the size and the needs of this population in Uganda essentially illegal, while casting an additional shadow of bigotry, discrimination, and stigma on all persons in the LGBT community and all persons with HIV/AIDS, regardless of their particular risk factors.

Substantial unmet needs remain for HIV treatment among both adults and children in Uganda as poor management of some funding and flat funding from PEPFAR have taken their toll. Passage of this law will make the continuing AIDS crisis in Uganda even worse. If Draconian penalties drive homosexual activity even further underground, bisexual men may avoid HIV and STI screening and might be more likely to transmit to partners, particularly wives, who would perceive themselves to be at low risk if they were monogamous. A recent study published showed that MSM married to women in India were more likely to be HIV infected than men who had exclusively male partners.

Knowledge of HIV serostatus is one of the foundations of HIV prevention, but this law will make Ugandans even more reticent to be tested for HIV infection, to ask candid questions about their HIV risk, or to access HIV care if they do discover they are infected.

The United States must use its leverage to ensure that this proposed legislation is withdrawn. No modifications of this bill can make it palatable to those committed to social justice and public health. We must do more to ensure that the needs of MSM are met in all PEPFAR-funded countries, and that must begin with a rejection of laws and policies that violate the fundamental human rights of individuals.

Uganda already has regressive laws on the books regarding homosexuality, as do the majority of PEPFAR-focused countries. As the U.S. moves forward to negotiate partnership framework agreements with developing countries under the Global Aids Program, our government must be clear about the fundamental human rights of all persons at risk or living with HIV and about evidence that clearly demonstrates that public health goals are undermined by stigma and discrimination.

As Stephen Lewis so eloquently stated in a recent speech: Let it be understood it is not homosexuality that spreads AIDS. It is the culture that brutalizes gay men and forces them underground that spreads AIDS.

The U.S. global AIDS program must be proactive by ensuring that funding is available to provide outreach service to MSM and other vulnerable groups to engage

them in prevention and treatment services that can literally save their lives.

Performance indicators used to evaluate the success of HIV programs in country must include measures for MSM, sex workers, and injection drug users if we are serious about making prevention programs relevant and evidence based.

Indeed, human rights protections and targeted prevention programs are critical ingredients to any successful effort to ultimately end this deadly epidemic both here in the U.S. and the developing world.

Thank you very much.

[The prepared statement of Ms. Lubinski is unavailable]

Ms. BALDWIN. Thank you all for your testimony.

Before we start the first round of questioning, I am going to ask unanimous consent to make the written testimony of each of our witnesses this afternoon as a part of the official record and in addition written testimony submitted by the Human Rights Campaign on this day; and without objection that is ordered.

Ms. BALDWIN. I will start with you, Mr. Kagwa. Thank you so much for coming so far to present testimony today.

You have powerfully described the personal impact that this bill's introduction has had on you and your family and sexual minorities in Uganda, and you have also given us a great description of the Coalition that has come together to mount a campaign to try to persuade Ugandan authorities not to move forward with this bill.

I have a sort of two-part question. I want to know your assessment of the progress your Coalition has been able to make in country among parliamentarians and government and the people of Uganda; and then, secondly, can you tell me a little bit about, since you have identified that this is an assault on multiple levels against sexual minorities but also against democracy and free speech and people who organize, are either of those sets of arguments more powerful to persuade people to halt this bill?

Mr. KAGGWA. The Coalition, as I indicated earlier, has been able to reach to some success in convincing some political leaders and religious leaders to revise some clauses of the bill. But the majority of politicians are still pushing for the bill; and, unfortunately, a faction of religious extremists are still pushing for the bill.

What the Coalition -- the focus of the Coalition right now is to mobilize internal local voices from indigenous organizations. We do have an encouraging number of organizations in the Coalition, but there is still a lot more that we could get on board, especially organizations working in the field of HIV and AIDS. And that is where we hope that, if we mobilize a stronger voice locally, coupled with the voices from the international community, that we will be able to reach the kind of result that we want to see.

Then, to address your second question, it has not been easy to convince both the community and the members of parliament on the aspect of homosexuality, and our point has been the undemocratic elements of the bill and the unconstitutionality of the bill. Because, as you may know, we have deep cultural beliefs in our society where the belief is that homosexuality is not African, it is an import from the West, and these are deep-seated beliefs in society. But the element of setting a mother

against a daughter, the element of setting a sister against a brother is something that we all identify with. While I or somebody else may not agree with how morally upright homosexuality is, it is unheard of for anybody to ask me to turn in my sister or my brother or my friend simply because I have had or suspected they are homosexual.

So these are the arguments that we are using which make this bill really Draconian. That instead of bringing the family, instead of preserving the family as purported by the people that are pushing the bill, it is actually splitting families.

Ms. BALDWIN. We heard from Secretary Wycoff on the first panel about the U.S. efforts in trying to halt the progress of this legislation, but he noted in his testimony -- and my colleague questioned him on this point -- are there ever instances where outside pressure can be counterproductive, can serve to bolster the resolve of those who are pushing this Draconian legislation? And I wanted to offer each of you the opportunity to respond to those arguments.

You have each proposed things that this country can do. Do you have any concerns -- do you share the concerns that were raised by the Secretary?

And I will start with you Mr. Kagwa, and you can proceed in the order that you testified.

Mr. KAGGWA. Thank you, Madam Chairperson.

I think I will begin by going back a little bit on what I said earlier. The Civil Society Coalition on Human Rights and Constitutional Law, as well as sexual minority groups in Uganda, are actually pushing to raise local voices, internal indigenous voices, because my President has spoken out and called this a foreign policy issue, which indeed it is.

But what we want to stress is that it is not only a foreign policy issue. It is a national issue. It is about us, it is about our families, it is about our children, it is about our citizenship rights, and it is important that these local indigenous voices are heard as heavily or as loudly as the international voices. I do think that both can work hand in hand.

But as a Coalition and as a member of such humanities on the ground, our focus is to make our Parliament to hear our voices and then ask the United States and our international partners to amplify those voices from where you are because we know that the United States upholds human rights. We all admire the way that the United States upholds liberty, freedom, and human rights; and we believe that if that voice supplements our own voices, then we will be productive. But if the foreign voices are louder than our voices, that, I am afraid, might have a counterproductive effect.

Mr. JOHNSON. I think my colleague said it very well, and we are very much committed to ensuring that both local voices and regional voices are heard on this. And, as I mentioned in my testimony, I think that that would be one aspect in which the administration could be more proactive in terms of talking to other African nations and talking to the African Union about making its voice heard on this legislation.

But I think that we always, as a country, have to be careful how we critique the human rights records of other countries. But, as the Congressman said, these human rights violations are going to occur and we can't be silent about it. It is all a

question of how we express our point of view, who expresses that point of view on behalf of our government.

President Obama's stature in Africa is unparalleled compared to any other U.S. President in recent history. His voice carries great weight. The voices of the Congressional Black Caucus carry great weight on this issue. So I think there are important statements that need to be coming from our government, and it is just a question of making them with respect, with an understanding of Uganda's history, for example, and understanding the relations that we have with the country.

Rev. KAOMA. Thank you very much.

It is a very important question. It has been used several times by African leaders to deny people their rights, and every time, with each amendment or something, they are going to say you are imposing issues on us. And because of that you are being forced to keep quiet. But, as I said, this is not about imposition.

We need as many voices as possible about this issue, and we need to hold these African leaders -- we did not force them to sign to the declarations that each person is entitled to human rights. So we are not talking about Uganda. We are talking about the signature they put on documents which are binding to them, and we should hold them accountable on that. It is about human rights, and I think it is important to hold them accountable on that.

The mistake we can make is to ignore the voice on the ground. And I thank you for having Julius here. Because it is not an American speaking. It is a person from Uganda saying we are doing this work.

So always we should support the local voices in their struggle. Because, at the end of the day, they are the ones that are going to ask questions of the President and are going to inform us of what is going on on the ground. So they need our support.

Thank you.

Ms. LUBINSKI. I certainly agree with all of the comments made by my co-panelists. And I have to say that I am reminded of the adage of a very important AIDS activist group, Act Up, and that is "silence equals death." And in very real ways, both in terms of the actual language of this legislation and this impact on people and families that has been described as well as its impact on the HIV epidemic, I think that is clearly the case here.

From the perspective of HIV specifically, I think that our government has a responsibility to ensure that the tremendous resources made available to Uganda are really reaching the people in need and are being used for evidence-based prevention and human rights-based care. And I mean I have to say that, in addition, our doctors really wanted to do a letter and the letter was sent to the President of Uganda, but it was as much to send a message to our own government to remain vigilant about these issues.

Ms. BALDWIN. One comment and then one question before I turn to my colleague for questions.

I want to underscore also the power of local voices, and we would have loved to have had a number of people from Uganda to express and share with the world their stories. There are other ways to do that, and we would like to work with you in the future to get those out. And I am pleased, Mr. Kaggwa, that you shared and, Reverend, that you shared some of the stories that you know of in your testimony.

There was reference made today as well as in the media about the anti-gay seminar which I believe occurred last March. I understand it was attended by perhaps thousands or over a thousand and perhaps broadcast to a wider audience. I would ask both Mr. Kagawa and Reverend Kaoma, was there any effort or any information to document increased violence and increased harassment and increased discrimination associated with that time period and thereafter?

Rev. KAOMA. Madam Chairperson, I do know that after that conference we have had over 14 cases of arrest, you know, purely on grounds that they are suspected homosexuals; and also it was from that conference that the notion of recruitment of people into homosexuality started, a notion that is totally outrageous. And this has escalated the hate among the public for anyone who is homosexual or who is suspected to be homosexual and any of us who are working to promote the human rights. It has not only been the arrests but there has been a death that occurred of a homosexual person who was tortured in prison in police custody and they died.

So, yes, after that conference there has been a series of hate crimes and orchestrated hostility against homosexuals.

Rev. KAOMA. We attended the seminar. Immediately after the seminar, there was a meeting; and during that meeting we had -- staff and we were afraid because it was made very clear that we have to hunt down homosexuals and we need to have state machinery because these people are so violent, they are so big -- we don't have guns, but we need people with guns to go after homosexuals.

And what I am saying is, on record, on video, somebody saying that in a meeting packed with people asking them to go house to house, hunt down homosexuals. And if the government does not act, then they have to act in order to defend their children.

So from that very moment this situation in Uganda was very unsafe for LGBT persons. I remember on the 15th the meeting was aired. On the 19th of March, there was a petition by Uganda Christian Council asking the government for the new bill. On the 14th and the 20th, the bill was born. So you can see the American influence in Uganda, and they have removed that now, but you can still see segments of watch court live in Uganda --

Ms. BALDWIN. One quick follow-up before I yield to my colleague.

Some of the religious conservatives who have traveled to Uganda have, since the introduction of the bill, issued some statements opposing the legislation. Has word got out about that? Has it made any difference? Has it persuaded the sponsors in any way? What impact, if any, has that had?

Rev. KAOMA. I am afraid I can't really adequately comment on that question. But I would like to think that perhaps the President's current stand on the bill, which is still far from what we would like him to do, is perhaps a product of that kind of engagement.

Mr. KAGGWA. I am very appreciative of statements from American conservatives, but most of them have said things to Americans so I only pay attention to the parts for Ugandans. And what I fear is what happened. When the Ugandans responded back to him to say why are you lying to us? On this day you told us about this about gays. Now you want to run away because we are doing something you have been teaching us to do.

So the problem that we have coming from the Americans, the best thing we can do is get Lively and Schmierer and Brundidge should go back to Uganda and be given the TV there to speak and say, "We lied to you. Gays are human beings to be respected." That would be a good day, and that will make my day.

Ms. BALDWIN. Thank you.

I now yield to Congressman McGovern.

Mr. McGOVERN. I want to first ask unanimous consent that we insert in the record a letter that was sent to Members of Congress and to President Obama signed by 46 faith-based entities in opposition to the bill that we are talking about today.

Ms. BALDWIN. Without objection, so ordered.

[The information is unavailable]

Mr. McGOVERN. Mr. Kaggwa, when do you return to Uganda?

Rev. KAOMA. On Monday night.

Mr. McGOVERN. This whole panel has been incredibly powerful and articulate and I am worried about you. Are you concerned of any reprisals when you go back, given the fact that you have testified before this Commission in the United States Congress?

Rev. KAOMA. I cannot rule that out, but I also would like to say that anything I have said here I would say back home.

Mr. McGOVERN. That is incredibly courageous, and I think we all admire your convictions here.

But I want you to know that this Commission wants to remain in contact with you and this Commission is going to follow what happens to you when you go back to Uganda, and if we can do anything in the form of letters or notifying our embassy, we will do it. And so just work with us or call us. But we are going to remain in close contact for many, many years to come.

Rev. KAOMA. I appreciate that very much.

Mr. McGOVERN. We all become good friends here. The U.S. gives substantial humanitarian assistance and non-humanitarian assistance to Uganda. If this anti-homosexuality bill passes, do you think the U.S. should withhold aid or condition aid?

Anyone want to address that?

Ms. LUBINSKI. I will chime in on the AIDS money, which is substantial, and I think it has been \$1.3 billion over time. And foreign aid primarily in the form of PEPFAR money and the Global Fund represent about 88 percent of every dollar spent in Uganda. And I guess I am speaking only for myself because I haven't polled the doctors, but I think it is fair to say that we do not support the withdrawal of AIDS money. It is too much of a day-to-day lifeline for too many people. I am not equipped to comment on other forms of aid. But it seems like there are significant other avenues to pursue, and the HIV money would not be a good one.

Mr. McGOVERN. Aside from the HIV money, does anybody believe we should condition or cut any aid if Uganda would move to approve this bill?

Mr. JOHNSON. I would say that Uganda has made a number of commitments to human rights treaties; and when they accept funds from foreign governments, they make other commitments as part of human rights regimes. If they

fail to live up to and respect those regimes, then I think there needs to be consequences, and there are multiple ways in which those consequences can happen. Uganda members of Parliament and members of government enjoy traveling to the United States. There are issues around provisions of visas.

I think with regard to dollars and cents, actual funding, there may be ways of making funding available to ensure that the important HIV treatment programs that are occurring in Uganda with PEPFAR assistance are not cut off but are perhaps channeled differently, that nongovernmental organizations become implementers of said programs.

But I think that you all are very experienced in figuring out how to make statements in terms of when aid can be made available and at what point.

Mr. McGOVERN. That gets to the question I want to ask all of you.

In conclusion, what more can the U.S. do? Mr. Johnson, you talked about us trying to reach out to the region to have more support from countries in the region to oppose this; and you mentioned we might want to talk to the Congressional Black Caucus about taking some action. The issue of visas is another possibility. But what else can the U.S. be doing that we are not doing?

I am not trying to say we are not doing anything. We are doing a lot. But Mr. Wycoff I thought made that very clear, and I admire what Secretary Clinton has said and what the President of the United States has said and everybody in the State Department. Mike Posener I know is very concerned about this issue.

But I guess my question to all of you in conclusion is, are there other things that we can do that we have not done yet in addition, Mr. Johnson, to what you had mentioned?

If anybody has any suggestions, I would like to hear them.

Rev. KAOMA. I followed President Museveni's statement on this issue, and he said he spoke to Secretary Clinton, and when he spoke to her, he made it clear there is a group of homosexuals from Europe recruiting in Uganda. And I think it is time for the American government to start destroying those myths. I hoped that the Ambassador should have written immediately to the President to say this is not true. There is no group coming to recruit.

To try to destroy some of these myths which are being propagated in Africa, I think it is very, very important. Because the information Africans are getting currently about this issue is coming from the conservative media, and there is no counter to that. And I think there is a way in which the United States through its ambassadors can help dispel some of these myths.

Mr. JOHNSON. Can I also add the important role of women leaders in Uganda and perhaps the unfortunate lack of leadership that I have seen.

The Uganda Women's Caucus in Parliament has been supportive of the bill. And I know that the Ugandan First Lady, who has played an extremely important role in fighting AIDS and moving the battle against HIV forward not just in Uganda but throughout the continent, she is an influential person. And I am wondering if there are women leaders in U.S. Congress and perhaps the First Lady herself might be able to play some role in having some discussions about the potential impact on this bill, not just on human rights but on HIV prevention in the country.

Mr. McGOVERN. Mr. Kaggwa, can we do anything else? What else should

we be doing?

Rev. KAOMA. I wanted to reiterate what was just said. I think that if President Obama and the First Lady of the United States can engage more with our First Family on especially the issue of HIV/AIDS, which is a great concern to us, and on the issue of human rights generally, I think that will be very, very helpful. I think there has not been a statement from Madam Michele Obama yet; and if that could come through to our First Lady, that would be very, very helpful.

Mr. McGOVERN. Ms. Lubinski.

Ms. LUBINSKI. Well, I assume I don't need to suggest that you follow up on that possible visa application of the bill's sponsor. Because I am just appalled at the notion that he could actually come here and break bread with Members of Congress and other dignitaries.

Mr. McGOVERN. I want to thank all of you. You have given us good, concrete suggestions. We have a lot of homework to do. This has been a very powerful panel. This is an issue that interest is growing in the Congress, and I think that is a good thing, and I think the administration is on board and doing what it can and we look forward to following up with you. So thank you very much.

Ms. BALDWIN. I want to reiterate that last sentiment. I very much appreciate your coming to the United States, Mr. Kaggwa, and our other witnesses. You have all had powerful testimony to share that I think will go a long way in educating people in our country but hopefully bolstering our efforts to help you halt the progress of this Draconian legislation and better conditions generally. And I am particularly inspired by your comments of how we can make investments in empowering the local voices and working hand in hand on those efforts.

Thank you.

[Whereupon, at 3:45 p.m., the Commission was adjourned.]