

# AFRICA PERSPECTIVES

Newsletter 2013



**INTERNATIONAL GAY AND LESBIAN  
HUMAN RIGHTS COMMISSION**

**INTERNATIONAL GAY AND LESBIAN  
HUMAN RIGHTS COMMISSION**

COMMENTARIES  
OP-EDITORIALS

2013



**I G L H R C**  
**HUMAN RIGHTS FOR EVERYONE.**  
**EVERYWHERE.**

New York 2013

## **THE INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION**

(IGLHRC) conducts advocacy and promotes human rights documentation in partnership with people who experience discrimination or abuse on the basis of their actual or perceived sexual orientation, gender identity or expression. Founded in 1990, IGLHRC is accredited with consultative status by the United Nations. IGLHRC is headquartered in New York and has staff and offices in Asia, Africa, Europe, Latin America and the Middle East. More information is available online at [www.iglhrc.org](http://www.iglhrc.org).



I G L H R C

### **INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION**

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© December 2013, New York, NY

Editor: Roberta Sklar

Publication design: Kathy Mills

Made possible with funding from:



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Dear Friend,

Over the last 2 years, the International Gay and Lesbian Human Rights Commission (IGLHRC) and partners from grassroots and national African LGBT organizations created something truly unique. A collection of human rights documentation in the form of op-eds, commentaries, and blogs, this material forms a record of our collective milestones, roadblocks and breakthroughs along with rich analysis of what each of these developments means in context.

Published in influential African media including the *Mail & Guardian*, *Nyasa Times*, *Cape Times*, and *allAfrica* – along with major international news outlets like the *Huffington Post*, *The Times*, and *InterPressService* – these stories have been read and circulated by countless people.

Disseminating news about LGBT rights impacts communities and governments. Val Kalende's piece, *Gay Ugandans: Loud and Proud*, prompted an individual donor to make a \$5,000 donation to a grassroots Ugandan LGBT youth organization. When Damian Ugwu's op-ed on Nigeria's anti-gay "*Same-Sex Marriage Prohibition Bill*" was published, his inbox filled with questions from governments globally asking how to respond.

By no means comprehensive, this compilation includes a variety of authors who have told the story from their own perspective and with the insight and context that only someone who has lived these realities could provide.

I hope you'll enjoy this collection, and please also join us in the conversation online by reading, sharing and commenting on these and future articles.

With warmth and solidarity,

A handwritten signature in black ink that reads "Jessica Stern". The signature is fluid and cursive, with the first name being more prominent.

Jessica Stern  
Executive Director





# AFRICA







*Photo courtesy of IPS News Agency.*



## HUFFPOST **GAY VOICES**

### **As the Flames of Homophobia Burn Around the World**

#### **Understanding Nigeria's Anti-Gay Bill**

DAMIAN UGWU

Regional Program Coordinator for Africa, IGLHRC

Published on 12/3/2013

While we watch the flames of homophobia in Uganda with horror, the same fires are burning in countries around the world. Nowhere is this more evident than in Nigeria. The latest version of the deceptively named “Same-Sex Marriage Prohibition Bill” declares that the “public show of same sex amorous relationship [sic] directly or indirectly is hereby prohibited.” Incredibly, it would punish same-sex affection – yes, even a simple hug or kiss – with 10 years in prison.

The Nigerian anti-gay bill recently resurfaced in Nigeria's lower parliament after a long silence from legislators. On Nov. 13, 2012, the House of Representative unanimously referred the “Same-Sex Marriage Prohibition Bill” to a committee to scrutinize every section of the bill. This was after the Nigerian Senate unanimously passed the bill a year ago. The committee is also expected to call for a public hearing before the bill is put to a vote.

Nobody doubts the final outcome of this process. The bill is effectively a done deal if past events are anything to go by. Previously, public hearings to consider the bill were organized in such a way that left no doubt about the final outcome. Supporters of the bill were given ample time to organize and mobilize their supporters, while LGBT activists and civil society organizations opposed to the bill were refused permission to attend the public hearing. Those who managed to scale the security barriers to attend the hearing were constantly jeered at

and booed by religious fundamentalists while being intimidated by legislators.

The Nigerian anti-gay bill should be understood within the context of the sociopolitical crises within the country and the rise of Christian fundamentalism in Nigeria. Since the return of civilian rule in Nigeria in 1999, the much-awaited “dividends of democracy,” including improved health care, education and infrastructural development, have been largely unmet. This, coupled with an unprecedented level of corruption and mismanagement of the common wealth, leaves many Nigerians asking questions.

The last 10 years in Nigeria have seen frightening levels of terrorism and religious and ethnic violence. At no time in the history of Nigeria is the unity of the country more threatened than in the present. Calls for “regional autonomy,” “true federalism” and “sovereign national conference” are becoming more strident. Such agitation represents the deep-seated mistrust of Nigerian elites and ethnic leaders. For now, it seems that the only thing these leaders can agree on – and ditto for most Nigerians – is their love of football and their hatred of homosexuality.

It is within this context that the anti-gay bill can be situated. This bill must be understood for what it is: a diversionary tactic by politicians to confuse the public and distract attention from pressing socioeconomic realities. Any attempt to join issues with politicians, as some organizations are currently doing, will only play into the hands of the architects of the bill.

Responding to the challenge by ensuring that the bill does not become a reality will require a thorough understanding not only of these realities but of the state of LGBT  
Photo courtesy of IPS News Agency.

**This bill must be understood for what it is: a diversionary tactic by politicians to confuse the public and distract attention from pressing socioeconomic realities.**

activism in Nigeria. LGBT activists in Nigeria, like most of their colleagues in Africa, operate within an extremely hostile and challenging environment. They remain under-resourced and severely isolated. These young men and women have previously exhibited commendable bravery and resilience when they fought the bill on two occasions in 2007 and 2011, even with very limited resources at their disposal.

What they need is support and encouragement. The truth is that the battle cannot be won primarily in the streets and conference halls in New York or Geneva but here in Lagos and Abuja. This is not to say that support from international NGOs, activists and diplomats is not

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important – far from that. The point being canvassed here is that local activists need to be empowered to drive the process. They need offices, computers and, more importantly, the training and skills to drive the process. They must be allowed to take the lead.

Circumventing this process will only exacerbate the problem, as has been shown in several African countries. Like with the case of Uganda, pressure from the West only emboldens the religious fundamentalists and their political allies. It also exposes local activists to increased anti-gay attacks and provides fundamentalist with the weapon to argue, “We told you so: It was planned and delivered from the West.”

As for most Nigerians, what they need is to be told the truth. They will understand this best, when their fellow compatriots, their brothers, sisters, uncles and nieces, tell it. And this truth is that Nigerians are being taken for a long ride by legislators and their religious allies, just to make them forget, even if temporarily, their present socioeconomic predicaments.



## Rape is Rape

KATE MUWOKI

Former Program Officer for Africa, IGLHRC

Published 4/2/2013

As a young African woman, I sit at my desk in Johannesburg trying to make sense of the recent international shockwave surrounding rape, and what it means for lesbian, bisexual and transgender people in South Africa.

Recently, international media focused on two gang-rapes, first with the fatal sexual assault of Jyoti Singh Pandey, a 23-year-old medical student, by six men on a bus in Delhi, India on December 16, 2012. Six weeks later, on February 2nd, South African and international media moved to the gang-rape and murder of Anene Booysen, a 17-year-old woman from Bredasdorp, South Africa. While sexual violence tends to be hidden in private spaces, the public and brutal nature of Jyoti and Anene's attacks drew a spotlight and incited public outrage. In both India and South Africa, the widespread international coverage laid bare tragic epidemics of gender-based violence.

In South Africa, lesbian, bisexual and transgender women are disproportionately subjected to the kind of brutal violence faced by Jyoti and Anene. So rigid are the gender and sexual norms in South African society, that stepping "out of bounds" can result in sexual assault or murder. These rapes are often touted as corrective by perpetrators, some of whom report being regarded as heroes in their communities following their brutal enforcement of gender norms.

While homophobic and transphobic sentiments seek to minimize the gravity of rape of LBT people, the fact remains – rape is rape. And,

thanks to the work of women's and LGBT civil society organizations in South Africa, this violence against LGBT people is increasingly being exposed and denounced.

What is lacking is not so much awareness, but meaningful action by the South African government. Progressive national laws, such as protections for “all” people in South Africa’s constitution, are not enough; they must be implemented and enforced in a non-discriminatory manner. Likewise, South Africa’s commitment to tackling sexual violence under regional and international human rights treaties, such as the African Charter on Human and Peoples’ Rights and the Convention on the Elimination of All Forms of Discrimination Against Women, must be backed by full-fledged government efforts to ensure that perpetrators are brought to justice, police officers and health workers are trained to deal with all cases of sexual violence, and the implementation of policies are monitored and evaluated. These recommendations are reiterated by both Human Rights Watch as well as the ANC Womens League.

Recent moves by the South African government suggest that real change may be afoot. Following the rape and murder of Anene Booysens, both President Jacob Zuma and the ANC Women’s League denounced the violence and claimed they would take “action on every possible front.” This past week, South Africa also affirmed its commitment during meetings of the Commission on the Status of Women as one of the first countries to sign a United Nations pledge on the full implementation of laws and strategies to combat violence against women and girls. However, once the international spotlight moves on, will they follow through?

**According to advocates working with LBT women, the rape and murder of lesbian women has been met with virtual silence from the South African government for more than a decade.**

According to advocates working with LBT women, the rape and murder of lesbian women has been met with virtual silence from the South African government for more than a decade. These attacks, often undocumented and unpunished, leave LBT people sidelined from dialogues on gender-based violence. Now, as the government announces plans for action, it must seek input from LBT activists and recognize the unique needs of LBT people.

**Women face violence as a result of patriarchal norms... LBG people are punished for who they love...Add to this, conditions of poverty faced by black lesbian, bisexual and transgender people living in townships and non-urban areas, and you have a population extremely vulnerable to sexual violence.**

These needs stem from the particular intersection at which LBT people stand in South African society. We live in a context of excessive violence as a result of a history of systematic violence perpetrated by the apartheid government. Women face violence as a result of patriarchal norms, men's sense of entitlement over women's bodies, and culturally inscribed notions of masculinity and femininity. Lesbian, bisexual, and transgender people are punished for who they love and how they express their deeply

held sense of gender identity. Add to this, conditions of poverty faced by black lesbian, bisexual and transgender people living in townships and non-urban areas, and you have a population extremely vulnerable to sexual violence.

And what of the perpetrators of this sexual violence? Some theorize that a backdrop of violence, patriarchy, and social and economic conditions has created a "crisis of masculinity" for men. And, that in order to regain a sense of control, some attempt to assert their

masculinity by resorting to the rape of women and/or LBT people. The phenomenon of raping LBT people has wrongly been termed corrective or curative rape, as perpetrators express the desire to rid LBT people of their non-normative sexual orientation and gender identities. Regardless of economic, social, and cultural forces, rape is wrong. As a threat to the right to exist and a violation of physical security, sexual violence puts at risk the realization of a person's entire range of human rights.

To be sure, it will take more than government action to upend the pattern of sexual violence against women and LBT people. Increased activism and solidarity within civil society is needed to condemn sexual violence and demand justice. Such community activism was the frontline against the injustices of apartheid and contributed to the emancipation of our nation. Now, we need similar activism to emancipate the bodies of all women and LBT people who are violated and daily stripped of their dignity.

**Increased activism and solidarity within civil society is needed to condemn sexual violence and demand justice. Such community activism was the frontline against the injustices of apartheid and contributed to the emancipation of our nation.**

Let us understand rape for the violation of human rights that it is, regardless of sexual orientation or gender identity. Let us not lose momentum. Let us continue to mobilise within our communities to address the contributing factors of rape within our society. Let us pursue solutions that target the root causes of this violence, not victims. Let us unite in compassion, and work to sustain public pressure and political impetus to ensure that outrage over rape does not fade into the background while another soul is destroyed or another life lost. Let us remember that rape is rape, no matter who it is perpetrated against.





CAPE TIMES

## Zambia Shackled by Homophobic Laws

JULIET MPHANDE

Director, Friends of RAINKA, Zambia

Published on 10/25/2013

October 24 marked the celebration of 49 years of Zambia's independence. Despite close to a century of independence from Britain, Zambia still holds fast to, and claims as its own, some draconian laws inherited from its colonial masters. One such law is the criminalisation of sodomy, still entrenched in the Zambian Penal Code.

Currently, the act of consensual sodomy is criminalised and carries with it a minimum sentence of 15 years to life. Lesbian, gay, bisexual, transgender and intersex persons (LGBTI) are classified as social deviants.

Despite the continued vilification and persecution of LGBTI persons in Zambia, open and respectful public debate on the matter is discouraged. Human rights defenders who dare to speak out on the issue are routinely

**Currently, the act of consensual sodomy is criminalised and carries with it a minimum sentence of 15 years to life.**

harassed and persecuted for "promoting homosexuality" or for "inciting" the public to take part in "immoral activities." This occurs despite the Zambian Constitution's guarantee of freedom of expression, as enshrined in the country's Bill of Rights.

Zambia's second post-independence president, Frederick Chiluba, described homosexuality as the worst kind of depravity. The current president, Michael Chilufya Sata, has failed to confront the problem of homophobia despite several of his senior cabinet ministers lending support to the hateful invectives that characterise the debate on homosexuality.

Most law enforcement officers fall prey to their own prejudices when discharging their duties, thereby contributing to a context in which vulnerable communities are susceptible to rights violations such as extortion and torture.

The devastating consequences of this on Zambia as a country cannot be overstated. Most Zambians know an LGBTI person who has suffered hate crimes, endured blackmail due to the actions of either state or non-state actors, or been driven to suicide.

**Most Zambians know an LGBTI person who has suffered hate crimes, endured blackmail due to the actions of either state or non-state actors, or been driven to suicide.**

These continued violations against productive members of Zambian society because of their perceived sexual orientation and gender identity continue with impunity in a country that claims to affirm the dignity of all people by its ratification of the International Covenant on Civil and Political Rights (ICCPR).

Whilst Zambia has made considerable strides since independence to reduce the gap between rich and poor, it has yet to domesticate and uphold its commitment to the fundamental human rights of its citizens and ensure the equal protection of all Zambians under law.

In fact, in recent years the state has shifted even further away from its duties by enacting laws to curtail the efforts of civil society organisations and hamper their ability to organise freely, particularly if they hold views that dissent with those of government.

The celebrations to commemorate Zambia's Independence Day are a farce as they pander to the powerful and the privileged in society, at the expense of vulnerable and marginalised communities. This is most offensively demonstrated by October also being the fifth month since two young

Zambian men were charged with two counts of allegedly contravening section 155a of the Zambian Penal Code by “having carnal knowledge against the order of nature”.

They are being denied the right to bail and a fair trial. James Mwape and Phil Mubiana of Kapiri Mposhi town in Central Zambia are prisoners of the state. They remain incarcerated in Mpima maximum-security prison together with convicted felons and cannot celebrate their national independence because their fundamental liberties have been taken away by the state’s refusal to grant them bail and ensure a fair trial. This makes clear that the state is failing in its duty to ensure that all persons are guaranteed the enjoyment of their fundamental human rights as enshrined in the Zambian Constitution.

This Independence Day it is incumbent upon every Zambian to reflect on what independence means, to call to mind the struggle of our forebears who fought for freedom, and to hold the state accountable for the protection of the rights of the marginalised. This includes the rights of LGBTI persons

**The duty of a state is not to entrench prejudice and bigotry driven by intolerance and fear of diversity.**

who are still shackled by the chains of hate, violence and fear, and who have to live with the burden of rejection by state and non-state actors, fuelled by the state’s refusal to protect them.

The duty of a state is not to entrench prejudice and bigotry driven by intolerance and fear of diversity. It must affirm the self-fulfilment and personal happiness of each citizen. The recognition of the rights of LGBTI people in Zambia and the assurance of non-discrimination against minorities are critical to a tolerant society. Ultimately it will ensure the happiness and wellbeing of all Zambia’s citizens.

For as long as LGBTI persons continue to face discrimination and suffer unlawful detention and arbitrary arrests, I have no reason to celebrate Zambia’s Independence Day.



## Malawi's Constitution Clear on Gay Rights but Politicians Aren't

GIFT TRAPENCE

Executive Director, Centre for the Development of People, Malawi

Published on 11/17/2013

Are Malawians, apparently, overwhelmingly prejudiced against homosexuality? And what does it signal when politicians call for a referendum on the issue of homosexuality?

Recently, a number of presidential candidates for the 2014 elections have proposed a referendum to decide on the fate of homosexuals in Malawi. What precisely is to be decided is unclear: that homosexuality exists, that homosexuals have rights, that homosexuals should be punished or even condemned to death, as some religious leaders have advocated?

The consequences of a homophobic vote could see persons who engage in homosexual acts continuing to face jail terms of up to 14 years, or further tightening of laws that currently criminalise same-sex sexuality.

In Malawi, homosexuality is possibly the most divisive issue in current public discourse. Globally, the persecution of lesbian, gay, bisexual and transgender (LGBT) people is an atrocious reflection of continued, and often state-sanctioned, exclusion, marginalisation and prejudice. At the same time, recent debates suggest a need for better understanding and alternative solutions.

A lack of knowledge and information, compounded by an unwillingness to understand the realities of homosexuality, has resulted in our political and religious leaders' failure to appropriately address the issue and those lives most affected.

In May 2012, in her state of the nation address, President Joyce Banda asserted that the provisions of the penal code that criminalise homosexual acts should be repealed. In November 2012, during a public debate, the justice minister announced the suspension of sodomy laws.

Since then, some political parties have indicated they would oppose any move to decriminalise homosexuality, and a number of religious and traditional leaders have expressed similar sentiments. Interestingly, the Malawi Human Rights Commission has not made its position clear on homosexuality as a human rights matter.

As a basis for deciding how to vote, the public has demanded that presidential hopefuls come out of their shells and state how they would deal with LGBT people should they come to power – based on their actual views rather than on mere rhetoric or propaganda.

Presidential candidates Lazurus Chakwera, of the Malawi Congress Party; Atupele Muluzi of the United Democratic Front; and Peter Mutharika, of Democratic Progressive Party, concur that Malawians should be afforded the opportunity to decide on the issue directly, through a referendum.

However, whether LGBT people have the right to be protected from discrimination does not require a vote. The answer is already enshrined in the Universal Declaration of Human Rights and in the constitution of Malawi.

Section 4 of the constitution guarantees “all peoples of Malawi” to the equal protection of the constitution and the laws made under it. Section 11(2)(c) provides that courts of law in Malawi shall, when interpreting the provisions of the constitution, have regard to current norms of public international law and comparable foreign case law.

Section 20 of the constitution affirms the equality of all persons before the law. It also prohibits “[d]iscrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and

effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth or other status”.

Therefore, any legal provisions that violate human rights, as is the case with those that criminalise homosexuality, must be repealed by the relevant authorities, irrespective of whether the majority of Malawians support such a move or not.

The constitution also asserts that legislation may be passed to address social inequalities and to prohibit discriminatory practices, and that the propagation of such practices may be criminally punishable.

In other words, the government is obligated to respect and protect the rights of LGBTs by, amongst others, repealing “bad laws” that impinge on LGBT persons’ equalities and freedoms. This is both a constitutional obligation and a human rights obligation.

### **Human rights are not negotiable.**

Human rights are not negotiable. As such, politicians’ calls for a referendum on the human rights of LGBT people is unnecessary and is therefore a crafty propaganda ploy under the guise of promoting principles of democracy.

It seeks to evade recent calls by some, including the Centre for the Development of People and its partners, for political leaders to declare their positions in the face of homophobia and the persecution of the LGBT community.

Continued discrimination and violence against and criminalisation of LGBT people is particularly shameful precisely because the constitution is clear in outlawing discrimination on the basis of sex, gender and any other status. The Malawian government is thereby compelled to repeal the sodomy laws and put in place deliberate policies to protect the rights

of LGBTI persons because, as we have seen, such laws fuel homophobic violence.

In a groundbreaking move, the high court recently announced its intention to review the constitutionality of the sodomy laws, more specifically the cases of three individuals who were convicted and sentenced under these laws in 2011. The court has also issued a call to local and international civil society organisations, the Malawi Law Society, Malawi Human Rights Commission, and other interested parties, to apply to join the matter as “friends of the court”.

The review, due to take place next month, presents the opportunity for the court to bring the law in line with the constitution, rather than leaving matters of life and death over to political propagandists.



*Uganda Pride, 2012. Photo by David Robinson.*



## HUFFPOST GAY VOICES

### Gay Ugandans: Loud and Proud

VAL KALENDE, Uganda

Published on 8/15/2012

*Address delivered to 3,000 LGBT activists at the National Conference on LGBT Equality: Creating Change.*

About 10 years ago, when I first came out to my guardian and, later, to my closest colleagues at the *Daily Monitor* newspaper in Uganda, I was nothing short of terrified of losing both family and friends. As I had anticipated, declaring my love for fellow women got me my own share of homelessness, verbal abuse, and alienation, even from people I trusted the most. Abandoned as a teenager and forced into maturity at a tender age, I always believed in the transformative power of truth, because the truth, as they say, sets us free. My “coming out” story as a Pentecostal-raised Ugandan lesbian woman is no different from the story of the activists who marched at the first-ever LGBT Pride parade in Uganda on Aug. 4.

When I learned that my colleagues were organizing Pride, I was more concerned about what Pride means to us as Africans than replicating what we have witnessed at Pride parades elsewhere. When I saw my colleagues marching on a muddy road, some walking barefoot with the national flag held high, not only was I reminded of our Africanness, but I felt close to home. And then I thought of our fallen comrade David Kato, who has constantly been on my mind since I saw the film *Call Me Kuchu*, and whose life was cut short before we could experience this moment. I got teary.

I believe the concept of Pride anywhere it is celebrated is not just a moment; it is a precursor for change. I believe that like the 1966 March on Washington in the United States, which sparked a revolution that sent ripples of change as far as Africa, what happened in Uganda a few days ago will change the politics of local organizing among LGBT movements in Africa.



At the International Gay and Lesbian Human Rights Commission (IGLHRC) I researched how African LGBT movements organize, and how international NGOs such as IGLHRC can support their work. In every country there's a unique strategy for organizing that is directly related to how each movement started. In Uganda organizing an LGBT movement was partly prompted by President Yoweri Museveni's denial that there were any LGBT people in Uganda.

On a recent visit home I made a statement I knew wasn't going to get me too many friends, even among fellow activists. I said our struggle must move away from the victimization narrative and begin to focus on positive stories. It doesn't help us when foreign journalists, bloggers, and allies present our struggle as "desperate" and come to Uganda simply to write about what is wrong with our country while ignoring our success stories. While the "desperate" narrative puts us in the international spotlight and does hold our leaders accountable, it also pits us against our fellow nationals. A balance of both narratives will bring the change we all need. I have been involved with LGBT community organizing in Uganda long enough to observe how far we have come and what we have managed to achieve amidst very difficult circumstances.

**...our struggle must move away from the victimization narrative and begin to focus on positive stories.**

For instance, there was a time when Ugandan LGBT activist and Sexual Minorities Uganda (SMUG) founder Victor Mukasa was the lone visible face of our struggle. It is because activists like Mukasa tirelessly knocked on the doors of consular offices – even if those doors sometimes didn't open – that U.S. and other world leaders care about LGBT people outside their borders. Today, world leaders like Ban Ki-moon and Hillary Clinton listen and are committed to taking action.

On balancing both the negative and positive, it is important that we

acknowledge that the first Uganda Pride was a success and at the same time condemn state-sponsored harassment of LGBT activists. Three transgender women and professional dancers, while running away from the scene after police raided the event, were handcuffed, arrested, and harassed. One transgender woman, Beyonde, was reportedly beaten by a policeman for resisting arrest.

It has become a trend for Ugandan police to arrest, harass, humiliate, and in some cases shoot at unarmed civilians. Two months ago, a video of an armed and uniformed policeman half-undressing and squeezing the breast of a prominent female politician was making the rounds on the Internet. Police anywhere in the world are mandated to enforce the law, not to break it. In my country they are breaking it.

State security officials have unlawfully raided three LGBT gatherings in the past six months. While the Anti-Homosexuality Bill is still being debated for passage, it should be made clear that it is still proposed legislation. Enforcing a not-yet-passed bill as law is not only unlawful; it is a gross violation of human rights.

Similarly, the growing trend of labeling any gathering of LGBT people a “gay wedding” is an affront to human rights and a red herring informed by utter ignorance and speculative fear of the unknown. While religious fundamentalists in the West are now clutching at straws as laws against same-sex marriage are repealed, they are exporting their homophobic values to Africa. We have learned enough from Christian missionaries, such as Holocaust revisionist Scott Lively, to know that when Western conservative narratives are exported to Africa, African politicians see an opportunity to further criminalize same-sex persons. As we proudly and loudly showed up at the Beach Pride parade last week at the Botanical Gardens in Entebbe, we were simply demanding our right to peaceful assembly, expression, and association – the same rights enjoyed by all other Ugandan citizens.



## There is a Voice that is Silent from Africa

BY LEIGH ANN VAN DER MERWE

Director of S.H.E (Social, Health and Empowerment)

Published on 1/17/2014

There is a voice that is silent from Africa... a voice no one hears, despite its loud scream. There is a faceless person, despite standing in a crowd of millions. That person has a name, a face, and an identity. These are the transgender women in South Africa.

Strides have been made for the rights of transgender people in South Africa, yet many of the issues affecting black, impoverished transgender women go unattended. This is where the idea of a feminist collective ([www.transfeminists.org](http://www.transfeminists.org)) dedicated to addressing the issues of transgender women in South Africa originated and S.H.E. (Social, Health and Empowerment feminist collective of transgender and intersex women of Africa) was established.

Unlike our white privileged counterparts who may navigate and transition with ease due to their economic statuses, Black Transgender women are often poor and marginalised. Access to hormone treatment is generally perceived as a privilege instead of a human right to treatment. There are many barriers to gender affirming services in the public health service in South Africa. Only two public facilities provide care of this nature. Both currently have a 26-year waiting list. Private medical practitioners only treat on a pay-for services basis.

Knowing your rights are intrinsically linked to privilege is painful for us and divisive for our movement. We can't hide or choose a particular type of privacy as we endure stares, harassment and violence within the public systems of South Africa. In post-colonial, post-apartheid South Africa, we must talk about these differences across race and class divides. Anecdotal evidence suggests that transgender people of colour in South Africa are at heightened risk of experiencing violence and hate crimes.

The violence transgender woman of colour experience in South Africa is broad and varied. We've read articles and seen videos documenting physical violence. But, systemic violence is silent, invisible, and violates transgender women as they try to access services. Often, transgender women are categorised as men and included in MSM/ HIV research and services. This prevents many transgender women from accessing health services. Transgender women face increased barriers to finding employment, which often leads them to sex work. There they are subject to arbitrary arrests from police. It is within this vicious circle that they become vulnerable to sexual violence and rape. And, it is heightened when, in police custody, they are locked up with cis-gender men (i.e. individuals assigned as male at birth and identify as male).

As we advocate for recognition, we face both internal and external challenges. S.H.E has chosen a feminist framework in which to organise. Our struggle plays against the backdrop of a racially challenged South Africa, and, as underprivileged South Africans, we fight many isms (classism, racism, chauvinism, patriarchy). The feminist maxim of equality in substance and process is of paramount importance to our work. Yet, still we must justify using a feminist framework for our analysis. We must justify a womanist approach to our work, and we have to explain why we want to advocate for our rights within mainstream women's efforts. Some argue that transgender women cannot use a feminist approach to organising, based on the notion that we enjoy male privilege. But the violence and discrimination that we suffer is based, precisely, on the gender stereotypes we transcend.

**There are many barriers to gender affirming services in the public health service in South Africa. Only two public facilities provide care of this nature. Both currently have a 26-year waiting list.**

These conceptual difficulties are part of why it is not easy for projects such as ours to raise the resources to function effectively.

S.H.E runs programs informed and led by transgender women. The leadership of the organisation is comprised mostly of transgender women from the continent. We strive to make our employment policies transgender women specific. These ideals support a mission and vision, underpinned by human rights, equality and freedom for

**Well-meaning researchers, and scholars ... take for granted that transgender women can be producers of knowledge, but not subjects of our own struggle.**

the very people we wish to serve. To implement this mission requires adequate resources.

Well-meaning researchers, and scholars who take for granted that transgender women can be producers

of knowledge, but not subjects of our own struggle, compound the challenges of South African transgender women. Many come to South Africa to research and document the experience of transgender women, but do not link these studies to advocacy strategies or for change rooted in our communities. When they leave, nothing is altered in advancing the rights of transgender women.

I am that transgender woman featured in so many Ph.D dissertations, HIV research, and documentation of violent experiences. I have a face, I have a name, and I have an identity. There needs to be a better effort at forging relations between activists and those supporting our efforts from the West, based on the understanding that African problems have to be solved by African people, with African solutions. We transgender women must be seen in our racial, class, and other diversities. Ultimately, it is we who are the relevant stakeholders in our struggle for equality and rights.



## My Name is Tumi

BY THANDEKA "TUMI" MKHUMA

Delivered at the United Nations in New York City on 12/10/2013

*In December 2013, sixteen human rights defenders and LGBT activists from Cameroon, Malawi, Namibia, Nigeria, South Africa, Uganda, Zambia, and Zimbabwe joined an inter-regional delegation of forty Human Rights Defenders from Asia, Latin America and the Middle East, for a week-long convening in New York City, sponsored by the International Gay and Lesbian Human Rights Commission (IGLHRC).*

*They met with United Nations officials, State missions, and representatives from civil society NGO's, and conducted an on-going inter-regional dialogue throughout the week. On December 10th, Thandeka "Tumi" Mkhuma, a member of the delegation, delived this address on a panel at the United Nations to celebrate the 65th Anniversary of the Universal Declaration of Human Rights.*

It's a great pleasure to be here with you today to celebrate the 65th Anniversary of the Universal Declaration of Human Rights. I would like to thank the permanent Mission of the Kingdom of the Netherlands for inviting me to share with you a little knowledge and experience as a human rights defender/activist. I would also like to thank the public attending this session.

My name is 'Tumi' Thandeka Mkhuma. I was born in 1987, born and raised in Katlehong, east of Johannesburg in South Africa and I identify as a lesbian woman. I was born during the time when the apartheid state enforced a state of emergency and killed many activists and friends in my community. I was born into a violent society created by the state, and in 1994 I was only seven years old when South Africa held its first democratic election, bringing in the birth of a new South Africa.

At the age of 16, I had to learn to live on my own. My siblings and I had to learn to survive because we lost our mother. She was our breadwinner and our support, our backbone. At the age of 16 my stepfather chased me out of the house because of my lesbian identity, and for the next four years I was homeless and had to rely on the support of my friends.

In 2009 on my way home I was abducted. I was repeatedly beaten with a bottle and raped by my perpetrator. This is a common attack on lesbians where men use physical and sexual violence on our bodies because of our

**Even today my perpetrator has not been arrested, and I still live in fear. I always worry about my personal safety. I leave home in fear everyday wondering if I will make it safely to work, and if I will be safe going home.**

sexual orientation. Even today my perpetrator has not been arrested, and I still live in fear. I always worry about my personal safety. I leave home in fear everyday wondering if I will make it safely to work, and if I will be safe going home. We are not free of sexual and gender motivated violence.

Football became an outlet for relieving my fears. The *Chosen Few* soccer team became my family and my community. The

soccer team is comprised of lesbians who share similar life experiences. When we run onto the soccer field, the world field, life feels different and better.

Eudy Simelane played for South Africa woman's national soccer team. She lived in Kwathema, an openly proud lesbian. She was raped and murdered. And in 2013, in June, my close friend Duduzile Zozo was raped and murdered on her way home. Her mother found her naked body, a toilet brush forced into her genitals.

It is the state's responsibility to protect all citizens against all forms of violence motivated by race identity, gender and sexual orientation. But too often they do not.

Currently in South Africa, women have less economic power than men. One of the factors associated with this inequality are strict gender roles. This has led to one of the highest rates of violence against woman in the world. Hate crimes are used as punishment for people who are gay, lesbian or transgender and do not fit traditional gender roles. Lesbian woman, often face verbal abuse and are raped by the perpetrator saying things, such as that "they will be teaching the woman a lesson on how to be a real woman." Because women have less control over their economics, which creates vulnerability, they have less control over their own sexual activities. Poor black woman who live in townships are more likely to become victims of hate crimes, and gay woman are more likely to be isolated with little support, which increases their chances of being targeted.

Nelson Mandela, a fighter for human rights, believed that a society free of violence is possible. I believe that it is all our responsibility to end hate and violence.

As a survivor it is really hard to deal with this trauma. I was victimized four years back but it still feels like it happened yesterday. I am a lesbian who lives in the township and I fear for my life everyday.

As a human rights defender I promote and strive for the protection and the realization of human rights for all in our country, the region and the world.

Please, join me in this effort.





## Zanu-PF Win Holds Bleak Prospects for LGBTI Rights

CHESTERFIELD SAMBA

Director, Gays and Lesbians of Zimbabwe (GALZ)

Published on 11/1/2013

In August this year, as I sat refreshing my Twitter account, anxious for election result updates, I recollected the events of the election of 2008.

The waiting had rattled my nerves, as had the release of results in small batches – every 14 and, later, 10 days – along with the neck-and-neck battle to the post.

Back then, the slowness of the release of the results, along with other hard evidence, led us to believe that President Robert Mugabe had rigged the outcome. With this year's elections, however, Mugabe romped home. The outcome seemed more carefully orchestrated.

The issue of homosexuality had been a key feature of Mugabe's election campaigns but never quite as luridly as this time around. I can recount a dozen rallies at which the subject of gays was used to attack the Movement for Democratic Change (MDC) and vilify the gay community.

**... the LGBTI community was subjected to homophobic hate speech throughout the campaign. One example is the president's call for gay people to either procreate or face beheading.**

The strategy for this election dates back to the Constitution-making process, during which Gays and Lesbians of Zimbabwe made a submission calling for the rights to equality,

nondiscrimination and privacy to be extended to all citizens.

This submission signalled the challenges for a community seeking to gain recognition for lesbian, gay, bisexual, transgender and intersex people (LGBTI) in a partisan constitution-making process.

The state's propaganda machinery went into overdrive, claiming that gays and lesbians wanted same-sex marriage rights. But how can we advocate marriage when the basic struggle to exist has not been won?

In the run-up to the election, Gays and Lesbians of Zimbabwe endured raids on their offices and the detention of members. Given the fierce response, I did not have high hopes for the inclusion in the Constitution of sexual orientation as a ground for nondiscrimination.

The new Constitution turned out to be a document reflecting political contestations between Zanu-PF and the MDC.

**The state's propaganda machinery went into overdrive, claiming that gays and lesbians wanted same-sex marriage rights. But how can we advocate marriage when the basic struggle to exist has not been won?**

## **False Hope**

The attack on the headquarters of Gays and Lesbians of Zimbabwe and the swift reaction of the police in arresting the perpetrators gave a glimmer of hope, which was dashed when the attackers were released without charge.

The run-up to the 2013 elections created a climate of fear and vulnerability for the community.

LGBTI people were targeted in election rhetoric. Zanu-PF's manifesto

proclaimed that the party “had been vigilant throughout the Constitution-making process to guard against treachery and to protect the process from being hijacked by foreign or regime change interests ... specifically ... [to] protect the values and dignity of the people against such evils as homosexuality”.

As it stands, Zanu-PF has regained the majority in both houses of Parliament that it lost in 2008. This is partly at the expense of the LGBTI community, which was subjected to homophobic hate speech throughout the campaign. One example is the president’s call for gay people to either procreate or face beheading.

The result of the election seems to have placed the country on auto-pilot. There is a sense that a dark economic future lies ahead.

Industry and agriculture are in decline and Zanu-PF is not batting an eyelid. One hopes that the ghosts of 2008 – empty shelves and lawlessness – do not return. Fear engulfs those who held dissenting views, and those who aligned with the MDC. It feels like payback time.

## No Change

For the LGBTI community nothing has changed despite the new Constitution and its creation of various commissions on human rights. Neither these bodies nor the electoral commission bothered to respond to our complaints about the president’s use of hate speech.

We were hit by section 78(3) of the new Constitution, which provides that “persons of the same sex are prohibited from marrying each other” – as if section 73 of the Criminal Law and Codification Act, which criminalises same-sex sexuality, is not punishment enough.

Persecution of human rights defenders continues. Gays and Lesbians of Zimbabwe has two cases against it related to “undermining the authority

of the president” and “running an illegal organisation”. We believe the police are preserving these for future use.

Similar charges are being leveled against a number of civil society organisations.

Threats to the safety and security of LGBTI individuals remain real as we realise that Zanu-PF wants to appease a despondent electorate.

While there are other pressing matters of survival the government needs to address, “the gay issue” becomes expedient if staying in power is foremost, the economy continues to recede and if the party manifesto is to be worth more than the paper it’s written on.

Zanu-PF is notorious for disregarding citizens’ rights to freedom of expression and is unlikely to align laws with the Constitution and international human rights protocols and standards. The Access to Information and Protection of Privacy Act and the Public Order and Security Act, for example, need to be amended.

Despite these problems, in June we had a successful Pride Week in public venues without police harassment. The community came together to reaffirm its existence and renew its dented hopes.

But it still feels like it is a little too early to tell what this election result will ultimately mean for LGBTI people.



## HUFFPOST GAY VOICES

### **An Assault on a Movement: The Killing of Eric Lembembe**

DAMIAN UGWU

Regional Program Coordinator for Africa, IGLHRC

Published on 8/23/2013

On Monday July 15, 2013, news of the murder of Eric Ohena Lembembe, a Cameroonian journalist and LGBTI human rights activist, filtered in just as my colleagues and I were concluding the first day of human rights documentation training in Doula, Cameroon. Eric's friends and the police had found him dead in his home, the victim of a brutal murder.

Cameroonian activists, visibly shaken, scared and apprehensive, were not only shocked by the fact that they had lost a friend and colleague in this brutal manner, but also by the possibility that they might soon be a target. Some said they might go underground for a while. One or two said they would 'tone down' their activism or operate from home instead of in public places where they might be associated with the LGBTI movement. Others were fearful that they could be next. The news had sent shock waves down the spines not only of those present at the training, but also tens of thousands of LGBTI activists across the world.

Given a recent spate of homophobic attacks in Cameroon, there was strong speculation that Eric's death was connected to his sexual orientation and related activism. Lembembe's murder follows other anti-LGBTI violence including the arson attack on the office of Alternatives Cameroun by unknown assailants. The office of Michel Togue, a human rights lawyer, was also reported broken into and documents stolen. Both Togue and legal advocate Alice Nkom have received repeated death threats for their defense of LGBTI individuals in the courts.

For me, Eric Lembembe's death represents the loss of a brilliant friend and advocate. I met Eric at the Yaoundé Appeal Court in November 2012. We had both come to show solidarity for yet another victim of intolerance and injustice: Roger Mbede. Mbede, who was later convicted for sending a text message declaring his love to another man, was being tried for his crime "against the order of nature."

I followed Eric's work as Executive Director of CAMFAIDS, a human rights organization working to protect the rights of sexual minorities in Cameroon, with much admiration. And, like so many others, I was inspired by his frequent writings on [76crimes.com](http://76crimes.com).

Eric's death is a harsh reminder of the inherent danger LGBTI human rights defenders face in Africa. In many countries, LGBTI defenders live and work in very dangerous situations. They are subjected to harassment, surveillance, arbitrary detention, smear campaigns, and prolonged and unfair trials. They not only have to contend with hostilities from state actors but also from family and community members.

The killing of Eric Lembembe has struck a blow to the fight for justice and equal rights for sexual minorities in Cameroon. As a journalist and movement leader, he was one of the most visible faces in the LGBTI movement in that country. For many, there is no doubt that his death is connected with his advocacy for the rights of LGBTI persons. After recent attacks on Yaoundé-based human rights organizations, Lembembe himself said, "There is no doubt: anti-gay thugs are targeting those who support equal rights on the basis of sexual orientation and gender identity. Unfortunately, a climate of hatred and bigotry in Cameroon, which extends to high levels in government, reassures homophobes that they can get away with these crimes."

Indeed, Eric's determined efforts over the past years to uncover and

document extortion, blackmail, torture and persecution of LGBTI people in Cameroon had made him many enemies. For this reason alone, he may have been targeted for murder.

There is no doubt that a climate of fear has enveloped the LGBTI movement since Eric's killing, yet this may also mark a turning point for the Cameroonian LGBTI movement. History shows, time and time again, that the struggle for justice does not cower in the face of adversity. As we have seen in Uganda following the death of LGBTI leader David Kato, the advancement of equality and democracy is an unstoppable tide.

While the world has expressed horror and disgust at the murder of Eric Lembembe, it is not enough to simply condemn the killing of this brilliant activist. We must continue to exert pressure on the Cameroonian government to bring the perpetrators to justice. Above all we must do everything possible to help the fledging Cameroonian LGBT movement to get back on its feet and support its continued efforts.

Eric's death is very painful to the movement, but it will not stop LGBTI Cameroon in the long-term. A leader has been killed, and a movement attacked, but the Cameroonian LGBTI movement has not been torn asunder. It is saddened, but it has also strengthened its resolve to work for the human rights of all LGBTI Cameroonians.

### **Post Script:**

Eric Lembembe's funeral was held in Yaoundé, Cameroon on Aug. 3, 2013. According to press reports "Hundreds of mourners took part in yesterday's funeral for murdered journalist and LGBT rights activist Eric Lembembe, 33, including the United States ambassador, the United Kingdom's high commissioner and the European Union's program director for Cameroon."

Alice Nkom, the lawyer representing Lembembe, interviewed by FRANCE 24, said there has been no credible effort to investigate his death or collect the elements necessary for a good investigation. Nkom expressed skepticism as to the outcome. We are afraid that with no information from the police, we will never know who did this and no one will ever be punished,” she said. “We are afraid there will never be justice.”



**INTERNATIONAL GAY AND LESBIAN  
HUMAN RIGHTS COMMISSION**



## Contributors

**Val Kalende**, noted Ugandan activist for LGBT people, in 2003 helped launch Freedom and Roam Uganda, the only lesbian organization in Uganda, and is in the leadership of Sexual Minorities Uganda, a coalition of LGBT groups. She has played a key role as a writer, speaker, activist, and community organizer within the LGBT movement in Uganda. She is former writer for a national newspaper in Uganda and was jailed for campaigning for the inclusion of LGBT people in Uganda's national HIV/AIDS programs.

**Itumeleng “Tumi” Thandeka Mkhuma** was born in Eastrand, Gauteng, South Africa and grew up in Katlehong. She is a young lesbian, an activist, a survivor of violence, and a fun-loving queer being. She is a member of the *Chosen Few* soccer team, volunteers as a photographer at Forum for the Empowerment of Women (FEW), and is a media and programmes intern at Iranti-org.

**Juliet Mphande** is a founding member and executive director of Friends of Rainka, where she works on the rights of minorities in Zambia. Mphande sits on human rights corporate policy making bodies including The Global Forum for Civil, the Bilateral Initiative on Human Rights, and the Junior Achievement International.

**Kate Muwoki** has eight years of international experience working on projects with the Terrance Higgins Trust, Restless Development (Zambia), the African Union (Addis Ababa), the South African Department of Health, and as a Visiting Researcher at Wits University;

**Chesterfield Samba** is Director of Gay and Lesbians of Zimbabwe (GALZ). Samba follows political developments in Zimbabwe and analyzes political developments and their implications for citizens of LGBTI communities.

***Gift Trapence***, Executive Director of the Centre for the Development of People, an organization addressing LGBTI issues, is a human Rights Activist in Malawi. He has been instrumental for several strides advancing LGBTI human rights in Malawi including the announcement of the suspension of the sodomy laws by the Malawi government. His HIV research work has been published by science journals including the *Lancet*. He holds a Bachelors of Arts degree in Development studies.

***Damian Ugwu***, IGLHRC's Regional Program Coordinator for Africa, holds a masters degree in international law and diplomacy. He has consulted with social justice organizations including Civil Liberties Organization, Nigeria's largest human rights group, the Social Justice Advocacy Initiative in Lagos, Nigeria, Human Rights Watch, Amnesty International and the Open Society Justice Initiative. Damian has contributed to publications on the state of human rights of Nigerians, on topics of torture, violence and impunity, extrajudicial killings and children's rights.

***Leigh Ann van der Merwe*** is a feminist, trans activist, born in Ugie, Eastern Cape, South Africa, and is a founder and director of S.H.E. Recognized for her work as a Women's Rights Defender, Leigh Ann has participated in a UNFPA study team and presented papers at the IGLHRC sponsored, first ever, Gender Dynamix Transgender Health and Research Conference in South Africa in 2011.

## Commentaries and Op-editorials

**“Gay Ugandans: Loud and Proud,”** (*Huffington Post, London Evening Post, Gay City News, Go Magazine*) by Val Kalende, human rights activist, Uganda 8/15/2012

**“As the Flames of Homophobia Burn Around the World, Understanding Nigeria’s Anti-Gay Bill,”** (*Huffington Post*) by Damian Ugwu 12/03/2012

**“Rape is Rape,”** (*Huffington Post*) by Kate Muwoki 4/2/2013

**“An Assault on a Movement: The Killing of Eric Lembembe,”** (*Huffington Post*) by Damian Ugwu 8/23/2013

**“Zambia Shackled by Homophobic Laws,”** (*Cape Times*) by Juliet Mphande, human rights activist, Zambia 10/25/2013

**“Zanu-PF Win Holds Bleak Prospects for LGBTI Rights,”** (*Mail and Guardian*) by Chesterfield Samba, human rights activist, Zimbabwe 11/1/2013

**“African Conference: Out of Step with Human Rights Standards,”** (*Huffington Post*) by Damian Ugwu 11/7/13

**“Malawi’s Constitution Clear on Gay Rights but Politicians Aren’t,”** (*Inter Press Service*) by Gift Trapence, human rights activist, Malawi 11/17/2013

**“My Name is Tumi,”** (Remarks delivered at the United Nations in New York) by Thandeka “Tumi” Mkhuma 12/10/2013

**“There is a Voice that is Silent from Africa,”** (*IGLRHC Blog*) by Leigh Ann van der Merwe 1/17/2014







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