canaries in the coal mines

An analysis of spaces for LGBTI activism in southern Africa
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Like coal miners used caged canary birds, whose death was a warning sign of toxic gases in the mine tunnels, homosexual women and men, and transgender and intersex people in southern Africa are at the coalface of the multiple dangers in many of our societies today. How our societies treat lesbian, gay, bisexual, transgender and intersex (LGBTI) people is symptomatic of the dangers facing all people who are excluded in some way or another in our societies, by those who have a grip on social, economic, and political power.

To assess the depth and nature of social exclusion of LGBTI people across southern Africa and better understand how LGBTI groups are organizing to transform that reality, the OlPePai Foundation commissioned studies of ten countries in southern Africa: Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe participated in the development of the studies.

Mark Gevisser, the lead content advisor for the studies, distilled the results into this summary analysis that maps the key commonalities, differences, and trends across the region.

While the dynamics are complex, the reports find a symbiotic relationship between legal and policy reform on one hand, and change in social attitudes on the other. This plays out in “progress” and “backlash” cycles in the different countries in the region.

Relevant and useful resources that inform the work of LGBTI groups around the region will be developed from this analysis through a consultative process with activists across the region.

The ten country studies will be released separately over the coming months.
The backlash cycle and the progress cycle

In June 2016, the Human Rights Council of the United Nations General Assembly voted, by 23 to 18, to establish an independent expert to assess the monitoring of human rights violations against people on the basis of their sexual orientations or gender identities. The vote illustrates a global divide: all those states supporting the resolution were from the “global north”, Latin America, and East Asia. The “No” camp was predictable: Muslim and African states, Russia, China. Their opposition stems from the assertion that the category of “human rights” should not be extended to include LGBTI people, whose actions, in fact, remain criminalised by their laws.

The real surprise lay in the six abstentions. Among them were South Africa, Namibia and Botswana. That the three countries from Southern Africa on this year’s council (membership rotates) chose to abstain en bloc indicates the fluidity of the issue in the region under study in this set of reports. Despite South Africa’s constitutional protections and its rights for LGBTI people, the issue is far from resolved socially and politically there; meanwhile, in neighbouring countries there is clear movement away from the kind of official homophobia expressed by leaders such as Robert Mugabe and Sam Nujoma in the 1990s, when the issue first achieved prominence.

The purpose of these Other Foundation studies is to map these shifts, across ten Southern African countries; to understand the dominant narratives about sexual orientation and gender identity in the region, and the role being played by LGBTI movements and their allies in countering these narratives, and in claiming civic space, locally and nationally, in a rapidly-globalizing world. To understand these dynamics, and how the Southern African region is following a somewhat different path to other parts of the continent, it is useful to look at the Afrobarometer survey published in 2015.

This survey assessed attitudes, across 33 African countries, by asking the question: “How would you feel about having X as a neighbour”? Africans are tolerant folk: 91% of those polled across 33 countries said they would not mind having a homosexual neighbour.

Tolerance levels across southern Africa:

- Malawi: 6%
- Zambia: 7%
- South Africa: 67%
- Swaziland: 26%
- Botswana: 43%
- Namibia: 55%
- Mozambique: 56%
- Mauritius: 49%
- Zimbabwe: 10%
- Lesotho: 16%
- Malawi: 6%
- Zambia: 7%
- South Africa: 67%
- Swaziland: 26%
- Botswana: 43%
- Namibia: 55%
- Mozambique: 56%
- Mauritius: 49%
- Zimbabwe: 10%
- Lesotho: 16%

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2. The others were Ghana, India and the Philippines.

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21% of Africans

pollled across 33 countries said they would not mind having a homosexual neighbour.
The dynamics are complex and LGBTI movements in countries within the “backlash” camp are not necessarily less committed or developed than those in the “progress” camp.

The Backlash Cycle
In Malawi, Zambia, Zimbabwe, and to a lesser extent Swaziland, countries with lower tolerance levels, there has been an infected public discourse against LGBTI people. In these countries, the infected discourse must be understood as a backlash against assertive LGBTI rights movements, or individuals. We can surmise that the intolerance flows from the infected discourse, and thus from assertions made, or public space claimed, by the LGBTI community itself. The “backlash” phenomenon has been experienced in other countries under study too, such as Namibia and Botswana, but in these countries it is being turned around due to strategies explored below.

The dynamics are complex, and LGBTI movements in countries within the “backlash” camp are not necessarily less committed or developed than those in the “progress” camp. On the contrary: it is often, precisely, their strength and viability which provides a backlash in countries like Zambia and Zimbabwe (or further afield, Uganda), and the backlash, in turn, can work to strengthen the movement.

The work of the LGBTI movement and its allies is to switch countries in this category from the “backlash” cycle to the “progress” one.

The Progress Cycle
In Namibia and Botswana, the nature of the public discourse about LGBTI people has shifted dramatically over the past decade, from the “backlash” cycle – see below – to the “progress” one: a more positive or neutral stance. In Mauritius and Mozambique, to the extent that there is public discourse on the subject rather than silence, it has been positive or neutral. In all these countries, Afrobarometer reveals higher level of tolerance.

What these countries have in common is: a more sympathetic or neutral media (often due to sensitisation training by LGBTI organisations and their allies); effective strategic advocacy by LGBTI organisations through the judicial, legislative or executive systems; and mobilization of effective alliances with other human rights actors and with state agencies. This has been the case, too, recently, in Malawi and Lesotho, even if the results are not yet visible in the Afrobarometer tolerance surveys.

Tolerance levels hover at around only 50%, and the qualitative survey conducted as part of this study reveal very low levels of social inclusion in all ten countries.

And so, in these countries, the work of the LGBTI movement and its allies is to spread the “progress” cycle up. This summary analyses the ten reports commissioned by the Other Foundation, first by exploring more deeply the “progress” and “backlash” cycles, and then by examining in detail the six “narratives” which dominate public discourse about sexual orientation and gender identity, and the most effective responses to them. The reports focus more on sexual orientation than on gender identity, and thus this executive summary does too. This is in part a consequence of the information that was available and the networks that were accessed by the researchers, and in part because a public discourse around transgenderism and intersexuality has not yet developed in the region.

For this reason, it is recommended that these reports are read in conjunction with the Southern African regional mapping done specifically on trans* and intersex issues that is being conducted by GanderDynamics. Still, to adhere to convention, this summary uses the acronym “LGBTI” to describe people who are discriminated against because of their sexual orientations or gender identities, and who form community accordingly.
An increasing acceptance of sexual and gender diversity in the region is developing due to a combination of factors: the fight against AIDS, with its emphasis on “key populations”; an opening up to the world through the information revolution and urbanisation; effective lobbying by LGBTI organisations in alliance with other human rights advocates; and a desire of the state to be seen as ‘modernising’, either through volition or coercion – the latter through donor-dependency.

There has been a profound shift in the understanding and expression of sexuality and gender identity in the Southern African region, beyond South Africa, in the past two decades. This has been a consequence of two factors. The first is the digital information revolution. This has enabled previously isolated people – albeit those in urban areas, and with access to technology - to connect to a global set of ideas about identity, freedom and rights, and to embrace an “LGBTI” identity. As importantly, it has exposed the elite populations of the region to televised entertainment and news that includes diverse sexualities and genders, emanating both from South Africa, the regional entertainment giant, and from Brazil, whose telenovelas – often with gay subplots - are hugely influential in Mozambique and Angola. Satellite television news networks such as CNN and Al Jazeera exposes these elites, too, to the news of the expansion of “LGBTI Rights” in the Global North. The Christian and nativist backlash against this is well-documented, but less-explored is the way that a sector of the population takes these global messages in, and comes to understand the acceptance – or tolerance – of sexual and gender minorities as a marker of modernity and cosmopolitanism.

The above information revolution has happened, in the region, at exactly the same time as the AIDS epidemic and the battle against it, with its emphasis on “key populations”, including “men who have sex with men”. This has enabled the mobilization of resources in the public health sector to reach homosexuals, and the subsequent activation of a rights discourse, on the understanding, promoted vigorously by UNAIDS, that stigmatised people remain underground and cannot be reached. With the exception of Zimbabwe and Namibia, all the LGBT movements in the region began as a public health initiatives aimed at reaching “MSM” communities. This, as we shall see, has been a blessing and curse.
With the support of international funders, and often hosted by large public health non-governmental organisations, LGBTI organisations have been mainstreamed into public health programming, with community leaders often sitting in the state-convened national AIDS commissions. Although they often feel hampered by the "public health" strait-jacket, and exploited by host organisations which, they claim, use them to access "key population" funding, they have used these alliances with varying effectiveness to become part of broader civil society initiatives, fighting first for impartial access to health and then for protection from discrimination, equal rights, and other constitutionally- guaranteed freedoms.

But LGBTI campaigns have been more effective where they have folded into broader democratic movements, and formed alliances outside of the public health sector. The evidence suggests that in Mozambique, Namibia, and Botswana, these alliances have been essential to the positive steps that have been taken, legally and administratively, towards more equitable treatment of LGBTI people. There is the suggestion, too, that in Mozambique and Namibia in particular, political leadership has been willing to make space for reform when it comes to the position of LGBTI rights as part of a “modernising” process, away from doctrinaire post-colonial ideology.

To the extent that there has been state progress in aid-dependent countries such as Malawi, Lesotho and Swaziland, this has been primarily in the public health sector (although Malawi’s “moratorium” on sodomy prosecutions is significant) and is seen, more, as the effect of donor pressure that has a double-edged impact, as it can be cast as a form of neo-colonial coercion.

Global pressure can work more positively if states feel that protecting their LGBTI citizens gives them membership of a global community. Mauritius, a country with a very different demographic and economic profile to the other nine under survey, has progressed in this way: in its eagerness to comply with the UN Human Rights Council’s Universal Peer Review process, it promulgated two laws, in 2008, that specifically outlaw discrimination on the basis of sexual orientation. It has also taken on UNESCO’s benchmark Comprehensive Sexuality Education curriculum.
Homophobic or transphobic discourse and policy is typically a form of backlash. This is in reaction to the claiming of rights, or public space, by a newly self-identified minority; to broader geo-political and global economic dynamics which threaten ruling elites; to the visibility engendered by the AIDS epidemic and the digital information revolution; and to the changing nature of global Christianity.

Homophobia and transphobia in the region is the direct consequence of the shift into visibility of political and social identities which were once hidden and subsumed into heteronormative relationships, and of groups which now lay claim to a distinct set of rights and protections that are threatening to the state and patriarchy. This dynamic was most evident in Zimbabwe in the 1990s, in the reaction of Robert Mugabe’s ZANU-PF to the growth of Gays and Lesbians of Zimbabwe (GALZ), and its insistence on being part of the constitution-making process. But it is visible throughout the region: in the climate of fear and retribution following the public coming out of activists in Swaziland in 1998, or the arrest of Tsvangirai Dumbulangwa and Stephen Monjeza in Malawi in 2012 and their sentencing to 14 years imprisonment; in the reaction to the attempts of an LGBT group to register as an organisation in Zambia in 1995.

If the AIDS epidemic provided space for the growth of LGBTI communities and organisations, the new visibility of homosexuals also provoked backlash as part of a broader discomfort with the public discussion about sex and sexuality: the Malawi arrests, for example, were preceded by a raid on the LGBTI organisation CEDEP (The Centre for the Development of People) and the confiscation of its safer-sex materials as “pornography”. Concurrent to the rise of the AIDS epidemic and the battle against it were two phenomena in the world of faith, both of which were to fuel the backlash against the emergence of a visible community of LGBTI people in Southern African societies: the first was the schism in the Anglican Church over the ordination of gay priests, and the second was the advent of Pentecostalism, which imported American “culture wars” issues, such as homosexuality and abortion, to attract congregants and leverage political power. Most significant, in this regard, was Frederick Chiluba’s tenure as Zambian president in the mid-1990s, and the constitutional assertion of the country as a “Christian state”.

Once homophobic or transphobic discourse was activated, playing on the high levels of fear or lack of knowledge in a population, it was often instrumentalised to fight other political battles and to gain easy political points. At the same time, donors from the global North have been pressuring them to respect the rights of LGBTI people. Initial discourses of fear, loathing and sinfulness have thus mutated into anti-colonial rhetoric. These dynamics have been sharply visible in Zimbabwe, Zambia and Malawi, particularly in the period following the Malawi arrests, and the subsequent debate on aid conditionality.

But, a countervailing dynamic has also been noted, particularly in Namibia, where there was – as in Zimbabwe – a very strong anti-homosexuality discourse in the 1990s. Such discourses, notes the Namibia report, “cannot be taken as face value but rather act as proxy for anti-colonial pushback against European and North American hegemony in the region. As independence and the liberation struggle become historical facts, the loosening of related discourse has led to increasing tolerance of LGBTI communities.”

As independence and the liberation struggle become historical facts, the loosening of related discourse has led to increasing tolerance of LGBTI communities.
The reports identify six primary public narratives about homosexuality and gender identity, propagated by the state, the media, religious institutions and other public actors, and reinforced by families and communities. The work of the LGBTI movement is to counter these narratives, and in each section, benchmark attempts to do so are highlighted.

1) The Legal Narrative: “It’s against the law!”

Sodomy and the Penal Code

Of the ten countries under study, homosexual acts remain illegal in nine, through articles of the Penal Code inherited from the British or Portuguese colonial regimes. The sole exception is Mozambique, which decriminalised homosexuality in 2015, through effective lobbying done by the LGBTI movement in alliance with the feminist movement. Three of the ten countries have extended the law in recent years in reaction to growing LGBTI activism. In 2006, Zimbabwe extended the definition of “sodomy” to include all forms of physical contact between men; this was believed to be a political decision to enable Robert Mugabe’s government to lay charges against the former president, Canaan Banana. And in two countries, the Penal Code has been amended to criminalise sex between women as well as men: Botswana in 1998, and Malawi in 2010. In the latter instance, a moratorium was called on arrests due to global pressure and effective advocacy by LGBTI activists within the country. In fact, in all those countries which criminalise homosexuality the law is seldom, if ever, applied. But informants report that it serves as a chiller and a threat, and is often used a means of extortion, or as the reason why other legal reforms, such as anti-discrimination legislation, or administrative actions (such as the registration of LGBTI organisations) cannot happen.

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In several states, cross-dressing is criminalised as “concealment” and this is used as a form of intimidation.

Gender Identity
Nine of the ten states have no specific legal provision to facilitate gender transition or allow citizens to change their gender markers. The exception is Namibia, where the apartheid-era Sex Reassignment Policy Act permits gender reassignment surgery, and the government medical aid covers it: there have, thus, been some transitions in-country. The law also allows for legal gender reassignment, but informants report that “bureaucratic obstructionism” makes this very difficult. The law in Mauritius allows for an “amendment” of birth certificates, but this does not, yet, seem to have been tested with respect to gender markers. It is unclear whether there are similar provisions in the other countries in the region.

In several states, cross-dressing is criminalised as “concealment” and this is used as a form of intimidation: in Swaziland, for example, “LGBTI individuals are usually detained for such but then not charged.” Transgender women are similarly victimised through laws criminalising sex-work and soliciting.

Constitutional Reform and Anti-Discrimination Legislation
All ten states have constitutions which protect rights that include the right to human dignity, health, education, equality, freedom of expression, and protection from discrimination. Unlike the South African Constitution of 1996, none of the other Constitutions of the region specifically prohibit discrimination on the basis of sexual orientation. Nevertheless, new or amended constitutions have provided platforms for the decriminalisation of homosexuality in Mozambique, and progressive jurisprudence and policy in Botswana, Mauritius and Namibia.

In Mauritius, an Equal Opportunities Act was passed in 2008 in accordance with the Constitution, to prohibit discrimination or victimisation, and specifically mentions “sexual orientation”, which it defines as “homosexuality (including lesbianism), bisexuality or heterosexuality.” An Equal Opportunities Commission was set up to oversee the implementation of the act, and this has already ruled once, against the state, compelling it cease screening blood donors on the basis of sexual orientation. At the same time, Mauritius passed a companion Employment Rights Act, which also specifies “sexual orientation” as a status against which one can not be discriminated. In Botswana and Mozambique, too, the labour legislation specifically outlaws discrimination on the basis of sexual orientation: this was the case in Namibia too, but was changed in 2007 in a redrafting of the law.

In Namibia, an Office of the Ombudsman for Human Rights established by the Constitution has been proactive in advocating for LGBTI rights: its 2015 National Human Rights Action Plan specifically makes mention of LGBTI people as a “vulnerable group” requiring protection. Namibia’s first post-independence Labour Act prohibited discrimination on the grounds of sexual orientation, but this was dropped in 2007: the Ombudsman has recommended it be reintroduced. A Namibian Law Reform and Development Commission, chaired by an openly lesbian woman, is currently looking at decriminalising sex-work, and introducing gender identity legislation, although there is still much debate, within the activist community, as to whether the commission should be lobbied to decriminalise sodomy: some feel that this would activate a new round of homophobic discourse in the country.

The Botswana LGBTI movement has pioneered an approach to strategic litigation, using the constitution, which has proven effective.
The ‘it’s a sin’ narrative was reactivated by the schism in the Anglican Church over the ordination of gay priests, and the rise of political American-style Pentecostalism in the region. The former fuelled public homophobia in the former British colonies, and the latter has played a significant role, particularly in Malawi, Zambia and Botswana. In Botswana, the arrest of a man on sodomy charges in 2006 led to a “crusade against homosexuality” by the Evangelical Fellowship of Botswana. This, in turn, prompted LeGaBiBo to commence its registration battle. The above agendas have coincided with the traditional Roman Catholic and Islamic proscriptions against homosexuality, although neither of these vast transnational faith institutions have attempted to counter prejudice within the churches. On the back of the Manarela+ and Zanarela+; these networks have been organised into networks called the Regional Inclusive and Affirming Ministries (RIAM) and the Council of Churches of Namibia and Botswana have been successful in gaining the support of the Council of Churches of Namibia and the Botswana Council of Churches. There are also covert alliances with mainstream churches in Botswana (where there is a supportive Anglican archbishop), Lesotho, and Zimbabwe.

One of the most unexpected findings of the country reports is that, across the board, the Catholic Church at a national and local level has been among the most open to dialogue. This was noted, in particular, in Lesotho, where the church is particularly strong, and in Angola and Mozambique: here, Portuguese Catholicism is traditionally tolerant and, unlike in the rapidly growing Pentecostal churches, there is no theology of demon-possession, leading to often-violent practices of deliverance and exorcism.

2) The Moral Narrative:

“It’s a sin against God!”

This narrative – which was first introduced to the region through Victorian missionaries in the late 19th Century – was reactivated a century later by the schism in the Anglican Church over the ordination of gay priests, and the rise of political American-style Pentecostalism in the region. The former fuelled public homophobia in the former British colonies, and the latter has played a significant role, particularly in Malawi, Zambia and Botswana. In Botswana, the arrest of a man on sodomy charges in 2006 led to a “crusade against homosexuality” by the Evangelical Fellowship of Botswana. This, in turn, prompted LeGaBiBo to commence its registration battle. The above agendas have coincided with the traditional Roman Catholic and Islamic proscriptions against homosexuality, although neither of these vast transnational faith institutions have attempted to counter prejudice within the churches. On the back of the Manarela+ and Zanarela+; these networks have been organised into networks called the Regional Inclusive and Affirming Ministries (RIAM) and the Council of Churches of Namibia and Botswana have been successful in gaining the support of the Council of Churches of Namibia and the Botswana Council of Churches. There are also covert alliances with mainstream churches in Botswana (where there is a supportive Anglican archbishop), Lesotho, and Zimbabwe.

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3) The Political/Cultural Narrative:

“It’s an un-African and a Western neo-colonial imposition!”

This narrative entered the regional discourse through those countries where there has historically been a substantial settler minority and, consequently, a white “gay” community. South Africa, Zimbabwe and Namibia. In Zimbabwe and Namibia, the expansion of this community into the black population has been as a consequence of post-colonial desegregation, and the advent of the AIDS epidemic, provoked extreme nativist responses by political leaders, specifically Zimbabwe’s Robert Mugabe and Namibia’s Sam Nujoma. These former freedom fighters established the “homosexuality is un-African” script in the 1990s. This was modified into a “Homosexuality is a neo-Colonial imposition” narrative in subsequent years, in reaction particularly to the global response to the Ugandan anti-homosexuality legislation, the 2009 Malawi amnesties, and the debate about aid conditionality that ensued. The narrative reached its highest pitch in reaction to the 2011 suggestion by the British Prime Minister, David Cameron, that British development aid should be conditional on the decriminalisation of homosexuality. The reaction boomeranged back into the LGBTI community, particularly in Malawi and Zambia, who were demonised further for standing in the way of aid. In Angola, where the public discourse on homosexuality is in its early stages, opposition politicians from UNITA – an Africanist party – have spoken of how “modernisms are being incentivised by television, hurting cultural values.”

Across the African continent, this narrative has mutated, from the Mugabe-style first-generation responses, which is that homosexuality does not exist in African culture, to a more sophisticated one, articulated, for example, by Uganda’s Yoweri Museveni, who acknowledges that homosexuality exists, but states that the difference between Africa and the West is that “we keep quiet about it.” Museveni correctly implies that, in African societies, homosexuality is traditionally a behavioural practice rather than the social or political identity assumed by a group of people with the intention of claiming rights. According to this narrative, however, a behaviour has become an identity-category for purely transactional
reasons. At a micro-level, it is alleged that African men sleep with Western men for access to resources, and that LGBTI activists take up their positions so that they can receive grants or salaries from Western pro-gay agencies. At a macro-level, states are forced into policies irremisibly to their values, so that they can get donor aid. As the Zambian Home Affairs minister Edgar Lungu put it in 2013 after pressure was put on his country to release two men arrested for sodomy: “We will not support homosexuality. I will not compromise human nature because of money.”

The biggest disincentive to a reframing of the ‘it’s un-African’ narrative is a perception of the unpopularity of homosexuality among the general population. There are two compelling examples of this: the way the Zimbabwean opposition leader Morgan Tsvangirai felt compelled to retract his support for LGBTI rights when fighting an election in 2013, and the admission by Festus Mogae, the former president of Botswana, that he did not raise the issue while still in office because to do so could well have lost him the way to make strongly supportive statements after he left office. The fear of political ramifications for espousing an unpopular cause – and censure from the church - that has already been adopted through the Constitutional process. This was particularly effective in the appeal against the state’s refusal to register LeGaBiBo in Botswana, and forms the basis of the review of the sodomy laws by the Supreme Court in Malawi.

The second response has been to develop counter-narratives which demonstrate the ways in which homosexuality and gender diversity have always existed and been accepted in African cultures, before Christianity and colonialism imposed their notions of sin and criminality on the area. Despite some groundbreaking academic research done in this field – in, for example, dagara cross-dressing identities in Angola, or lesbian sangomas in Namibia, these ideas have not, yet, been developed into effective advocacy strategies in the region.

Nonetheless, there have been some compelling initiatives in the region which have sought to engage traditional leaders and values. In Botswana, during the campaign for LeGaBiBo’s registration, a prios, or traditional meeting, was held with traditional leaders in 2013. This attracted significant cultural volume and local activists believe it played a role in shifting the narrative in their country. In Lesotho, the LGBTI organisation, Matrix, has focused its energies on awareness programming in rural areas, working closely with traditional leaders. It reports a far greater openness here than in urban areas, where people have internalised the “homosexuality is sin” and “homosexuality is un-African” narratives. Another of Matrix’s programmes, which involves the screening of films in villages with a media partner, has had a similar positive affect.

And in Namibia, LGBTI organisations have done important work engaging with the traditional leadership structures of the southern Damara and Nama peoples, where there is traditionally a greater tolerance of sexual and gender diversity, and have exploited the space that these cultures make, for example, for lesbian sangomas.

4. The Public Health Narrative: “It’s an illness”

The AIDS epidemic has been something of a double-edged sword for LGBTI people in the region. As the Malawian country report puts it, “It has opened up sexual practices of men who sleep with men to greater public awareness, but also to greater opprobrium.”

Certainly, the public health discourse has made space for LGBTI organisations, mobilisation and rights advocacy. In Swaziland, for example, the head of the National AIDS Programme urged LGBTI activists to “fight for your rights, but under the umbrella of health.” In every one of the ten countries under study, an LGBT movement has been incubated through the AIDS epidemic and, specifically, through the allocation of funding to groups that can provide outreach to the “key populations” of “men who have sex with men” and, more recently, “transgender women”. Prominent people have used the AIDS epidemic to talk about rights, as in the case of the former president of Botswana, Festus Mogae, or the Zambian First Lady, Christine Kasase. As Kasase put it: “Silence around issues of men who sleep with men should be stopped, and no-one should be discriminated against on the basis of their sexual orientation.” This often leads to a policy discord within a government – between pro-LGBTI officials in public health, and anti-ones in justice or home affairs, but a commitment
to non-discrimination in health services can be used to leverage a call to end discrimination elsewhere.

There have been other benefits: Data collected through the Bio-Behavioural Surveillance Surveys provides the most reliable indicators of social exclusion and discrimination that exists, about men who have sex with men. The sensitisation of health care workers means that ideas about non-judgmental treatment, and even compassion, are carried into the broader population. Global Fund grants, channelled through health departments or national AIDS commissions provides building organisations not only with cover but with anchor funding: this has been invaluable to the growth of organisations. Members of the LGBTI community obtain employment - and form alliances with - bigger NGOs, and they sit at meetings of the national AIDS organisations. But a significant finding of the country reports is that activists feel severely constrained by the public health narrative in several ways. Informants in Angola, Lesotho and Swaziland in particular report feeling an anger at being used by larger NGOs to get access to key population data, and the conversations to service-provision and health access and steered clear of defending rights. As one of the report's informants notes: "We were tamed, in a way."

While the older, and more established LGBTI organisations in each country rely on MSM work and thus serve predominantly gay and bisexual men constituencies, a newer generation of organisations has grown, in recent years, with more emphasis on women and transgender people, and on human rights advocacy. This includes LaSaBlBo and RIA in Botswana, the Young Queer Alliance in Mauritius, TransBantu in Zambia, and Vovo (Voice of the Voiceless) and Pakasapiti in Zimbabwe.

5. The Media Narrative:

"It’s scandalous!"

In several of the countries under survey, it was the mainstream media, rather than explicitly political actors, who triggered the official backlash against LGBTI people. This is most evident in Malawi, where the state was prompted into action, and into arresting Tiwonge Chirimalonga and Stephen Moreja in 2009 after their engagement party was reported in the Nation newspaper, and where the newspapers’ sensationalist reporting turned the subsequent trial into a freakshow and the accused into objects of national derision, similar “moral panics” have been fuelled by sensationalist reporting around sodomy cases in Botswana, Zambia and Zimbabwe; in Swaziland by the public coming out of activists; and in Zambia by a public attempt by five Zambian men to marry their foreign male spouses. These sensationalist media runs are double-edged, because of the visibility they bring to the issue, and the way they prompt empathetic or supportive responses too: this was the case following the 1998 sodomy arrests in Botswana – which led to the formation of LaSaBlBo – and, ultimately, following the Chirimalonga/ Moreja arrest too – in the latter case, due to dogged sensitisation of the media by LGBTI advocates.

In countries like Swaziland and Zambia, where the print media remains unrelentingly sensationalistic or hostile, activists and members of the community bypass print media entirely, and rely on social media to communicate. The biggest problem with this, however, is the “filter bubble”: where it might be an affective means of communicating amongst the community and its allies, it is an echo chamber, too: the messages do not move easily into wider society. The use of social media varies across the region: in Mozambique, Lambda’s Facebook page is among the ten most accessed in the country, and there, and in

A significant finding of the country reports is that activists feel severely constrained by the public health narrative in several ways.

canaries in the coal mines – an analysis of spaces for LGBTI activism in southern Africa

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CEDEP’s print media sensitization programming in Malawi provides a regional benchmark: its results have been startling, and the Malawi print media now carries the most regular, informed, non-judgmental coverage of LGBTI issues in the region, outside of South Africa. Similar successes have been noted in Namibia, through a programme run by the Media Institute of Southern Africa, and in Mauritius and Mozambique. In the above countries, LGBTI activists write opinion pieces directly for supportive newspapers. In Mozambique, too, Lambda funds a quarterly supplement, “The Colours of Love”, in the Savana newspaper. But in countries like Swaziland and Zambia, where the print media remains unrelentingly sensationalistic or hostile, activists and members of the community bypass print media entirely, and rely on social media to communicate.
6. The Social Exclusion Narrative: “They Don’t Belong”

The “they don’t belong” meta-narrative, fed by all five of the above, is the most pernicious, for two reasons. As is evidenced by the Social Inclusion Benchmarking Index developed by this project, it is the basis for actual exclusionary discriminatory practice. And, as harmfully, it has become internalised by LGBTI people themselves, who understand themselves to be social outcasts.

There is empirical evidence of this in the bio-behavioural surveillance surveys that have been conducted into men who have sex with men, across the region, as part of the fight against AIDS. In one such survey, 39% of the respondents from Malawi cited at least one form of human rights abuse in the previous year. 19% had been blackmailed, 6.5% had been denied housing, 4% had been denied healthcare, 11.3% had been raped, 8.4% had been beaten by the police, and 17.5% stated that they were afraid to seek healthcare, for fear of discrimination. Even in “tolerant” Namibia, 40% had experienced some form of human rights abuse in the previous year. In “tolerant” Mauritius, 84% said they had experienced verbal insults, and 8% that they had been hit or kicked in the previous year. And talk show host – Irami da Silva – are transgender women; and a popular telenovela, Windeke, features a lesbian couple. One of the actresses spoke about the importance of this in an interview: homosexuality, like “racism and the abuse of power” was a subject that needed to be talked about. The other major Angolan telenovela, Jikumussua, featured a homosexual kiss in August 2015. The kiss prompted outraged reactions, and a suspension of the series for three days, but also many positive and supportive reactions, particularly on social media, including from the high-profile son of President Eduardo dos Santos.

This section will assess the effects of the social exclusion narrative in different sectors: education; workplace; health; tradition, culture and faith; public safety; entertainment and leisure; psycho-social support; family; and civil society. It will then draw conclusions about how alliance-building is the surest way to counter the outcast-narrative and ensure a sense of social inclusion.

Education

The results of the Social Inclusion Benchmarking Index are particularly bleak when it comes to discrimination within the education system. In all countries, there are serious complaints of bullying and exclusion due to gender nonconformity, but there are no policies anywhere in the region to deal with this, although CEDEP in Malawi has begun to work with the country’s education ministry on the issue. There is slightly more progress on curriculum development: Mauritius has adopted UNESCO’s Comprehensive Sexuality Education programme, and Namibia is reported to have a “progressive” curriculum. Botswana’s department of education is described as “covertly pro”, but there is, not yet, a campaign for the inclusion of issues of sexual orientation and gender identity in the curriculum. The major deterrent to any progress in this sector is the “recruitment” canard: the allegation that homosexuals will use the classroom to recruit impressionable youngsters to a “homosexual lifestyle.”

Workplace and Health

On paper, at least, three countries have legislation that explicitly protects LGBTI employees from workplace discrimination: Botswana, Mauritius, Mozambique. But in these states, as in all the others, informal reports a high level of workplace exclusion, particularly on the grounds of gender nonconformity. And although the fight against AIDS has sought to promote a sense of inclusion for homosexuals, at least, in the health system, the BSS surveillance survey statistics above speak for themselves. As one Malawian respondent is cited: “People treat you like a dog when they know you’re a homo.” Even in “tolerant” Namibia, the BSS survey reveals that 8% of respondents said they were denied healthcare services because of their sexual orientation, and 20% said that they avoided healthcare services because of a fear of discrimination.

Tradition, Culture and Faith

When asked about tradition, religion and cultural practices, informants reported small beacons of acceptance in some churches, but this was overshadowed by the sense of exclusion, particularly from rituals such as funerals, which is particularly alienating. As noted above, there was the reporting of increasing tolerance by the mainline churches, particularly the Anglican and Roman Catholic Churches, and by the ecclesiastical church councils in Botswana, Mauritius, and Namibia, 84% said they had experienced verbal insults, and 8% that they had been hit or kicked in the previous year.

Angola, the LGBTI organisations depend on it; Namibian activists report, however, that social media is severely underutilized, due to the digital divide.

There are some interesting radio initiatives in the region: most notably in Mozambique, where Lambda has an online radio station called “Purple Coffee”, and in Lesotho, where Matrix partners with a private radio station. Ultimate FM, to provide content that includes call-in quiz shows. In Angola, a society where there is almost no political space, television and popular culture have proven to be a major platform for advocacy: both a major pop star – Titica – and talk show host – Irami da Silva – are transsexual women; and a popular telenovela, Windeke, features a lesbian couple. One of the actresses spoke about the importance of this in an interview: homosexuality, like “racism and the abuse of power” was a subject that needed to be talked about. The other major Angolan telenovela, Jikumussua, featured a homosexual kiss in August 2015. The kiss prompted outraged reactions, and a suspension of the series for three days, but also many positive and supportive reactions, particularly on social media, including from the high-profile son of President Eduardo dos Santos.

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Public Safety

There are also positive indications arising from the engagement of LGBTI organisations and their allies with law-enforcement agencies, an area that is traditionally been a source of violence, as evidenced by the statistics above. This has been achieved by ‘sensitisation’ programmes, and by approaches to the agencies to demand protection against criminal actions against LGBTI people. Although there has been no response to such approaches in Zimbabwe and Zambia, they have been effective in Botswana, Mauritius, Malawi and Lesotho, where they are described as “notably successful”, and where LGBTI activists have received enthusiastic protection from police when undertaking public activities. In Swaziland in 2016, a senior police officer publicly communicated a non-discrimination message, in direct response to an LGBTI community advocacy project, and police have responded positively to such calls in Mozambique too. But the Mozambican report makes an observation that is valid, to varying degrees, across the region: because of corruption, protection is often attached either to one’s status in society, or one’s ability to pay a bribe.

Entertainment and Leisure and Psycho-Social Support

One area where there has always been some sense of social inclusion has been entertainment and leisure. In all the countries surveyed there are some sports teams, and there are bars and clubs, where LGBTI people feel welcome. Two of the newer organisations in the region, Zimbabwe’s Pahapassil and Namibia’s YFem, participate in soccer leagues as a form of bridge-building into the broader community. But these rare activities that work towards social inclusion and integration need to be offset not only against the way such spaces are ghettoised or are indeed underground, but also against some shocking statistics gathered by the Swaziland LGBTI organisation Rock of Hope. In a 2013 needs assessment survey, 43% percent of the lesbian and transgender respondents said they had attempted, or thought of, suicide in the previous year, and 78% said they took “intoxicating substances” regularly, “to feel normal and forget.”

As a result of this, Rock of Hope is looking for funding to develop capacity to provide psycho-social support to its members. For all the above reasons, this has been a priority area for LGBTI organisations across the region: in Botswana, Mauritius, Mozambique and Zambia, LGBTI organisations have trained peer counsellors to provide such support.

Family

According to the Social Inclusion Benchmarking Index questionnaire, the greatest area of exclusion, for LGBTI people, is also the most primal: the family. In focus groups run by this project in Swaziland, this was described as the greatest exclusionary factor, and the area of greatest pain. The dilemma faced is whether to risk rejection by one’s family, or whether to lead a double life: the Rock of Hope Needs Assessment survey found that 80% of its members remained in the closet because of fear of family rejection.

In this light, the most effective initiative – and one of the least explored, by LGBTI organisations in the region – might be the establishment of support groups for families of LGBTI people who come out, who in turn serve public roles as advocates and allies. This is the “P-FLAG” (Parents and Friends of Lesbians and Gays) model that has been developed, to great effect, in North and Latin America, as well as in Russia, Turkey and India. Regionally, there have been “P-FLAG” initiatives in Zimbabwe and Mauritius, but the respective country reports were able to find out little about them. More interesting are the initiatives coming out of the budding transgender movement: RIA in Botswana and TransBantu in Zambia. The former runs a support group of transgender respondents said they had attempted, or thought of, suicide in the previous year, and 78% said they took “intoxicating substances” regularly, “to feel normal and forget.”

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A Zimbabwean informant drew a critical distinction between “forced collaboration because of donor-driven agendas” on the one hand, and “pushing a common agenda” due to common beliefs, on the other. Clearly, many activists feel that the public health alliances fall into the former category, which is why they are so dissatisfied with them. More broadly, and more encouraging, is the following: in eight of the ten countries, the broad civil society and its organisations are seen to address sexual orientation issues to some extent (the exceptions being Angola and Zambia). And in five of these eight countries, “LGBTI people participate effectively in broader civil society initiatives”: Botswana, Lesotho, Mauritius, Namibia and Zimbabwe. The reason for these (comparatively) high benchmarks of social inclusion in civil society organisations is the effective alliance-building that has taken place, in these countries, with other human rights actors and organisations. There has been “a huge shift in that civil society that has opened up space for LGBTI,” according to the Zimbabwe report. This is mirrored across the region, within the context of pro-democracy and anti-authoritarian movements.

In the one country in the region that remains an autocratic monarchy, Swaziland, the LGBTI movement has chosen to keep its distance from the pro-democracy movement, even though PODEMO, the opposition party, and at least one prominent human rights lawyer, have expressed solidarity with LGBTI issues. And in Angola, any civil society initiatives are severely constrained. But elsewhere, LGBTI organisations and individuals have built effective alliances, and bridges towards social inclusion, by becoming part of broader civil society and pro-democracy initiatives. Perhaps the regional benchmark for this is Malawi, where LGBTI leaders played a key role in mobilizing a civil society movement against the repressive regime of Bingu wa Mutharika: the resultant alliances have enabled CEDEP to become a powerful lobby, advocating at the highest levels of government on behalf of LGBTI people, as well as doing key work in sensitising the media, law officers, and faith communities to LGBTI issues.

Zimbabwe, Botswana, Namibia, Zambia and Mozambique also provide valuable case studies, to be built upon. Because of the decades-long battle for human rights in Zimbabwe, the alliances there are particularly deep, and began in 1995, when the Zimbabwe Human Rights Organisation stepped in to defend GALZ after it was banned from the Zimbabwe International Book Fair. The act that triggered the decade of official homophobia that followed. GALZ garnered much support within the broader civil society and its organisations in the women’s movement, where LGBTI leaders played a key role in mobilizing a civil society movement against the repressive regime of Bingu wa Mutharika: the resultant alliances have enabled CEDEP to become a powerful lobby, advocating at the highest levels of government on behalf of LGBTI people, as well as doing key work in sensitising the media, law officers, and faith communities to LGBTI issues.

In Botswana, LeGaBiBo was in fact germinated by the human rights organisation Ditshwanelo: through its alliances with other human advocates, LeGaBiBo has effectively countered the state’s attempts to prevent it from registering as an organisation. In Namibia, the Rainbow Project played a leading role in the Namibian NGO Forum and, as such, asserted itself as a legitimate representative of a vulnerable sector of the population. In Zambia, the mainstream Zango Youth Consortium, the act that triggered the decade of official homophobia that followed. GALZ garnered much support within the human rights community when it participated in mainstream campaigns for constitutional reform in the late 1990s, and then when it became a founder member of the Zimbabwe Human Rights NGO Forum, set up to assist victims of organised torture and report on gross human rights violations by the state. Pakasapiti, a second generation
conclusion: the paths to social inclusion

Alliance building

“we need social inclusion, not gay rights!”

This statement, recorded in the Zambia report, summarises the feeling of many of the people interviewed by these studies. “LGBTI rights” is perceived as a path to social inclusion, not an end in itself. The lesson learned from these reports, and particularly from the (comparably high) extent of social inclusion in civil society and in the human rights sector is that such paths are cleared not in isolation, but rather by walking with allies: sometimes forging the paths for them, as CEDEP did in Malawi, and sometimes following along paths that they have already cleared, as with Ditswanelo in Botswana. This is not to suggest that the paths are clear: even within the human rights sector, LGBTI activists often continually have to prove themselves, or struggle to explain why their issues need to be defended. But the successes thus far suggest that this building alliances is one of the most promising ways forward, both within civil society and the human rights sector and beyond it.
Alliances, which include LGBTI people rather than cast them out, have the power to transform narratives of exclusion into those of inclusion, thereby breaking the backlash cycle in some countries and speeding up the progress cycle in others.

If social exclusion is experienced most acutely in the classroom, the chapel, the shopfloor and around the family hearth, then it stands to reason that the most important alliances to forge are with teachers and fellow students, with pastors and fellow-congregants, with employers and fellow-employees, and with family members. In some instances, the challenges are very big; how does a sympathetic educator defend him- or herself against charges of recruitment? Here, as CEDEP is attempting to prove in Malawi, the way forward is probably to work systemically with the department of education. In the workplace arena, there is scope to work through trade unions, or by working with employers in multi-national corporations or in sectors that are “gay-friendly”, those need to be explored. Very importantly, there is much potential in the engagement of liberal elites, thought-leaders and professionals who have bought into notions of “Afropolitan” modernity and global identity who have bought into notions of “positive visibility” that is generated, and the latter because of the kind of “positive visibility” that is generated, and the latter because of the protection that can be offered. In both instances, progress is made when allies are being asked to “do their jobs properly”, rather than being urged to “take on a cause”.

All such alliances, which include LGBTI people rather than cast them out, have the power to transform narratives of exclusion into those of inclusion, thereby breaking the backlash cycle in some countries and speeding up the progress cycle in others.

Movement-Building and Sustainability

“We do not have a movement in Mozambique. We only have Lambda.”

This statement, by Lambda’s founder and director Daniel da Silva, could apply – to a greater or lesser extent – to all the countries under survey and the dominant organisations within them. This is, in part, because of the adverse environments in which LGBTI advocates operate, and to the levels of social exclusion which exist in the region. This adverse environment is also a function of structural and interpersonal problems within the LGBTI communities themselves, and – most markedly – of the way that a monetised clientism has come to stand in the place of grassroots movement-building and alliance-building in the region.

These country reports did not look specifically at the funding systems in place in the region, but they did examine the impact of donor-funding on the movement and on the environment. The Malawi report notes, for example, that because the country is “heavily donor dependent”, “the development agenda provides multiple strategic entry points for activist interventions on the back of international efforts to pressurise Malawi into scrapping its anti-homosexuality legislation.”

These “multiple strategic entry points”, created by donors rather than by members of the community themselves, are a double-edged sword. This can be evidenced by a closer look at the way “key population” funding in the battle against AIDS has enabled the stabilization and growth of the one dominant organisation in nine of the ten countries under survey; Lambda in Mozambique, Iris in Angola, LaGaBiBo in Botswana, Malix in Lesotho, Collective Arc-en-Ciel in Mauritius, CEDEP in Malawi, Outright in Namibia, Friends of Rainka in Zambia, and GALZ in Zimbabwe. This sole exception appears to be Swaziland, where there has been a splintering into these groups, which brings a different set of corrosive politics into play.

Not only are these primary organisations compelled, for funding reasons, to focus on public health initiatives related to AIDS, but their primary constituency is consequently men and, more recently, transgender women, who have been defined as a separate “key population” too. Several of the reports note that this exclusion of women and transgender men creates dynamics of grievance and competitiveness that splinter the “LGBTI” collective.

The fact that “MSM” activities attract funding creates exacerbates these
dynamics, not least because the organisations employ gay and bisexual men as outreach-workers. These organisations thus have funds and jobs to disburse in environments where there is high unemployment and deep economic distress: this cannot but complicate their ability to mobilise grassroots constituencies and form effective alliances with other civil society actors.

Because of the very complex systems of accounting that donors require, it also “professionalises” the organisations in ways that are also double-edged: on the one hand, it attracts skilled and effective leadership, but on the other it becomes a career-path as much as a grassroots organisation. Or, conversely, the need for professional competency is used as a means to exclude LGBTI individuals and organisations from managerial positions. In several of the countries under survey, particularly Lesotho and Swaziland, informants complained that the movement’s growth was hobbled by host organisations which did not empower them or let them grow, because of alleged self-interest.

In recent years, as “LGBTI rights” has become a political priority in the global north, a new set of donors outside of the public health sector has begun funding advocacy work rather than public health initiatives. A newer generation of organisations has also emerged: these include organisations that are specifically woman- (and transmale)-focused, such as Pakasipiti in Zimbabwe and Y-Fem in Namibia, or trans-focused, such as RIA in Botswana, Vovo in Zimbabwe, TransBantu in Zambia, Visa G in Mauritius, and WTTN in Namibia. Interestingly, in countries where the backlash cycle is still operative, this newer generation report that it has “learned the lesson” about visibility; the groups operate in a more covert, or at least cautious, way, than their antecedents did. This is the case, particularly, in Zimbabwe, with Pakasipiti and Vovo.

Because of how deeply entrenched the donor-driven model is in the region, many of the risks to movement-building visible from the public health sector still exist, in these newer organisations. These risks also attach themselves to allies, who can sometimes be seen – and thus stigmatised - as jumping onto the “LGBTI gravy-train”. Such a perception only reinforces the “It’s-un-African” narrative, by alleging that beneficiaries are working on the issue as a means of income-generation rather than out of principle.

Very rarely do informants refer to models of self-sustainability. Two notable exceptions are the family groups where parents use their own resources to do the work of the group. There is an important lesson, here, about the kind of alliance-building that grows a movement rather than undermining it.