

Press release 29.09.2011

## **THE 2011 RAFTO PRIZE TO SEXUAL MINORITIES UGANDA (SMUG) AND THEIR LEADER FRANK MUGISHA BRAVE FIGHTERS FOR HUMAN DIGNITY**

**The 2011 Rafto Prize is awarded to Sexual Minorities Uganda (SMUG).<sup>1</sup> Frank Mugisha (32), Executive Director of SMUG, will receive the award on behalf of the organisation. The Prize is awarded to SMUG for its work to make fundamental human rights apply to everyone, and to eliminate discrimination based on sexual orientation or gender identity.**

**The human rights situation in Uganda in general, and the plight of sexual minorities in particular, is getting worse. They are blamed for social problems and are "the good enemy" that politicians can attack in order to garner support. In this situation, SMUG's work is especially important. The battle they wage is for human rights' most basic purpose: to protect individuals from abuses by the authorities and the majority. The Rafto Foundation hereby gives its support to the work against what former SMUG leader Victor Juliet Mukasa, characterized as a "state-sponsored homophobia that is spreading across the African continent".<sup>2</sup>**

This text is an extract from the Rafto Foundation's arguments for awarding the prize. For a full copy of the Foundation's arguments, please see the press pack, or our website: [www.rafto.no](http://www.rafto.no).

SMUG is a coalition of organisations that work for the human rights of lesbian, gay, bisexual, transgender and intersex people (LGBTI people, or sexual minorities, which is the term used by SMUG). Since its inception in 2004, SMUG has become a powerful voice for a stigmatised and persecuted minority. The coalition has played an important role in opposing the proposed "Anti-Homosexuality Bill"<sup>3</sup> and has successfully used the legal system to fight harassment and violence from government and private actors. SMUG also does important work supporting individuals who suffer from abuse.

### **Sexual minorities - "pollutants of society"**

Frank Mugisha and his colleagues in SMUG have demonstrated great courage in fronting the fight for LGBTI people's rights. People who do not conform to society's gender and sexual norms are subject to abuse in today's Uganda. Homosexuality is publicly portrayed as "un-African" and a "contagious" pollutant that destroys society and therefore must be eliminated.<sup>4</sup> Lesbian, gay, bisexual, transgender and intersex persons are often ostracised by their families and local communities and are left without any form of social safety net. Many lose their jobs and place at school and end up having to live in the slum.<sup>5</sup>

### **SMUG activist killed**

Frank Mugisha describes a life in fear: "I don't know what could happen to me at any minute. I do not know who wants to hang me, I do not know who wants to attack me".<sup>6</sup>

A high-profile SMUG activist, David Kato, was killed in his home in January 2011. The killing came after his photo appeared on the front page of a local newspaper, Rolling Stone, accompanied by the headline: "Uganda's top 100 homos. Hang them!". Kato and two other activists took the newspaper to court and won.<sup>7</sup> Soon after, he was killed.

Victor Juliet Mukasa, another of SMUG's founders, sees himself as a lesbian and transgender person. While growing up, he was beaten by his father who could not accept that his daughter was behaving like a boy. He was encouraged to seek help from the church, where he was stripped and beaten in front of a large crowd "in order to drive out the evil spirits".<sup>8</sup> In 2005 his home was raided by the police. Mukasa took the case to court, and won, but had to flee the country.<sup>9</sup>

A lesbian who fled Uganda after being beaten and threatened by a mob before having her house burned to the ground explains: "They would point and shout at us in the street. They would swear or say 'You lesbians, that is disgusting. It is against nature. Heaven will not accept you'". She fears for what will happen when she returns to Uganda after being refused residency in Great Britain.<sup>10</sup>

### **The "Anti-Homosexuality Bill"**

Frank Mugisha and his colleagues cannot expect protection from the Ugandan authorities. Sex between persons of the same gender has been prohibited since colonial times and can, in principle, be punished with lifetime imprisonment.<sup>11</sup> Proposed legislation from October 2009 ("Anti-Homosexuality Bill") proposes lifetime imprisonment as a minimum sentence and a death sentence for repeat offences, or if the person is HIV positive or has had sex with a minor.<sup>12</sup>

Those who do not report acts of homosexuality to the authorities, or who "promote homosexuality" for example by offering information risk imprisonment. So far, the proposed legislation has not been passed, but the recurring debate has radically worsened conditions for sexual minorities. The proposal may at any time be brought up for debate once again. Many Ugandans say that lesbians and gays have no human dignity and should be killed. Few dare speak their case and in this situation SMUG and Frank Mugisha's work is vital.

### **Political distraction**

The situation for sexual minorities in Uganda must be seen in the context of the political developments in the country, where president Yoweri Museveni has been in power for 25 years.

Ugandan politicians like David Bahati, use sexual minorities as scapegoats for social problems. They serve as a useful distraction from human rights violations, corruption, and misgovernment. By playing on people's prejudices, anti-democratic forces gain greater room to manoeuvre. It is important the international community also sees the bigger picture, and don't let the "Anti-Homosexuality Bill" distract from other human rights abuses.

Unfortunately, the situation in Uganda is not unique. Political and social mobilisation against sexual minorities is increasing in large parts of Africa; often, as in Uganda, supported by conservative American religious communities. The majority of countries in Africa and the Middle East have strong sodomy laws and in several Muslim countries, homosexuals risk the death penalty.<sup>13</sup> Discrimination and harassment of sexual minorities continues to be a problem across many areas of the world, including where legislation formally respects sexual orientation and gender identity as part of the right to a private life.

### **International responsibility**

By awarding the 2011 Rafto Prize to SMUG and Frank Mugisha's fight for sexual minorities, the Rafto Foundation wishes to underscore that human rights encompass everyone and that it is unacceptable to persecute or discriminate against anyone based on their sexual orientation or gender identity.

Norwegian authorities have declared that the protection of the rights of sexual minorities shall have a high priority in the work against discrimination.<sup>14</sup> The Rafto Foundation supports this, and by awarding the prize it hopes to support and make Norwegian and other authorities more accountable in this work. We also wish to help make the fight against discrimination of sexual minorities a high priority among private organisations and companies that work in Uganda and other countries where the situation for these groups is precarious.

The Rafto Foundation also wishes to turn the spotlight on the serious human rights situation in Uganda. It wishes to highlight the fact that SMUG and Frank Mugisha's fight for the human dignity of a particularly vulnerable group is also part of a greater fight for democracy and social justice. By awarding the 2011 Rafto Prize, the Rafto Foundation recognises Frank Mugisha and his colleagues for their work on human rights and hopes the award will help afford them greater protection and inspiration to continue working in what is a vulnerable and difficult situation.

The Rafto Foundation, Bergen, Norway. Wednesday 17 August 2011

**The 2011 Rafto Prize is awarded at the National Venue of Theatre (Den Nationale Scene), in Bergen, Norway on Sunday 6th of November at 18:00.**

**The Rafto Foundation** in Bergen, Norway was established after the death of Professor Thorolf Rafto in 1986, in gratitude of his longstanding work to help people who are oppressed and persecuted, and in the realization that this work must be ongoing.

**The Rafto Prize** is a human rights award established in memory of Professor Thorolf Rafto. The Prize is awarded annually by the Rafto Foundation. Several Rafto Laureates: Aung San Suu Kyi, Burma (Rafto Prize in 1990), people of East-Timor by José Ramos-Horta (Rafto Prize in 1993), Kim Dae-jung, South-Korea (Rafto Prize in 2000) and Shirin Ebadi, Iran (Rafto Prize in 2001) have subsequently been awarded the Nobel Peace Prize. The Rafto Prize contributes to a focus on human rights violations and on people and communities which need the attention of the world.

**[www.rafto.no](http://www.rafto.no)**

## Notes:

---

<sup>1</sup> <http://www.sexualminoritiesuganda.org/>

<sup>2</sup> <http://www.hrw.org/en/news/2009/12/11/un-landmark-meeting-denounces-rights-abuses-based-sexual-orientation-gender-identity>  
[http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2011.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf)

<sup>3</sup> <http://wthrockmorton.com/wp-content/uploads/2009/10/anti-homosexuality-bill-2009.pdf>

<sup>4</sup> A survey in July 2009 found that 95 per cent were against legalisation of gay sex.  
[http://articles.cnn.com/2009-12-08/world/uganda.anti.gay.bill\\_1\\_gays-death-penalty-aids-prevention?\\_s=PM:WORLD](http://articles.cnn.com/2009-12-08/world/uganda.anti.gay.bill_1_gays-death-penalty-aids-prevention?_s=PM:WORLD)

<sup>5</sup> The various sides of the social and political harassment that takes place are shown in the BBC documentary, "The world's worst place to be gay".  
<http://www.youtube.com/watch?v=S9DsawSC3cE>

<sup>6</sup> <http://www.amnesty.org/en/news-and-updates/ugandan-gay-rights-activist-'i-have-watch-my-back-more-ever'-2010-11-05>

<sup>7</sup> <http://www.nytimes.com/2011/01/28/world/africa/28uganda.html>

<sup>8</sup> "Trial by fire", *New Internationalist magazine*,  
URL: <http://www.newint.org/features/2007/05/01/uganda/>

<sup>9</sup> "Queer Rights Panel 01. Intros: Victor Juliet Mukasa", *YouTube*, URL:  
[http://youtu.be/zg5cQqs\\_C4M](http://youtu.be/zg5cQqs_C4M)

<sup>10</sup> <http://www.guardian.co.uk/world/2011/jan/27/ugandan-lesbian-deportation>

<sup>11</sup> Paragraph 140 – 142 of Uganda's Penal Code Act states that "Attempts at carnal knowledge" be punished with seven years imprisonment, while "gross indecency" between men (women are not mentioned) be punished with five years imprisonment. This is a continuation of British colonial legislation and there are similar provisions in many other African countries.

<sup>12</sup> This was a private amendment, proposed by David Bahati, Member of Parliament for the governing party. There is little reason to doubt that it was cleared by the authorities.

<sup>13</sup> [http://en.wikipedia.org/wiki/LGBT\\_rights\\_by\\_country\\_or\\_territory](http://en.wikipedia.org/wiki/LGBT_rights_by_country_or_territory)

<sup>14</sup> Please see the Norwegian government's action plan "Better quality of life for lesbian, gay, bisexual and transgender people, 2009-2012". In June 2011, there was a deepening of the international work  
[http://www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Norges\\_internasjonale\\_arbeid\\_mr\\_minoriteter\\_juni11.pdf](http://www.regjeringen.no/upload/UD/Vedlegg/Menneskerettigheter/Norges_internasjonale_arbeid_mr_minoriteter_juni11.pdf)