



My name is Victor Mukasa, an LGBT activist from Uganda. I am currently working in Cape Town, South Africa with the Africa Regional Program of the International Gay and Lesbian Human Rights Commission.

It is a great honor for me to be a part of this event and panel at which I intend to share with you my experiences as an activist and to highlight some of the grave human rights violations that are increasingly prevailing on the African continent.

As a background to my presentation, I would like to bring to your attention that 38 countries in Africa criminalize sexual acts between persons of the same sex under sodomy laws. These laws are in some states inherited by their colonial masters and for some Islamic states, these laws fall under *Sharia* law. The penalties for breaking these laws range between imprisonment for one year to life and in some countries, for example, Sudan and Northern Nigeria the penalty is death.

Recently, some African states, such as Burundi and Rwanda that did not have sodomy laws in their penal code acts have made efforts to include these laws. Burundi has managed to achieve this, while in Rwanda, a revision of the penal code act in which homosexuality is criminalized has been tabled in Parliament and could be passed as law soon. Uganda and Nigeria too have recently proposed legislation that further exacerbates already alarmingly harsh penalties for homosexuality.

In states that do not criminalize homosexuality and even in South Africa, the only country in Africa whose constitution recognizes sexual orientation and gender identity, LGBT people are increasingly facing violence and hate crimes. In most of these countries, religion is the instrument of oppression.

My experience might be unique to me, but in the way that African states collectively negate the basic human rights of LGBT people, it is a shared experience. African states are increasingly committing human rights violations against LGBT people, encouraging and inciting violence through leaders' homophobic speeches or silence in the face of others' calls to violence, and failing in their duty to protect their LGBT citizens from abuses.

Lack of security, arbitrary arrests and detentions, violence, and executions of LGBT people have become the order of the day in Africa.

As an activist, I have experienced violations by the state; I have been beaten by police a number of times. The reason? Walking past policemen that have the knowledge that I am a homosexual or peacefully protesting injustices committed against me or other LGBT persons. In July 2005 my home was illegally raided by state agents, searched without a search warrant, in search for incriminating

evidence of homosexuality. A guest of mine was then arrested without an arrest warrant, and we were both subjected to inhuman and degrading treatment while at the police station. **The offense was homosexuality.** I have had to carry out my human rights defending work in hiding and even today, if I chose to go back home, I would have to live and work in hiding.

I hear even more reports of this nature of arrests and detentions on an almost weekly basis in my work at IGLHRC. Six weeks ago, in Tanzania, 39 gay men and lesbians were arrested and detained **after merely attending a party.**

In June 2009, several men, including two teenagers, were arrested in Senegal. They were detained and several were convicted for alleged sexual acts “against nature.”

In Uganda, between April and June 2009, at least 7 gay men were arbitrarily arrested, detained and several of them are on charges for “having carnal knowledge against the order of nature.”

Even human rights defenders seeking to ensure the right to life of LGBT people face such severe persecution: In June 2008, for example, 3 Ugandan LGBT activists were arrested at the 2008 HIV Implementers Meeting for peacefully protesting the government’s refusal to direct funds towards HIV programs that would target men who have sex with men, even though the exclusion of LGBT people from national HIV/AIDS policies results in immeasurable loss of life.

I would like bring your special attention to the current situation in Uganda. A very draconian bill was tabled in Parliament on October 14 2009. The bill, which if passed into law, would impose severe punishments on LGBT people who engage in same-sex relationships as well as all Ugandans who simply know LGBT people or support their human rights. Briefly, among other penalties, the bill proposes life imprisonment for the offense of homosexuality, 5 to 7 years for defending and promoting the basic human rights of homosexuals, the death penalty for aggravated homosexuality. Aggravated homosexuality would refer to committing the offence of homosexuality whilst HIV positive, with a person living with a disability, or whilst using drugs or other substances. Moreover, all these penalties would apply to a Ugandan citizen who commits these so-called crimes outside Uganda. Disturbingly, the bill seeks to nullify Uganda’s commitments to international treaties and conventions that are in contradiction with any of its articles.

With the overwhelming violations by agents of states, one would assume that the plight of an LGBT African ends when they die. Today, the bodies of LGBT people in Senegal are exhumed from cemeteries, whilst in Tanzania the corpse of a transgender woman was put on public display as a postmortem exhibition. The public is clearly of the opinion that LGBT people are not deserving of the same rights and dignities in death as in life.

LGBT lives should not be so cheap, but nothing can change as long as LGBT people live in fear for their safety when they claim their basic human rights.

We want to be alive.

We want to be recognized as human beings because we are.

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We want to be treated with dignity

We want to live in our countries

We want to fulfill our dreams, build families, work hard, thrive in our countries

We want to live without fear, in peace and not thinking every morning that we might end up in prison or graves at the end of the day

We want to be free to love and to be loved

We deserve all these and more.

I appeal to you all, to extend your human rights promotion work to all the corners of the earth. We cannot claim that we have been successful in our human rights work when people are still killed because they are gay, transgender, intersex, albino, indigenous, black, or poor. More urgently, as a Ugandan homosexual and transgender person, on behalf of all Ugandan LGBTI people, I appeal to you all to publicly denounce the anti homosexuality bill that is before Parliament.

In conclusion, as human rights defenders, it is time that we rise to defend humanity for it is humanity. Support the campaign to decriminalize homosexuality globally.

Thank you.