



March 20, 2012

Via email: [HarpeS@parl.gc.ca](mailto:HarpeS@parl.gc.ca); [bcm@international.gc.ca](mailto:bcm@international.gc.ca)

The Right Honourable Stephen Harper, P.C., M.P.  
Prime Minister of Canada  
80 Wellington Street  
Ottawa, ON K1A 0A2

The Honourable John Baird, P.C., M.P.  
Minister of Foreign Affairs  
125 Sussex Drive  
Ottawa, ON K1A 0G2

Dear Prime Minister and Minister:

**Re: Homosexual Rights in Uganda**

The Canadian Bar Association (“CBA”) wrote to you in March 2010, to support work by your government in protecting human rights in Uganda by speaking against the Anti-Homosexuality Bill (2009). On February 7, 2012, the draft legislation was re-introduced in Uganda. I write to ask you and your government to reassert your position against the proposed legislation.

The CBA is a national organization representing approximately 37,000 jurists, including lawyers, notaries, law teachers and students, across Canada. Our primary objectives are to uphold the Rule of Law, improve the administration of justice, and promote equality in the law.

We again extol the importance and helpfulness of your statements against the prior version of this legislative proposal. I attach a copy of our 2010 letter for your reference.

We again commend your work to date on this issue. CBA continues in its commitment to work with you in ensuring Canada’s voice is heard in upholding the Rule of Law. We trust that you understand the significance of this legislative proposal to the protection of human rights not just in Uganda but also of Ugandans living abroad, including those in Canada.

Yours truly,

*(original signed by Trinda L. Ernst)*

Trinda L. Ernst, Q.C.

Encl.





March 15, 2010

The Right Honourable Stephen Harper, P.C., M.P.  
Prime Minister of Canada  
80 Wellington Street  
Ottawa, ON K1A 0A2

The Honourable Lawrence Cannon, P.C., M.P.  
Minister of Foreign Affairs  
125 Sussex Drive  
Ottawa, ON K1A 0G2

Dear Prime Minister and Minister:

**Re: Homosexual Rights in Uganda**

On behalf of the Canadian Bar Association, I am writing to support statements made by you and your government against proposed legislation that would further criminalize homosexuality in Uganda. We encourage your continued work to ensure protection of human rights in that country.

The Canadian Bar Association is a national association representing approximately 37,000 jurists, including lawyers, notaries, law teachers and students, across Canada. Our primary objectives are to uphold the Rule of Law, improve the administration of justice, and promote equality in the law.

In February 2010, at the CBA's Midwinter Meeting in Ottawa, our Council unanimously passed the enclosed resolution condemning proposed legislation that would further criminalize and marginalize lesbian, gay, trans-sexual, queer and otherwise identified sexual minorities in Uganda.

This proposed legislation is the subject of international concern as well as of a petition signed by 500,000 Ugandans and delivered to their House of Commons March 1, 2010. International criticism and local advocacy are combining to continue the pressure for reform of Ugandan penal law to better protect human rights.

We commend your work thus far on this issue and vow to work with you in continuing Canada's commitment to the Rule of Law, including protections for human rights, in Uganda, as well as for the human rights of Ugandans living abroad, including those in Canada.

Yours truly,

*(Original signed by D. Kevin Carroll)*

D. Kevin Carroll, Q.C., L.S.M.  
President, Canadian Bar Association

Encl

## Denunciation of Anti-Homosexuality Bill in Uganda

**WHEREAS** a Member of Parliament in the Republic of Uganda has proposed the *Anti-Homosexuality Bill, 2009*, that would target lesbian, gay, bisexual and transgender Ugandans, their friends, families and neighbours and anyone else who fails to report them to the authorities, whether they are inside or outside of Uganda;

**WHEREAS** the proposed law:

- (a) would impose criminal penalties up to life imprisonment for persons engaging in consensual same-sex relationships;
- (b) might inflict the death penalty on persons who engage in homosexual activity while living with HIV; and
- (c) would criminalize third parties who failed or refused to report homosexual activity of their friends, neighbours or relatives;

## Dénonciation du projet de loi ougandais contre l'homosexualité

**ATTENDU QUE** un député de l'Ouganda a déposé son *projet de loi 2009 contre l'homosexualité* qui viserait les personnes de nationalité ougandaise qui sont lesbiennes, gaies, bisexuelles ou transsexuelles, qu'elles se trouvent à l'intérieur ou à l'extérieur de l'Ouganda, ainsi que les membres de leurs familles, leurs amis, leurs voisins, et toute autre personne qui n'en feraient pas le signalement aux autorités ougandaises;

**ATTENDU QUE** ce projet de loi :

- (a) imposerait des peines criminelles allant jusqu'à la prison à vie pour les personnes qui participent à une relation homosexuelle consensuelle;
- (b) pourrait sanctionner par la peine de mort les personnes porteuses de VIH qui participent à des activités homosexuelles; et
- (c) érigerait en crime le fait pour des tiers de ne pas signaler, ou de refuser de signaler les activités homosexuelles de leurs amis, de leurs voisins ou de membres de leurs familles.

**WHEREAS** the international community, including the Government of Canada, the U.S. Government, human rights groups and others have expressed concern about serious potential violations of the human rights of homosexual individuals and even any unmarried Ugandan adult resulting from this proposed law;

**WHEREAS** human rights groups have identified this proposed legislation as potentially causing severe health problems, hindering the fight against HIV/AIDS by preventing those with the illness from seeking medical attention;

**WHEREAS** commentators have raised concerns about the impact of this proposed legislation on the political process and the rule of law in Uganda as it has the potential to create a political climate of fear where allegations of homosexuality are used to extort or silence government critics and stifle dissent;

**BE IT RESOLVED THAT** the Canadian Bar Association join with the Government of Canada and the international community to denounce Uganda's *Anti-Homosexuality Bill, 2009* and any similar legislative proposal that criminalizes

**ATTENDU QUE** la communauté internationale, dont les gouvernements du Canada et des États-Unis, certains organismes de défense des droits de la personne, et d'autres encore ont exprimé leurs préoccupations quant aux risques graves que représente ce projet de loi pour les droits de personnes homosexuelles et même pour les droits de toute personne adulte de nationalité ougandaise qui n'est pas mariée;

**ATTENDU QUE** divers organismes de défense des droits de la personne ont relevé que ce projet de loi pourrait mener à de graves problèmes de santé, et constituer une entrave à la lutte contre le VIH et le SIDA, en empêchant ceux qui vivent avec ces conditions de rechercher les soins médicaux qui leur sont nécessaires;

**ATTENDU QUE** certains commentateurs ont exprimé leurs préoccupations quant aux effets de ce projet de loi pour le processus politique et la primauté du droit en Ouganda, étant donné qu'il est susceptible de créer un contexte politique de peur dans lequel les allégations d'homosexualité pourraient servir à faire chanter ou faire taire les critiques du gouvernement et à étouffer les opinions dissidentes;

**QU'IL SOIT RÉSOLU QUE** l'Association du Barreau canadien se rallie au gouvernement du Canada et à la communauté internationale afin de dénoncer le *projet de loi 2009 contre l'homosexualité* du gouvernement ougandais ainsi

**Resolution 10-03-M**

homosexuality including the continued criminalization of consensual sexual contact between adult homosexuals, enforced reporting of homosexual conduct and the imposition of the death penalty against homosexuals suffering from HIV.

**Certified true copy of a resolution carried by the Council of the Canadian Bar Association at the Mid-Winter Meeting held in Ottawa, ON, February 13-14, 2010.**

**Résolution 10-03-M**

que tout projet de loi semblable qui érigerait en crime l'homosexualité, en continuant à criminaliser les rapports sexuels consensuels entre adultes de même sexe, en exigeant le signalement de comportements homosexuels, et en imposant la peine de mort aux homosexuels porteurs de VIH.

**Copie certifiée d'une résolution adoptée par le Conseil de l'Association du Barreau canadien, lors de l'Assemblée de la mi-hiver, à Ottawa, ON, du 13 au 14 février 2010.**

**John D.V. Hoyles  
Chief Executive Officer/Chef de la direction**