

United States Senate

WASHINGTON, DC 20510

June 7, 2023

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

The Honorable Samantha Power
Administrator
U.S. Agency for International Development
1300 Pennsylvania Avenue NW
Washington, DC 20004

Dear Secretary Blinken and Administrator Power:

As Ugandan President Museveni signs into law the “2023 Anti-Homosexuality Act,” we applaud the strong statements from the Biden administration condemning this draconian legislation. We are particularly grateful that the President has directed the National Security Council to “evaluate the implications of this law on all aspects of U.S. engagement with Uganda, including our ability to safely deliver services under the U.S. President’s Emergency Plan for AIDS Relief (PEPFAR) and other forms of assistance and investments.” Given the time in which the State Department and USAID have had to review the implications of this law while it was under consideration, we write to gain additional information on how your agencies are working to protect lifesaving foreign assistance programming, promote accountability for human rights violations, and ensure the safety and security of LGBTQI+ human rights defenders in the country.

The “2023 Anti-Homosexuality Act” represents an existential threat to LGBTQI+ individuals in Uganda. This law expands Uganda’s criminalization of the LGBTQI+ community by increasing the sentence for same-sex acts to life imprisonment and, disturbingly, establishes a new charge of “aggravated homosexuality” which, in certain circumstances, is punishable by the death penalty. The law also seeks to criminalize the “promotion of homosexuality,” which is broadly defined to include activities such as leasing any house or building to anyone who is LGBTQI+ or who may be discussing LGBTQI+ rights, distributing information on homosexuality, or providing financial support to activities that “encourage homosexuality or the observance or normalization of” LGBTQI+ issues. This provision effectively silences an entire community of LGBTQI+ people and allies as the penalties for this provision include facing up to 20 years in prison. This attempt to force an entire community of historically marginalized people into the shadows must not go unanswered.

We are also deeply concerned that the provisions of the law regarding the promotion of homosexuality will undermine the gains that have been made toward HIV treatment and prevention in the country. Uganda has one of the highest HIV/AIDS infection rates in the world and has been a major recipient of assistance through PEPFAR. According to a 2023 Centers for Disease Control (CDC) report, since PEPFAR scaled-up their programming in Uganda in the early 2000s, the program has helped prevent almost 600,000 HIV-related deaths, as well as

nearly 500,000 new HIV infections.¹ Although HIV/AIDS affects many communities in Uganda, gay, bisexual, other men who have sex with men, and transgender women experience higher rates of HIV infection, with access to health care services curtailed by already existing criminalization statutes in the country. PEPFAR programs cannot be successful in meeting their goals without working closely with the Ugandan LGBTQI+ community and other key population partners to ensure access to safe, comprehensive, and welcoming services—as PEPFAR has done for two decades.

This law builds on a concerning repressive track record towards LGBTQI+ individuals in Uganda. According to the 2021 State Department Uganda Country Report on Human Rights, “Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) activists reported that police officers and medical personnel carried out forced anal examinations on members of the LGBTQI+ community whom they arrested at what was alleged to be a same-sex engagement.”² Human rights defenders have also been systematically targeted, and in some cases, murdered. In an egregious attack on civil society organizing, the government shuttered a leading LGBTQI+ organization, Sexual Minorities Uganda (SMUG), in August 2022.

We urge the State Department and USAID to use all available diplomatic tools to communicate our condemnation of this draconian law to the Ugandan government and the harms that it will cause to our bilateral relationship. To understand more about the impact this legislation will have on the Ugandan people and to protect human rights defenders at risk in the country, we respectfully request answers to the following questions:

- We recognize PEPFAR’s decision to place an indefinite pause on the finalization of Uganda’s Country Operational Plan for 2023 given the impacts that this law will have on the program. Based on PEPFAR’s analysis, what are the implications for the program, and other U.S. foreign assistance mechanisms, now that the bill is signed into law? How is the Office of the U.S. Global AIDS Coordinator and Health Diplomacy reviewing its funding streams to ensure continuity of programming and adequate safety and security measures for LGBTQI+ and other key population partners as the human rights situation deteriorates?
- We appreciate the State Department’s review of applicable sanctions authorities and we fully support the implementation of sanctions on those who supported the passage of this legislation. What steps is the State Department taking to further identify individuals who are ordering or performing gross violations of human rights against LGBTQI+ individuals, including forced anal examinations, under the 7031(c)-visa authority?

¹ Scale-Up of HIV Antiretroviral Therapy and Estimation of Averted Infections and HIV-Related Deaths — Uganda, 2004–2022 (January 27, 2023), <https://www.cdc.gov/mmwr/volumes/72/wr/mm7204a2.htm>

² 2021 State Department Uganda Country Report on Human Rights, https://www.state.gov/wp-content/uploads/2022/03/313615_UGANDA-2021-HUMAN-RIGHTS-REPORT.pdf

- How is the State Department using the Human Rights Defenders Fund to protect LGBTQI+ human rights defenders (HRDs) and allied HRDs in light of the Ugandan government's continued targeting of the LGBTQI+ community? What additional emergency assistance is necessary to support at-risk HRDs?
- What is the current visa process to help LGBTQI+ HRDs or other community members who are at increased and urgent risk inside of the country? Are there opportunities to prioritize and expedite processing for those facing immediate danger?

Finally, we worry that this law might have ripple effects across the region and around the world, and we believe it is of utmost importance that the State Department continue to provide additional training, resources, and coordination to our embassies to combat this potential trend. To that end, we urge you to consider holding a mandatory training on LGBTQI+ rights at forthcoming U.S. Chief of Missions Conferences in order to align embassies with the requirements under the President's Memorandum on Advancing the Human Rights of Lesbian, Gay, Bisexual, Queer, Transgender, and Intersex Persons Around the World.

The United States has a responsibility to advocate for the human rights of vulnerable communities around the world—including LGBTQI+ individuals. No one deserves to live in fear of persecution or death because of who they are or who they love. Thank you for your time and attention to this important matter.

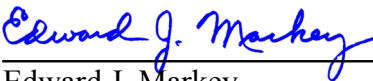
Sincerely,



Cory A. Booker
United States Senator



Tammy Baldwin
United States Senator



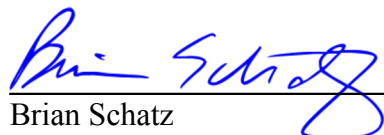
Edward J. Markey
United States Senator



John Fetterman
United States Senator



Michael F. Bennet
United States Senator



Brian Schatz
United States Senator



Tim Kaine
United States Senator



Peter Welch
United States Senator



Christopher A. Coons
United States Senator



Raphael Warnock
United States Senator



Benjamin L. Cardin
United States Senator



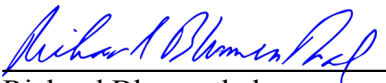
Debbie Stabenow
United States Senator



Mazie K. Hirono
United States Senator



Dianne Feinstein
United States Senator



Richard Blumenthal
United States Senator



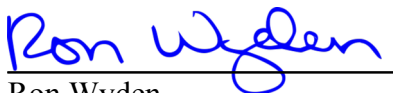
Chris Van Hollen
United States Senator



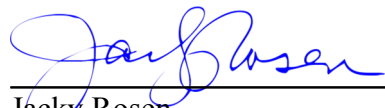
Alex Padilla
United States Senator



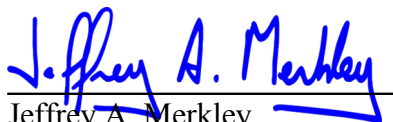
Tammy Duckworth
United States Senator



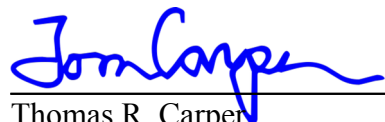
Ron Wyden
United States Senator



Jacky Rosen
United States Senator



Jeffrey A. Merkley
United States Senator



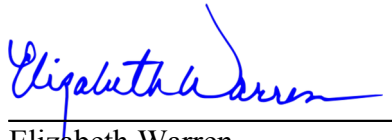
Thomas R. Carper
United States Senator



Richard J. Durbin
United States Senator



Amy Klobuchar
United States Senator



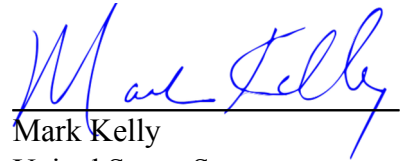
Elizabeth Warren
United States Senator



Sheldon Whitehouse
United States Senator



Bernard Sanders
United States Senator



Mark Kelly
United States Senator



Sherrod Brown
United States Senator