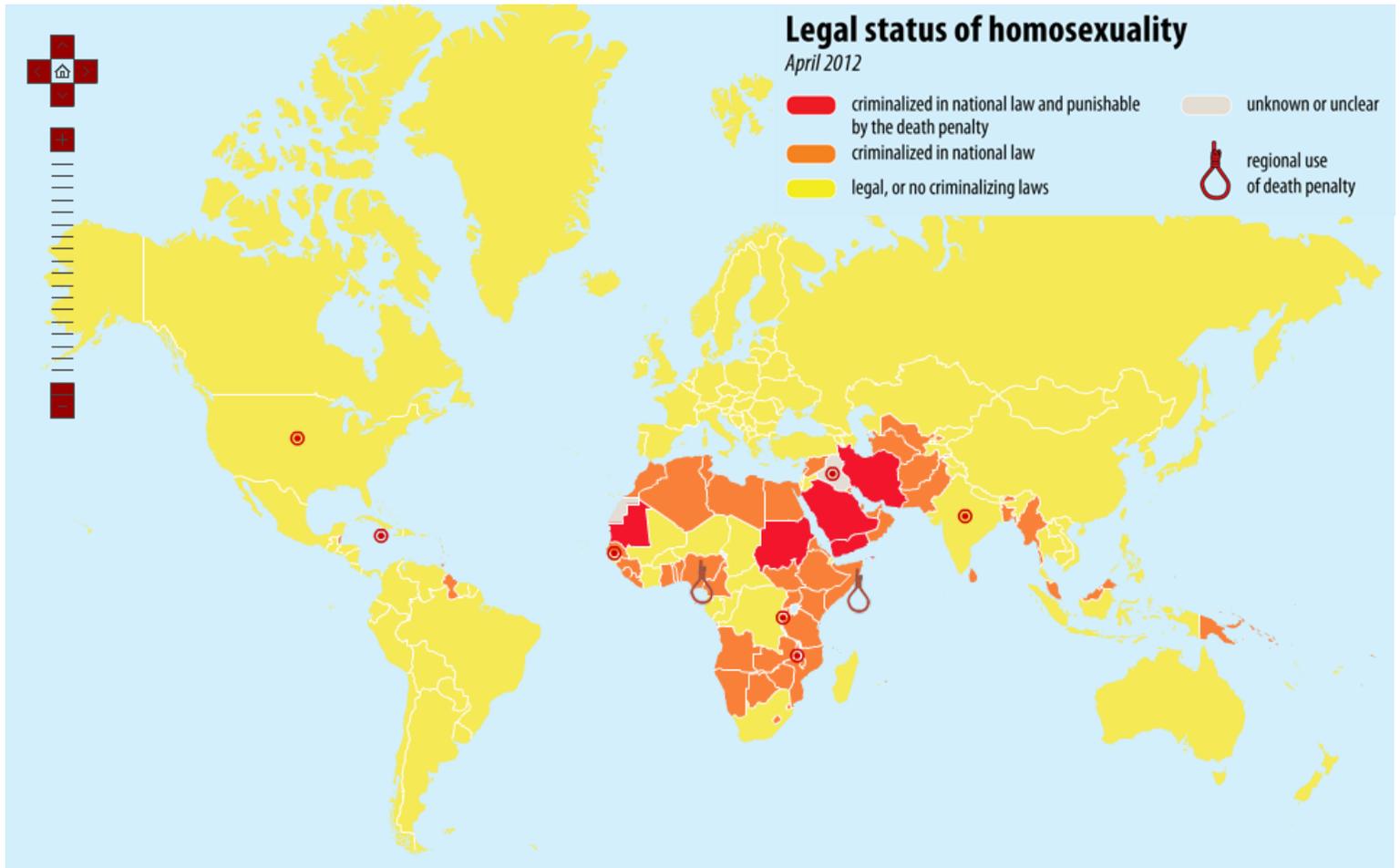


Criminalization of homosexuality

Criminalization of homosexuality is shockingly common, and in some homophobic regions — notably, many African and Caribbean states that were colonized by England — it is intensifying in ferocity. Our collective understanding of the imperatives of public health and human rights leads to one conclusion: classifying sexual orientation as a crime is entirely wrong-headed. Decriminalization is of the greatest urgency; without it there can be no end to the AIDS epidemic.



How to use this map: Click on the map to zoom in and click-and-hold to drag the map. The controls in the upper left corner can also be used to zoom in and out or to move the map. To return to the full-map view, click the "home" icon at the center of the directional arrows in the upper left corner. Further information about some countries can be found by clicking the "bulls-eye" and "noose" icons on the map.

In countries that collect data on “MSM” ([%7E/media/79E96FBE6C1A4D908DF1EC6E4906493E.pdf](#)) (men who have sex with men, whether or not they identify themselves as homosexual), the prevalence rate amongst MSM greatly exceeds that of the general population. There’s nothing mysterious about this: anal tissue is highly susceptible to HIV. But more, in an atmosphere of homophobia, the homosexual population is denied basic rights, from privacy rights to freedom from harassment and persecution; gays and lesbians are driven underground where sex is furtive and the thought of testing, prevention, and treatment is a scary anathema.

Constitutional protection

National constitutions prohibiting discrimination based on sexual orientation (year adopted)
As of April 2012



Many argue that decriminalization of same-sex relations will solve the HIV crisis among gay men. But others disagree, cogently pointing out that decriminalization doesn't automatically lead to a decline in prevalence. They cite France and the United States, where, even in the absence of criminalization, rates among MSM continue to increase.

Naturally, the prejudice and stigma that malign the homosexual world won't disappear with the stroke of a legislative pen. But abolishing [homophobic law](#) ([%7E/media/796515F2D74A4158AC599504E042F4A8.pdf](#)) lifts the Damoclean sword of hate. It is essential, but only a first step in reducing HIV infections.

It's impossible to speak of criminalization without invoking human rights and questioning how so many governments that claim to uphold human rights get away with it. The argument of cultural relativism to justify homophobia, advanced by religious zealots, egocentric academics, and unprincipled politicians, is rubbish. Human rights are inviolable, not negotiable.

The persecution of homosexuals anywhere in the world must be confronted. What's still missing is the naming of names of the leaders whose behavior accelerates homophobia.

The UN must publicly berate President Yoweri Museveni for allowing an anti-homosexuality bill to gain any traction in the Ugandan parliament. Museveni could put an end to this legislative nonsense with a wave of his hand.

The former Prime Minister of Jamaica, Bruce Golding, had [infamously stated that he would never allow gays in his cabinet](#) (<http://www.youtube.com/watch?v=cLDqM-A4tH4>), but when the Secretary-General of the Commonwealth called for an end to state-sponsored homophobia, he politely avoided naming Golding.

President Obama and Secretary of State Clinton recently have made it [American foreign policy to protect the human rights of lesbians and gays around the world](#) (<http://www.whitehouse.gov/the-press-office/2011/12/06/presidential-memorandum-international-initiatives-advance-human-rights-1>). But multi-millionaire Saddleback Church Pastor Rick Warren, who fiercely opposes gay marriage in the US and fans the flames of homophobia abroad, was invited by Obama to deliver the invocation prayer at the Presidential Inauguration. You can't have it both ways.

Uganda's Anti-Homosexuality Bill



In a number of instances where the state is punitive, there is a tendency to equate homosexuality with potential HIV transmission. The *reductio ad absurdum* of this proclivity is the putative [anti-homosexuality bill](#) ([%7E/media/4CD769EEEBCE4538A8A080FFE0377F83.pdf](#)) introduced into the parliament of Uganda. Among other provisions, this law would impose the death penalty (and if not the death penalty, then life imprisonment) on any HIV-positive gay man who has sex with another man; it also requires every citizen, including parents, to report to the authorities anyone suspected of being gay — on penalty of three years' imprisonment.

There is obviously no need to evaluate such statutory provisions. Their malignancy is evident. But there is an additional and unsettling culpability: the absolute silence of other African states. In this case, silence connotes complicity. Given the stunning assault on the human rights of gays and lesbians as represented in the Ugandan law, it is a sorry commentary on African leaders that they're prepared to use AIDS as a foil and as a tool of insensate oppression.

Pathways of Malevolence

March 2009: After American evangelists and their Ugandan counterparts held a public seminar to expose “the truth behind homosexuality and the homosexual agenda,” conference organizers circulated an anti-gay petition and delivered it to Parliament.

April 2009: One Ugandan tabloid, The Red Pepper, printed names of “suspected homosexuals,” while another, The Observer, printed tips on how to identify gays.

October 2009: MP David Bahati introduced “The Anti Homosexuality Bill of 2009” to strengthen the existing criminalization of homosexuality. The bill called for outlawing gay and lesbian organizations, mandatory reporting of suspected homosexuality by all citizens, and imposition of the death penalty for specified homosexual acts, including engagement in sex by HIV-positive persons.

November 2009: President Museveni warned young people that he understood that “European homosexuals” were recruiting in Africa. James Nsaba Buturo, the Minister of State for Ethics and

Integrity, said the government was determined to pass the Bahati legislation even if it meant forgoing donor funding and withdrawing from international agreements such as the Universal Declaration of Human Rights.

2010: Intense international reaction against the bill pressured President Museveni to form a commission to investigate its implications.

October 2010: A Ugandan newspaper, Rolling Stone, published a list of the nation's 100 “top” gays and lesbians with their photos and addresses, under the banner “Hang Them.” In November, the Ugandan High Court ordered the newspaper to stop publishing the names.

January 2011: Uganda's most prominent gay activist, David Kato, whose photograph had been published in Rolling Stone, was bludgeoned to death.

February 2012: MP Bahati reintroduced the Anti Homosexuality Bill; it is, once again, under review by a parliamentary committee.

[Next map: Leaders Speak for Themselves \(%7E/link.aspx?_id=147139C5A98A42E2A22FA541EEADB8B4&_z=z\)](#)

[Return to Planet AIDS home \(%7E/link.aspx?_id=1C2482B29DFE4F188314D93DB9E967B9&_z=z\)](#)

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