

**The Hon Kevin Rudd MP**

Minister for Foreign Affairs  
House of Representatives  
Parliament House  
Canberra ACT 2600

12 October 2011

Dear Mr. Rudd,

I am writing you at this very important time in the life of the Commonwealth as Australia prepares to host the Heads of Governments from across the 54 member-states. It would be a proud moment for you and for all of us who are bound as allies in common and mutual respect to support and motivate each other towards better democracy.

Australia helps to lead the commonwealth when it comes to strengthening democratic values as regards upholding of the equality and non-discrimination of her citizens.

As a country that is among the most highly respected democracies of the world, hosting CHOGM at a time like this could not be more of a blessing for the entire Commonwealth but more so for the oppressed and victims of violence, discrimination, state-sponsored intimidation and unfair criminalisation.

It is therefore an opportunity, as Australia hosts this great gathering, to use it to advance equality and to impact on the citizens of the Commonwealth. I am convinced that as the Commonwealth gathers in Australia at the end of October this year, the affected communities are waiting in expectation that Australia will create the occasion to touch on issues that have been neglected for far too long.

It is based on this high expectation that Justice for Gay Africans (JfGA) is calling on your respectable office to make use of this once-in-a-lifetime chance to put the Commonwealth on a forward-moving track.

As the host-nation, we know that you have a greater input into the agenda of CHOGM taking into account other proposals by other Foreign Ministers.

We therefore implore you to critically consider, as part of the agenda, the issue of decriminalisation of Lesbian Gay Bisexual and Transgendered (LGBT) people of the Commonwealth most of whom face violence including flogging and up to 25 years imprisonment.

Mr. Rudd, I am of strong belief that you are no stranger to the events of the last few years in many Commonwealth countries including Uganda, where the Anti-Homosexuality Bill calls for the death penalty for homosexual people and up to 7 years imprisonment for sympathisers, families and friends. Nor are you unaware of the many murders of gay people including in the same

Uganda where David Kato, an astute gay rights campaigner, was murdered in January of this year in his own house in a homophobic attack. The same repeats itself in Jamaica where many such homophobic attacks have also been fatal. I can go on--lesbians in Trinidad & Tobago are living in abject fear due to oppressive laws and recently in Ghana, the Minister of the Western Region issued an ultimatum to arrest all gay and lesbian people in the state.

The human rights of the citizens of the Commonwealth cannot be ignored in the 21<sup>st</sup> century, and the Commonwealth would lose substantial relevance should the violence and oppression of the LGBT community continue to worsen under its guidance.

We are very aware of the role of the Commonwealth and the sovereignty of its members; however, we are also confident in that the Commonwealth, while observing and respecting these sovereignties, would take a leadership role encouraging real democracy for all its citizens.

In the light of the above, we know that the Commonwealth has yet to take a decisive public position about these sufferings hence disregarding its own principles of “democracy, freedom, peace, the rule of law and opportunity for all”.

Including this issue in the agenda of the oncoming CHOGM will give a clear mandate to the Secretariat to go forward and support countries towards achieving the goals of a freer and more equal Commonwealth.

For that, we have worked closely with the Human Rights Unit in the Commonwealth Secretariat for the past 2 years and recently, following the Secretary-General's (SG) public statement at the Commonwealth Law Ministers' gathering in Sydney, we met with the office of the SG represented by Deputy SG, Mmasekgoa Masire-Mwamba at the Secretariat to discuss ways forward.

Many grassroots groups in the Commonwealth are also doing a lot of work and the level of need for a positive change on the issue of criminalization of homosexuality in the Commonwealth cannot be more important as now.

All the stakeholders in the Commonwealth, from civil societies to the recently-formed Eminent Persons Group (EPG) have been engaged and are aware of the rising necessity for this discussion to happen.

We therefore implore you to consider the following points of note as of high importance for a constructive discussion at the meeting:

1. Removing laws that criminalise homosexuality
2. Ensuring member states fulfil their pledges in various Treaties and Declarations, including the Principles of the Commonwealth, all of which suggest non-discrimination of citizens based on sex, gender, race, age and other natural features.
3. Promoting the protection of LGBT people from violence, intimidation, and denial of access to services (i.e. health).

info@jfga.org.uk



The above would be consistent with the human rights values endorsed by the Commonwealth in the Lusaka Declaration in 1979, the Harare Declaration 1991 and the recent 2009 Port of Spain Declaration.

This meeting would also be the right time and Australia the right destination for the Commonwealth to declare its position on a very important Human Rights issue. We thus ask you to bring this to bear.

I have no doubt that your intervention and pushing for the above through the invaluable opportunity you have would yield a milestone result, especially using the respectful and level playing ground that the Commonwealth Heads of Government Meeting provides.

Thanking you in anticipation.

Yours Sincerely,

**Godwyns Onwuchekwa**  
Chair  
*Justice for Gay Africans*  
London, UK