

# CHURCH OF UGANDA'S POSITION ON THE ANTI HOMOSEXUALITY BILL 2009

## EXECUTIVE SUMMARY

The Church of Uganda associates itself with the concerns expressed in the Anti Homosexuality Bill 2009. However, instead of a completely new Bill, the Church recommends a Bill that amends the Penal Code Act (Cap.120) addressing loopholes, in particular:

- protecting the vulnerabilities of the boy child;<sup>1</sup>
- proportionality in sentencing;
- and, ensuring that sexual orientation is excluded as a protected human right.

Further, we recommend involvement of all stakeholders in the preparation of such a Bill in order to uphold Uganda's values as they relate to human sexuality.

## Church of Uganda's position on Homosexuality

The Church of Uganda derives her mandate and authority from the canonical scriptures of the Old and New Testament, as the ultimate rule and standard of faith, given by inspiration of God and containing all things necessary from salvation.<sup>2</sup> Her mission is to "fulfil Christ's mission through holistic teaching, evangelism, discipleship and healing for healthy and godly nations<sup>3</sup>."

The Church's position on human sexuality is consistent with its basis of faith and doctrine, and has been stated very clearly over the years as reflected in various documents.<sup>i ii iii</sup>

From a plain reading of Scripture, from a careful reading of Scripture, and from a critical reading of Scripture, homosexual practice has no place in God's design of creation, the continuation of the human race through procreation, or His plan of redemption. Even natural law reveals that the very act of sexual intercourse is an experience of embracing the sexual "other". The Church of Uganda, therefore, believes that "Homosexual practice is incompatible with Scripture" (Resolution 1.10, 1998 Lambeth Conference). At the same time, the Church of Uganda is committed at all levels to offer counseling, healing and prayer for people with homosexual disorientation, especially in our schools and other institutions of learning. The

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<sup>1</sup> Cf. The discrepancy between Penal Code sections 128 and 147. Cf. also Section 129 which has no corresponding section for the boy child.

<sup>2</sup> Article 2- Doctrine and Worship, *Church of The Province of Uganda- Provincial Constitution 1972 as amended (1994)*.

<sup>3</sup> Mission statement, Church of the Province of Uganda

Church is a safe place for individuals, who are confused about their sexuality or struggling with sexual brokenness, to seek help and healing.

### **The Objective of the Bill**

The Church of Uganda appreciates the spirit of the Bill's objective of protecting the family, especially in light of a growing propaganda to influence younger people to accept homosexuality as a legitimate way of expressing human sexuality.

We particularly appreciate the objectives of the Bill which seek to:

- a) provide for marriage in Uganda as contracted only between a man and woman;
- b) prohibit and penalize homosexual behaviour and related practices in Uganda as they constitute a threat to the traditional family;
- c) prohibit ratification of any international treaties, conventions, protocols, agreements and declarations which are contrary or inconsistent with the provisions of the Act;
- d) prohibit the licensing of organizations which promote homosexuality.

### **The need for a Bill that amends existing legislation**

We affirm the need for a Bill in light of the existing loopholes in the current legislation, specifically sections 145-148 of the Penal Code Act (Cap 120), which does not explicitly address the other issues associated with homosexual practice such as procurement, recruitment and dissemination of literature. That notwithstanding, the ideal situation would be one where necessary amendment is made to existing legislation to also enumerate other sexual offences such as lesbianism and bestiality. This would not require a fresh bill on homosexuality per se but rather an amendment to the existing provisions which would also change the title to something like **"The Penal Code Unnatural Offences Amendment Bill."**

### **Recommendation**

As Parliament considers streamlining the existing legislation, we recommend that the following issues be taken into consideration:

1. Ensure that the law protects the confidentiality of medical, pastoral and counseling relationships, including those that disclose homosexual practice in accordance with the relevant professional codes of ethics.

2. Language that strengthens the existing Penal Code to protect the boy child, especially from homosexual exploitation; to prohibit lesbianism, bestiality, and other sexual perversions; and to prohibit procurement of material and promotion of homosexuality as normal or as an alternative lifestyle, be adopted.
3. Ensure that homosexual practice or the promotion of homosexual relations is not adopted as a human right.
4. Existing and future Educational materials and programmes on gender identity and sex education are in compliance with the values and the laws of Uganda.
5. The involvement of additional stakeholders in the evaluation of the gaps in the existing legislation, including, but not limited to, the Ministry of Health, the Ministry of Education, and the Ministry of Internal Affairs, its Department of Immigration and other relevant departments.
6. The undertaking of a comprehensive legislative and literature review of all the laws and literature related to the subject at hand in order to identify the actual gaps in the existing legislations.

## **Conclusion**

As a Church, we affirm the necessity of appropriate amendments within the existing legislation and corresponding Penal Code sections. The Church of Uganda, being a part of the Anglican Communion, reiterates her position on human sexuality and her desire to uphold the pastoral position of providing love and care for all God's people caught up in any sin and remaining consistent with Holy Scriptures of the Christian Church.

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<sup>i</sup> Resolution 1.10 of the Lambeth Conference of Bishops [Anglican Communion] held in 1998

<sup>ii</sup> *The Church of Uganda's Position Paper on Scripture, Authority and Human Sexuality* May 2005

<sup>iii</sup> Press Statement of February 21, 2007 by Archbishop Henry Luke Orombi on the Primates' Meeting held in Dar-es-Salaam, Tanzania