



Independent observer
of the Global Fund

Global Fund expresses “deep concern” about new anti-gay law in Uganda

The Global Fund has expressed “deep concern” about a law signed by Ugandan President Yoweri Museveni that imposes jail terms of up to seven years for those who ‘aid or abet’ homosexual relations, which could implicate health workers providing services and counseling to people living with HIV.

In a statement released on 24 February the Fund decried the new legislation for its “significantly tough[er] punishments against gay people” and “grave implications for public health”.

UNAIDS has estimated the HIV burden in Uganda at 1.5 million people, from a population of roughly 35 million. At 13%, the prevalence of HIV among men who have sex with men is roughly twice the national prevalence rate of 7.3%. This is in line with global estimates that men who have sex with men are around 13 times more likely to become infected with HIV than the general population.

Fear of legal repercussions such as incarceration, or illegal consequences such as physical abuse, will likely prevent many men from seeking care and services in Uganda. These fears are mirrored by research that shows that when persecuted populations face discrimination they are less likely to seek testing, prevention and treatment, placing them at even greater risk of HIV infection and HIV-related death, and making it more likely that they will transmit HIV.

“The retrogressive legislation just signed into law in Uganda is the tip of the iceberg of homophobic attitudes in a number of African countries. It reminds me of the bizarre denialism we saw in South Africa in 2000,” said Alan Whiteside, CIGI chair in Global Health Policy at the Balsillie School of International Affairs and Wilfrid Laurier University.

“It will cost lives and put back the fight against HIV. This blind prejudice is incomprehensible; bad leadership; terrible public health; and blinding intolerance. The enlightened African leadership and donors need to take a stand.”

In its statement, the Fund urged Uganda, among other governments, to “protect the human rights of lesbian, gay, bisexual and transgender people. We support repealing criminal laws against adult consensual same sex sexual conduct, implementing laws to protect against violence and discrimination, promoting campaigns that address homophobia and transphobia, and ensuring that adequate health services are provided to all.”

Uganda is the second African recipient of Global Fund grants that support HIV activities to sign into law anti-gay legislation in recent weeks, joining Nigeria among the ranks of the more than 30 countries on the continent that now have imposed harsh and discriminatory criminal penalties for homosexual behavior.

Ugandan Health Minister Dr Ruhakana Rugunda told the BBC on 26 February that all Ugandans will remain at “complete liberty to get full treatment and to give full disclosure to their doctors and nurses” even under the new law, insisting that sexual orientation would not be a factor in access to services.

But Ugandan activists say otherwise. The privately funded Ice Breakers Clinic, which worked exclusively with a gay clientele in the capital Kampala has suspended operations for fear of legal repercussions or attacks from the public couched as adherence to the law.

Shock that the law was passed after several previous iterations were vetoed by Museveni has also reverberated around the Global Fund itself. A Ugandan member of the developing country NGO delegation to the Board saw his membership terminated on 26 February following the release of emails exchanged with other members of the delegation that used homophobic slurs.

Dr. Patrobas Mufubenga, a malaria expert with the Malaria and Childhood Illness NGO Network (MACIS), has served on the delegation since May 2013. In a statement, the delegation said that it was not until recently that other members “became aware that his views on homosexuality and HIV and AIDS are incongruent with the [d]elegation’s views and the Global Fund’s stance on human rights”.

In taking its decision to suspend Mufubenga immediately from the delegation, the leadership said it “reject[ed] and denounc[ed] his sentiments without reservation” and that an application review and interview process would be implemented, going forward, to ensure that a similar situation does not arise again.

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