

## Antigay Laws Gain Global Attention; Countering Them Remains Challenge

By Somini Sengupta, <https://www.nytimes.com/2014/03/02/world/africa/antigay-laws-gain-global-attention-countering-them-remains-challenge.html>

UNITED NATIONS — After Uganda criminalized homosexuality, the White House immediately warned that the law would “complicate” the country’s relationship with Washington, and the Netherlands and Norway cut off bits of development aid.

When Nigeria banned same-sex unions and began arresting those it suspected of being gay, the European Union’s Foreign Ministry sternly reminded its president of his “obligations” under international law.

And after Russia passed a measure widely seen as an effort to squelch its gay rights movement, the United Nations secretary general, Ban Ki-moon, used his [speech](#) at the Winter Olympics to condemn attacks on gays and lesbians.

The issue of gay rights has catapulted up the diplomatic agenda in recent years, as international organizations have extended rights protections to gays and lesbians and donor nations have faced new challenges in dealing with governments that discriminate.

Antigay legislation is nothing new. The United Nations [estimates](#) that 78 countries ban homosexuality, and seven countries allow the death penalty for those convicted of having consensual homosexual relationships. Until a few years ago, the issue barely registered in diplomatic affairs. Global outcry was limited to protest petitions organized by gay advocacy groups.

“What’s unique about this moment is the compassion and public attention there is at the global level,” Jessica Stern, executive director of the New York-based International Gay and Lesbian Human Rights Commission.

But to what end?

Conservative governments around the world openly flout the warnings of international leaders, developing new measures to repress their citizens based on sexual orientation. There is little that international organizations like the United Nations can do, except issue statements of concern. And rich countries like the United States confront awkward new questions about how to handle important gay-bashing allies.

Take Uganda, for instance, the recipient of significant American aid, for both the military and development. The Obama administration has said it is reviewing its aid programs to Uganda, and Secretary of State John Kerry said Friday through his spokeswoman that he had spoken to the Ugandan president, Yoweri Museveni, to reiterate that message.

Mr. Kerry earlier likened the law to South Africa’s apartheid-era ban on interracial unions. So did South Africa’s influential Anglican archbishop emeritus, Desmond M. Tutu.

But whether the United States will impose punitive sanctions on Uganda remains to be seen.

American development aid includes funding for AIDS treatment, among other things. Military cooperation is aimed in part at the hunt for the warlord Joseph Kony and dealings with

terrorist groups in Somalia. A senior administration official said Friday in an interview that United States policy objectives and the interests of Ugandans were being weighed in “a thoughtful, deliberate way.”

“We have not yet made decisions,” the official said, speaking on condition of anonymity because of rules against public discussion of internal talks. “We are working on this very intensively. There will be real consequences.”

At the United Nations, Mr. Ban expressed alarm. After meeting with the Ugandan envoy last week, Mr. Ban issued a statement calling on Uganda to revise or repeal the measure, a prospect that seems unlikely. Even the United Nations needs Mr. Museveni’s cooperation on many conflicts in and around Uganda, including the one in South Sudan.

For his part, Mr. Museveni has so far played to his domestic audience, rebuffing outside meddling and saying that his country would do fine without aid. There is plenty of aid to Africa coming from China, which tends not to wag its finger about human rights.

Mr. Museveni’s bluster also showed the limits of international influence and the backlash that international support can engender.

“It’s quite common, when you see a ratcheting up of pressure from domestic groups or foreign governments,” said Laurence R. Helfer, a Duke University law professor who studies international gay rights. “There is a period of counterreaction; we’re seeing that now.”

The turning point came in 2011, when the United Nations Human Rights Council passed a landmark [resolution](#), led by South Africa, to extend human rights principles to lesbians and gay men around the world.

Mr. Ban became known as a forceful advocate. In January, he issued a statement about the Nigerian law, calling it a [breach](#) of fundamental human rights. He also posed for a [photograph](#) holding a placard that read, “Human rights are for everyone, no matter who you are or who you love.”

Around the same time, defending gay rights became a foreign policy [priority](#) for the United States and the European Union. European donors increasingly looked askance at countries that criminalized homosexuality. And last fall at the General Assembly ministers from 10 countries and the European Union endorsed the statement “Those who are lesbian, gay, bisexual and transgender (L.G.B.T.) must enjoy the same human rights as everyone else.”

It is another thing, though, to deal with countries that violate those principles.

Nigeria’s president, Goodluck Jonathan, signed into law in January a measure that effectively outlaws pro-gay organizations; since then, [arrests](#) of gay Nigerians have multiplied. The Obama administration condemned the law but has so far taken no concrete measures against Nigeria, one of its most important partners in West Africa.

The issue is divisive not only with Africa but also with traditional American allies in the Middle East like Saudi Arabia, where homosexuality is a crime.

After India’s highest court affirmed a criminal ban on homosexuality in December, the Obama administration did not specifically condemn the court decision, except to express its concern about measures that criminalized homosexuality.

It is something of a paradox that some of today's antigay laws reflect considerable Western influence. American evangelists have played a crucial role in fomenting Uganda's strong antigay sentiments. The Indian law criminalizing homosexuality dates to the early days of the British colonial era.

One of the most difficult issues for donor countries is whether to cut off aid, especially when it goes to promoting H.I.V. prevention and treatment in countries like Uganda.

As for the United Nations, the issue of gay rights remains so complex that its advocates are moving exceptionally slowly. There is no treaty that enshrines gay rights, for instance, and therefore nothing to hold countries accountable to. "There is a recognition that something is needed," José Luis Díaz of Amnesty International said. "There is also a recognition that there is huge resistance, and you need to move ahead on this very, very carefully."

The United Nations is no more than a collection of sovereign nations. And every country is free to enact its own laws, as Jan Eliasson, the deputy secretary general of the United Nations, pointed out, even laws that clash with principles of human rights.

"Our job is to diminish the gap between the world as it should be and the world as it is," he said in an interview, adding, "Our mechanisms of enforcement are very limited."