canaries in the coal mines

An analysis of spaces for LGBTI activism in Swaziland

COUNTRY REPORT
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The recognition of the human rights of LGBTI people in Swaziland is still in its infancy. The LGBTI movement, born from a need to address social isolation and violence against LGBTI people, is currently in the midst of a reflective process of learning from past mistakes, and healing from losses, old and new.

LGBTI human rights leaders are re-evaluating strategies that are rooted in the public health and ‘key populations’ approach, determining ways to move from healthcare service provision, to a focus on LGBTI human rights. A renewed sense of camaraderie, stemming from shared frustrations, has sparked unity where there were once clear divisions, despite the influence of personalities and power dynamics.

This has created an environment where LGBTI organizations are clear about wanting a new approach, one that looks to engage further with families, religious leaders, media, and law enforcement, working to build some of the most difficult bridges. Consistent action and reaction has dictated both the history of the LGBTI movement and the dominant narratives that follow.

Biblically framed media sensationalism and government voices have been deployed to promote fear: a direct result of increased LGBTI visibility and the promotion of recognition and inclusion of LGBTI citizens.

As the conversation shifts towards human rights, LGBTI activists are carving out new space through social media and strategic media engagement.

Human rights abuses stemming from unjust application of laws, the mis-gendering of those incarcerated, and apathy to violence against LGBTI individuals have promoted a culture that devalues the lives of sexual and gender minorities in Swaziland, promoting stigma and discrimination. Societal and structural oppression needs to be challenged, and LGBTI activists need an effective strategy to guide them through the battles ahead.

ABOUT THE AUTHOR

This country report was written for the Other Foundation by Wendy Kessman informed by engagement with individuals and organizations in Swaziland. Wendy believes that nothing speaks truth to power as effectively as the concrete proof of injustices. She has committed her life’s work to social justice causes as an activist and vocal advocate within the NGO sector. Wendy is based at Rock of Hope in Swaziland. The production of the report was supported by George Murumba and benefited from editorial contributions given by Mark Gevisser. The final text of the report was edited by Sarita Ranchod and Sonja Boezak from Under the Rainbow.
The Kingdom of Swaziland is one of the smallest countries in Africa. It is landlocked, with Mozambique to its northeast and bordered by South Africa in the south, west and north. Swaziland gained its independence from Britain in 1968, and is ruled by King Mswati III who appoints prime ministers and parliamentary representatives.

The population of just over 1.2 million is young, with 52% under the age of 20; and 63% of the population lives below the poverty line. High poverty levels are exacerbated by high unemployment, gender inequality, and the highest HIV prevalence rate in the world, with 27.7% of adults aged 15-49 HIV positive.

Patriarchal and heteronormative social structures dominate every aspect of life. This study is anchored in a literature review that covered predominantly men who have sex with men (MSM) as cis-gendered gay men, and their risk of contracting HIV.

LGBTI individuals have always existed in Swaziland, although they were largely closeted and invisible to the greater population. In November 2011, Chief Mpywaga Gamedze, the Minister of Justice and Constitutional Affairs, said Swaziland would not extend human rights to LGBTI people, because they did not exist in the Kingdom. LGBTI Swazis challenged these claims by making their voices heard, which led to greater opposition to the recognition of the human rights of LGBTI people.

1 UNDP Legal Environment Assessment (LEA): An Assessment on National Legal and Regulatory Framework for HIV and AIDS in Swaziland, May 2014
3 Sithole, B. (2015) Boldly Queer, “HIV prevention needs for men who have sex with men (MSM) as cis-gendered gay men, and their risk of contracting HIV”
4 Refugee Documentation Centre (November 2012) Swaziland
5 canaries in the coal mines – an analysis of spaces for LGBTI activism in Swaziland
In 2005 the Swazi government sought to expand criminalization of the sexual activity between same-sex partners through the Sexual Offences Law.

2.1 Criminalization

Sodomy is a common-law offense stemming from colonial era laws. In 2012, Swaziland reported in its United Nations Universal Periodic Review that no one had been arrested under the law. It did, however, reject recommendations to decriminalize sodomy.\(^6\)

Minister of Justice and Constitutional Affairs, Magwagwa Gamedze was quoted, saying: “It was difficult for the government to formulate a policy on homosexuals or enact a law to recognize them... their numbers do not permit us to start processing a policy.”\(^8\)

These attitudes have translated into a denial of the human rights abuses LGBTI people face. In 2005 the Swazi government sought to expand criminalization of the sexual activity between same-sex partners through the Sexual Offences Law. This legislation aimed to criminalize sexual activity between two women, punishable by a maximum of two years in prison and a fine.\(^9\)

The Bill was passed by parliament but was not signed into law by the King. No statements were made by the King about why this Bill has not been signed into legislation.

5. Section 20, The Constitution of the Kingdom of Swaziland 2005


2.2 Citizenship

There is no legal framework that allows transgender people to change their gender status officially. This inability to change incongruent gender markers on identity documents puts transgender Swazis at risk of violence as it “outs” them every time they must provide identification. 12 Swaziland’s Ministry of Home Affairs has stated that they have never had a case of a transgender person wanting to change their gender markers. For this reason, it is argued, no policy is needed to address this issue. Transgender Swazis are however able to change their name. 13

2.3 Perception of the Law

There is a common misconception among both sexual and gender minorities and police, that there are laws in place that make homosexuality illegal. This is in fact not the case. Same-sex couples who show public displays of affection are repeatedly told by law enforcement that it is illegal, leading LGBTI people to believe their existence, relationships, and sexual activities are criminalized.

LGBTI individuals are often persecuted through laws such as “public indecency”.

There have been reports of these statutes being used to arrest same-sex partners who kiss in public. 12 There is, however, a distinction between black Swazis who show affection, and white expatriates who hold hands in public, with homosexuality perceived as an influence from the West, and therefore “unSwazi”. 13 It is apparent that perceived laws can be just as oppressive as actual laws. 14 LGBTI people are not recognized as a vulnerable population deserving equal protection. 15

2.4 Access to Power

It is known that there are LGBTI people working in the Swazi police force. 11 Superintendent Mamba has expressed support for access to justice and police services for all, based on human rights and citizenship. His remarks are among the most supportive to date in Swaziland, advocating for equality and justice for marginalized populations.

“Just like other people, sex workers, gays, and lesbians should access police services without being discriminated against about their sexual orientation or any other thing. Police should attend to cases reported by sex workers, gays and lesbians like they do matters reported by other people”. 16

Superintendent Khulani Mamba
Chief of Police Information and Communications

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10 The Rock of Hope (January 2016) Transgender Situational Analysis Organizational Questionnaire
11 Gender Dynamix & AIDS Accountability International (January 2016) Southern Africa Trans Diverse Situational Analysis Organisational Questionnaire by The Rock of Hope
12 Focus Group Discussion 1 (3 February 2016)
13 Focus Group Discussion 1 (3 February 2016)
14 Focus Group Discussion 1 (3 February 2016)
16 Times of Swaziland (13 April 2016) Brother tried to kill me in my sleep-gay man
In general, the narrative surrounding LGBTI human rights has been one of sensationalism, fear baiting, denial of existence, and outright condemnation.

Research undertaken, supported by the US President’s Emergency Plan for AIDS Relief (PEPFAR) and led by the Johns Hopkins Center for Global Health, in partnership with Population Services International (PSI) and Research 2 Prevention (R2P), served as a first entry point for engaging the needs and realities of MSM populations.

In general, the narrative surrounding LGBTI human rights has been one of sensationalism, fear baiting, denial of existence, and outright condemnation.
3.1 Government Discourse

Government officials have been clear in their opposition to LGBTI human rights. In defence of his anti-LGBTI discourse, Prime Minister Sibusiso Barnabas Dlamini stated in 2012 that adulterous terms for homosexuality take the form of an insult.

LGBTI activists from HealthPlus 4 Men faced obstruction in attempts to meet with the National Emergency Response Council on HIV and AIDS (NERCHA) with an official saying: “If Barnabas even knew you were meeting here, he’d come out. We can’t help you.”

In 2012 King Mswati III responded to leaders’ concerns regarding homosexuality, saying pastors should “pray for such people as God is the only one who could help in giving the right directions. I am sure God would give us the right answer and we will be safe as a country.”

Nonetheless, both heads of State use fear and religion to justify homophobia and deny the human rights of LGBTI people. Swaziland’s dependency on foreign aid, and the requirement to include key populations has meant that LGBTI health issues, particularly for MSM, have been difficult to ignore, especially in engaging with the Ministry of Health on HIV/AIDS.

The hostility has translated into an increase in violence, harassment, and oppression against LGBTI Swazi.

In 2003 Thuli Rudd and Jimmy Lotter came out on the front page of the Times of Swaziland as lesbian and gay respectively. They then went to Channel Times of Swaziland with the National Emergency Response Council on HIV and AIDS (NERCHA) and were writing comments like “There are gay people out there.”

The backlash was instantaneous. “There was a column in the paper where everyone was writing comments like, ‘there should be removed from Swaziland, we should be prayed for, this is just ungodly,'” Rudd said.

In 2010 Rudd became engaged to her partner, Phonsing Vilakati, going public. The couple made headlines, attracting significant media coverage, resulting in distortions and misrepresentations about their relationship. There was a massive public reaction which was “largely hostile, insulting and deeply disrespectful.”

In defence of his anti-LGBTI discourse, Prime Minister Sibusiso Barnabas Dlamini said: “At that time, specific bars became one of the few places where LGBTI people could meet up with ease. Mainstream media then portrayed LGBTI individuals as people who do little else besides going to clubs, drinking alcohol and partying. This stereotype follows LGBTI people into the present, and is used to exclude LGBTI people from full participation in society. In an interview, Thuthu Magagula said: ’At that time, every Sunday there was a gay person or gay people in the newspaper being portrayed in a bad light.’

In December 2009 Rudd was arrested and subsequently charged with the murder of her partner, whose body had been found some weeks earlier in a cemetery. What was already headline news, turned into a media circus that stoked homophobic narratives, trivializing a tragic murder, and turning it into sensational melodrama. In 2011, after nearly two years in prison, Rudd was acquitted of all charges.

3.2 Sensationalism

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3.4 Social Media

LGBTI individuals and groups in Swaziland are active on social media, using it to connect, support each other, meet up, date, access casual sex, and mobilize resources. LGBTI organizations use social media – primarily Facebook and WhatsApp groups – to advertise workshops and meetings, using social media as a mobilizing tool, and a safe way for LGBTI individuals to meet. These online platforms also serve as a way for sexual and gender minorities to share their experiences of harassment or discrimination, creating supportive spaces for documenting abuses. The safety of existing behind a screen, and the option of anonymity, makes social media a place where sexual and gender minorities can communicate, challenge false perceptions and educate others by sharing their lived experiences.

LGBTI individuals also use social media to access SOGI information from allies outside Swaziland, including for example, the proper dosages of hormones for transgender individuals. WhatsApp groups also serve as a platform for media monitoring. When an article is published on SOGI, it is often shared with a larger group for discussion.

3.5 Rights

While the BSS provided an entry point to working with the Ministry of Health, and a seat at the table in subsequent MSM technical working groups, it narrowed the conversation to service provision and health access, steering clear of advocating for LGBTI human rights. While this was the first time the Ministry of Health and larger civil society were engaging with LGBTI organizations, it became clear the narrative was limited to MSM regarding HIV prevention and treatment, leaving behind the larger LGBTI movement.

3.6 Entry Points

The focus on health access to prevent the spread of HIV turned the conversation to stigma and discrimination in health care facilities. Since this was the first funding available to LGBTI organizations, it too became the focus of the movement, effectively letting government and outside donors set the agenda, with men as focal point.

Even within the larger conversation regarding stigma and discrimination at health centres, there has been a significant focus on self-stigma as a barrier to accessing health services. While barriers to accessing health care services are serious issues sexual and gender minorities face, they are by no means the only human rights violations plaguing the LGBTI community. Looking back, key contributors acknowledged that while this might have been the easiest approach at the time, the larger movement was appeased and pacified as a result.

“We relaxed. I think there was a time when we were ready to rise up to say you can do whatever you want to do to us, we are here. We were tamed in a way,” said a key contributor in a focus group discussion.

30 Interview with Mncedisi Mthembu (12 April 2016)

31 Focus Group 3 (29 January 2016)
the LGBTI movement: organizations advancing the human rights of LGBTI people

4.1 House of Our Pride (HOOP)

House of Our Pride (HOOP) was founded in 2009 and is based in Manzini, the capital city. HOOP advocates for LGBTI human rights and improved quality and health access for LGBTI individuals in Swaziland. It is currently running a programme to further the knowledge of viral load testing for those living with HIV. The organization has struggled with registration and is currently being housed, physically and fiscally, by Swaziland for Positive Living (SWAPOL).

HOOP leadership views the arrangement with SWAPOL as a potential reason for their inability to register legally and grow as an independent organization. The power dynamics between HOOP and SWAPOL, according to HOOP leadership, hinders the growth, independence and limits capacity building and sustainability of the organization. HOOP would like to be hosted where the organization can be mentored and encouraged toward growth and independence. There is a need to build the internal capacity of HOOP staff and its members.

“It’s not my ideal kind of organization. The organization has reached a state of stagnation. It’s not the people running the organization that are stagnated. It’s the people we have trusted. It’s the people we call friends of the community. People who have the LGBTI movement as a cash cow for them,” said Mthembu.

4.2 Rock of Hope (RoH)

The Rock of Hope (Lidvwala Lelitsemba) is an LGBTI organization also based in Manzini, founded in January 2011 and registered in 2013. RoH works nationally on advocacy issues affecting the LGBTI community, as well as providing support through activities and services. RoH is currently running programmes that include the sensitization of healthcare workers, LGBTI human rights advocacy, commodity distribution, community theatre and dialogues.

Following the death of its founding Executive Director, Xolile Mabuza, the organization has gone through a restructuring process; rebuilding the skills and networks lost upon his death. Mabuza was a tireless and outspoken activist and advocate. Current organizational leadership is focusing on community empowerment and investment to strengthen the sustainability of the organization. RoH operates under its fiscal host, Family Life Association Swaziland (FLAS).
5.3 HealthPlus 4 Men (HP4M)

HealthPlus 4 Men (HP4M) was established in 2014 and registered as an NGO in 2015. HP4M is MSM-led and seeks to address men’s sexual health needs, including HIV/AIDS services focusing on men from marginalized groups. The organization champions the rights of MSM through advocacy, information dissemination, research and direct service provision. HealthPlus 4 Men is in the process of establishing its structures and building capacity to operate as a fully functioning organization.32

5.4 Engagement with Government

In 2009 LGBTI activists Sibusiso Maziya, Xolile Mabuza, and Bheki Sithole met with Zandile Mnisi from the Swaziland National AIDS Programme (SNAP) to discuss how stigma and discrimination severely impact the lives of LGBTI people in Swaziland, as well as the devastating effect of the lack of information on HIV within the LGBTI community. Mnisi encouraged the LGBTI community to organize. “We were scared until she said it’s possible; we can make it possible. Come. We can embrace you in the health aspect and then from there fight for your rights but under the umbrella of health,” said Maziya. This support from Mnisi, as well as international consultants brought to Swaziland through the BSS, encouraged LGBTI leaders to register an organization that led to the birth of the Rock of Hope.

This backing has carried over into the present relationship with Khanyisile Lukehi and the Ministry of Health as a continuous valuable ally and entry point. SNAP, under the Ministry of Health has employed two Key Populations Program Officers. These officers have a coordinating function to oversee key population programmes but do not have funding for programme implementation.33 Although their scope is limited to service provision, they are not fully able to speak out against injustices as government officials. SNAP programme officers have served as allies towards working with government. “We can lobby for people to access health care services but other than that, it is beyond our scope.”34

When conducting research to support law reform, others are approached to disseminate findings, because state employees promoting data that is critical of government is unsafe. A Legal Environment Assessment conducted with UNDP in 2014 has yet to be disseminated due to lack of ownership. Key individuals within SNAP acknowledge the linkage between criminalization and stigma and discrimination, but are not able to lobby for structural change.

4.5 Power Dynamics

While the three LGBTI and MSM organizations are now invited to meetings and offered a seat at the table, there is skepticism as to whether it is a genuine seat or not. It is an unfortunate reality that all key contributors representing the three LGBTI organizations responded that they believed the only true allies they have are each other.35 Despite this environment, the LGBTI movement is in the early stages of collective organizing; creating spaces to address exclusion. A clear strategy and structure to have the desired impact for a change in dynamics is lacking.
The three LGBTI community based organizations (CBOs), each born out of fractions in the community, stemming from differences in priorities, approach, and personalities. HOOP, RoH and HP4M make up a network of organizations at the forefront of LGBTI activism in the country. Loyalties run deep, and even with a recent shift in approach and attitude to a more inclusive environment, there still is a long way to go, and a healing process that is at risk of being sidelined.

“I see a new generation of LGBTI activists in Swaziland. A more vibrant generation. A smarter generation.”

Mncedisi Mthembu

5.1 Shared Grief

“I think we are realizing we are all fighting the same struggle and it would be easier to do it together. The newly found friendship and camaraderie will give us a more powerful voice and strength as individual organizations and also as one.”

Thuthu Magagula

On September 13th 2015, founding Executive Director of RoH, Xolile Mabuza, affectionately known as Malume, passed away unexpectedly due to a heart condition. Malume’s death was just one of many that rocked the LGBTI community in 2015 and early 2016.

Swazi LGBTI lives were lost to hate crimes and to illness. These losses brought forth a sense of unity, a re-evaluation of priorities, and a renewal in camaraderie. The three CBOs started to actively work together in late 2015 and has carried on into the present.
5.2 Collaboration
The organizations were first brought to the same table by the introduction of a ‘Super Group’ by the Health Communication Capacity Initiative (HC3) in 2014, with the intention of increased communication, understanding, and coordination. The ‘Super Group’ consists of three individuals from each LGBTI organization who meet once a month with SNAP and HC3.

While initially slow to take off, it has served as starting point for improved relationships. Shifts in dynamics have led to the introduction of the Swaziland Queer Collective (SOC), stemming from the need for the movement to speak with one unified voice. Equal representation in the SOC has enabled swifter action, more meaningful involvement, and a shared goal of an empowering and enabling environment for LGBTI human rights to be recognized.

5.3 Shared Anger
“I don’t think they care. I don’t think they hear us. I don’t think they know us.” – Mncedisi Mthembu

Actively working together was not only fueled by losses in the community, but from shared grievances. LGBTI community members and leaders have expressed feelings of anger and resentment about third-party organizations, particularly from the global North, the US in particular, calling the shots. The common theme here is one of “feeling used”.

An influx of funding for ‘key populations’ brought on by the 2012 survey created an environment where CBOs felt they did not know who their true allies are. “I do not know of an ally that does not benefit from MSM money,” said Magagula. Funding for key populations has been directed to larger, well-established NGOs such as Family Life Association Swaziland (FLAS), Medecins Sans Frontieres (MSF), Population Services International (PSI), the International Center for AIDS Care and Treatment Programs (ICAP), and the Health Communication Capacity Collaborative (HC3). LGBTI organizations have reportedly been told they lack the capacity to run programmes themselves. While funding designated to address HIV/AIDS in key populations does not necessarily mean funding is required to go to key populations themselves, LGBTI organizations in Swaziland believe that they are best qualified to meet the needs of their constituencies, and wish for donors to take a longer view approach with concern for sustainability and community empowerment.

What is lacking is a concrete strategy on how best to use it.

While funding designated to address HIV/AIDS in key populations does not necessarily mean funding is required to go to key populations themselves, LGBTI organizations in Swaziland believe that they are best qualified to meet the needs of their constituencies, and wish for donors to take a longer view approach with concern for sustainability and community empowerment. Distrust has turned the community inward, to work more closely with each other. There is a sense among key contributors that CSOs are capitalizing on the fractured voice of the LGBTI movement. This has motivated them to push back in unity. “More voices give a bigger sound.”

What is lacking is a concrete strategy on how best to use it.

LGBTI organizations are... denied funding due to a ‘lack of capacity’, which cannot be developed without support, resources and funding.

country report: Swaziland
5.4 Sustainability

There is a need to rebuild trust within the LGBTI community itself. A long history of divisions carries over into present day attitudes. While recent collaborations and relationship-building is promising, a full reconciliation process is necessary to make alliances sustainable.

The LGBTI movement’s divisions have been based on differences in strategy. Thuli Rudd and Gay and Lesbians Swaziland (GALSWA) in the early 2000s, and HOOP, later in the decade, were active and outspoken in the media, advocating for LGBTI visibility, recognition, and at that time, marriage rights.41 While this forced issues that sexual and gender minorities face into the headlines, the backlash also pushed people back into the closet. A more structured tactic of organizational advocacy and lobbying was not in progress until later in the decade.42

These two approaches, one that translated into civil disobedience, and the other working through spaces created at government entry points within the Ministry of Health following the BSS, divided the community and the organizations themselves. These official entry points through key populations funding tempered and redirected the vocal activism at the time.

Organizational leadership is now looking at how they can effectively merge strategies, forcing a conversation by remaining visible, and challenging existing structures of oppression, while continuing to build allies and advocates through current doorways.

5.5 Risk

LGBTI people are deciding for themselves how much they are willing to risk in a climate of fear. Vocal activists from the early 2000s have all but disappeared.43 Activists are in the process of learning what the limits are as they push them, and they are afraid of possible repercussions. As their voices get louder in challenging structural oppression, activists are bracing themselves for another round of backlash.

41 Interview with Thuli Rudd (10 April 2016)
42 Interview with Sibusiso Maziya (8 April 2016)
43 Interview with Thuthu Magagula (10 April 2016)
6.1 Indifference to Violence

Intimate partner violence, although commonplace in LGBTI relationships due to persistent patriarchal gender norms, is not treated with the same legitimacy as violence within heterosexual relationships. Cases are often met with indifference and those affected are discouraged from reporting.\(^44\)

6.2 Failure to Investigate

Violence against sexual and gender minorities is perpetuated when police fail to investigate and prosecute cases where LGBTI individuals are victimized. Cases of murder have been excused and “dockets have been lost” when violence is seen as justified. According to the BSS, 31.2% of MSM interviewed revealed they faced stigma and discrimination, and many revealed that they have been victims of violence as a result of identifying as LGBTI.\(^46\)

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This refusal to act in extreme cases of violence against LGBTI individuals continues to send the message that certain lives are disposable, further normalizing cruelty and increasing marginalization. The biggest challenges the LGBTI community face is invisibility and the dehumanization of individuals due to stigma, discrimination, and misinformation. According to the BSS, 31.2% of MSM interviewed revealed they faced stigma and discrimination, and many revealed that they have been victims of violence as a result of identifying as LGBTI.\(^46\)

6.3 Incarceration

Sexual and gender minorities often face physical and sexual violence while incarcerated. This is particularly true for transgender individuals who are regularly stripped and humiliated to “prove their gender”.\(^47\) There have been reports of transgender women who are placed in all-male cells where they are repeatedly raped and targeted for physical and sexual violence by both police and other inmates.\(^48\)

6.4 Social In/Exclusion

LGBTI people face significant levels of violence both through structural oppression and physical and sexual violence within the home, ‘corrective’ rape, and intimate partner relationships. A strong culture of silence, compounded with the non-existence of psychosocial support structures, creates an environment where LGBTI community members are suffering silently without coping mechanisms to address the seriousness of depression and post-traumatic stress because of ostracization.\(^49\)

Few LGBTI community members interviewed were supported by their families. They are often cast out and disowned, creating a situation where they struggle to meet basic needs. They face sexual and physical violence in homes where they are not welcome. Many are without employment, stable housing, or enough food to get by.\(^50\)

44 Focus Group Discussion 1 (3 February 2016)
45 Focus Group Discussion 2 (4 February 2016)
46 MARPS Bio-Behavioral Surveillance Survey (BSS) Results: Men Who Have Sex with Men (MSM) and Sex Workers (SW) (31 May 2012)
47 Focus Group Discussion 1 (3 February 2016), Focus Group Discussion 2 (4 February 2016)
48 Ibid
49 Ibid
50 Ibid

“As a country, we have been doing a lot for the LGBTI community, not forgetting the parents who also need support in terms of understanding and accepting their children – as they are – without imposing their beliefs.”
Khanyisile Lukhete
“Family members who grow to be fully supportive can be powerful advocates for equality, and when advocacy comes from a place of love and compassion it is purely genuine and unshakable.”

Pastor Njabulo Thwala

6.4.1 Lack of Family Acceptance and Support Structures

As LGBTI organizations continue to engage with key players through a multisectoral approach, they are realizing the gaps in their conversations. There is a vocalized need to retrace steps, and engage with families of sexual and gender minorities, as it is apparent that change begins in the home.11

As determined by RoH’s 2013 needs assessment, 80% of focus group participants stated their families did not know that they were homosexual. It was stated that they fear being kicked out of their homes if their sexuality were to be revealed. Participants report being treated differently to their other siblings in a way that devalues them. LGBTI community members report faking heterosexual relationships to please their families and to be treated normally.52

Families are possibly the biggest untapped resource of potential allies. While no LGBTI organization has a specific strategy to engage with families, religious leaders such as Thwala from the Alliance Church, have expressed willingness help repair bonds between LGBTI individuals and their families. While many LGBTI individuals in Swaziland have been prevented from attending their place of worship, opportunities for engagement with religious leaders are opening, with specific religious leaders known to openly support sexual and gender minorities.

6.4.2 Education

There are few safe spaces for LGBTI people within formal education systems. This is particularly true for transgender and gender non-conforming individuals who are often forced to wear school uniforms that do not match their gender identity. They are subjected to harsh corporal punishment. LGBTI individuals often have gaps in their education because of educational institutions that exclude them or make their participation difficult and unsafe.53

6.4.3 Employment and the Workplace

LGBTI people, particularly those working in government and in the education sector, struggle since many professions require professional dress that does not match their gender identity. “We are disadvantaged when it comes to being hired as companies hire people based on how one was dressing instead of using a person’s qualifications and experiences.”54

6.4.4 Psychosocial Support

Psychosocial support services that address the specific needs of the LGBTI population do not exist in Swaziland. This is most pressing, as LGBTI people do not have the resources and coping skills needed to deal with stigma, discrimination, and rejection on a daily basis.

Suicide, self-harm, substance abuse and high risk behavior is attributed to lack of support services to address depression within the LGBTI community. In the 2013 RoH needs assessment, 43% of lesbian and transgender respondents report attempting or thinking of committing suicide in the last year.55 The regular use of intoxicating substances was reported by 78% of respondents who reported using such substances to “feel normal and forget about their problems.”56

Suicide, self-harm, substance abuse and high risk behavior is attributed to lack of support services to address depression within the LGBTI community.
Unfortunately, the safe spaces I know about are bars. It’s where we meet, where we hang out. You would go to a bar to meet someone like you, and people started inviting each other to those clubs or bars that had no anti-gay vibe. More and more gay people would go there, and suddenly most were known as gay spots.

Thuthu Mapagula

### 7.4.5 Media

Journalists Sibusiso Ziwane, Phophile Motau, and Welcome Dlamini from the Times of Swaziland have all reported on LGBTI issues more than twice. These reporters may have a specific interest in documenting LGBTI stories, and could be identified as potential allies for further engagement and sensitization efforts with mainstream media.

### 7.4.6 Leisure and Entertainment

Performance arts, dancing and modeling are spaces commonly occupied by transgender women. RoH has an annual pageant for the trans-diverse community titled Miss/Mr Gender Diversity.

### 7.4.7 Tradition and Culture

LGBTI people are often excluded from traditional ceremonies and funerals. When an LGBTI person passes away, other LGBTI people are often excluded from attending funerals by the family of the person who has passed on. This is particularly the case when families have not accepted the person’s SOGI. This part of their identity is erased upon death, increasing pain and grief experienced by LGBTI friends. There are exceptions to the exclusion of SOGI in traditional spaces. Lesbian sangomas are said to be closely connected with their male ancestors, making their sexuality accepted and protected. Gender roles however, remain in place. For example, when a lesbian traditional healer goes through initiation, they are expected to take on the male role in the traditional relationship structure, including offering lobola for a future wife.

While most LGBTI individuals would have to hide their identities in gender segregated traditional ceremonies, those who are considered royalty have a certain level of protection from harassment and maltreatment. Swazi sexual and gender minorities who are of royal status report being able to bend traditional dress codes to their identified gender or gender presentation without repercussions.

57 Interview with “S” member of the Swazi royal family (22 April 2016)
58 Interview with “S” member of the Swazi royal family (22 April 2016)
59 Ibid
LGBTI individuals in Swaziland have potential allies in religious leaders, political parties, human rights lawyers and business owners. There is also significant potential to reach traditional leaders through religion as many Chiefs strongly adhere to Christianity.

The People’s United Democratic Movement (PUDM) has shown significant support for the human rights of LGBTI people, but there is significant risk to being associated with a suppressed democratic movement. Thulani Masake, a human rights lawyer who has spent time in prison for publishing criticisms of the King, is a potential ally, but openly aligning with him comes at a risk due to his known beliefs and actions.

The owner of a bar and restaurant known as an LGBTI safe space, said: “they are welcome; we don’t discriminate; we are after business, and the money doesn’t say it’s from a lesbian or a gay person.”

Director of Guidance and Counselling within the Ministry of Education, Lindwe Dlamini, encouraged acceptance of LGBTI youth in schools saying “teachers must have a culture of tolerance in their hearts.”

60  Ibid
61  Interview with Thuthu Magagula (10 April 2016), Interview with Thuli Rudd (10 April 2016)
62  Interview with Pilar Dlamini (25 April 2016)
63  Times of Swaziland (11 December 2013) Teacher urged to support gay, lesbian
While the LGBTI movement, its groups and allies, have come a long way in the last fifteen years, in many regards there is a need for re-evaluation, refocus, and a renewal in strategy. This process is already underway.

9.1 Recommendations for LGBTI Organizations

> The LGBTI movement is at risk of further setbacks if it does not first heal and work to rebuild the trust that could bind and strengthen the community. Fractions from within the movement, although improved, have not yet fully healed.

> Further engagement at the ‘ground level’ engaging with families and religious leaders is an important step to take as these are two of the most powerful oppressors and potential allies concurrently.

> Strategic planning and risk taking is needed to actively push an agenda of equality and inclusion.

> To meaningfully address human rights abuses against sexual and gender minorities, engagement with law enforcement should be a priority.

> Consider creating safe spaces for LGBTI people to gather and engage with each other.

> Continuing with community education, using film as tool could be expanded to all rural areas, in partnership with local CBOs.

9.2 Recommendations for Allies and Potential Allies

> Hire LGBTI individuals to run key populations programmes

> Invest in holistic health for LGBTI individuals including psychosocial support

LGBTI organizations need to be empowered and their capacities strengthened
9.3 Recommendations for Funders and Partners

> LGBTI organizations need to be empowered and their capacities strengthened to advocate for and serve their community. They need access to resources, technical support, mentorship, and funding to reach their full potential.

> Work with LGBTI organizations to guide them through developing a strategic advocacy agenda and train them to be able to articulate their message effectively.

> Train leadership at LGBTI organizations to be able to provide quality psychosocial support to both community members and families.
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Reports
Amnesty International (24 May 2012)- Amnesty International Annual Report 2012- Swaziland
Human Dignity Trust (25 October 2015) Criminalization of Homosexuality
MARPS Bio-Behavioral Surveillance Survey (BSS) Results: Men Who Have Sex With Men (MSM) and Sex Workers (SW) (31 May 2012)
Refugee Documentation Centre (November 2012) Swaziland
The Constitution of the Kingdom of Swaziland (2005)
The Rock of Hope and COC (2013) Needs Assessment
The Rock of Hope/ Iranti.Org/ Gender Dynamix / Pan Africa (April 2016)

Websites
Homophobia Heightens in Swaziland (www.outrightinternational.org)

Newspapers
City Press (3 April 2015) Swaziland gays laugh all the way to first same-sex club in kingdom
Swati Observer (2 March 2014) Govt to decide on gay relationships
Times of Swaziland (7 October 2008) Mambu zinke at gay pride parade
Times of Swaziland (10 September 2010) Sex change teacher sent to Zakhele Remand Centre
Times of Swaziland (15 February 2011) Sex change teacher denied bail, weeps
Times of Swaziland (13 November 2011) Teachers urged to support gays, lesbians
Times of Swaziland (22 May 2015) I am a proud homosexuals- UNISA peer educator
Times of Swaziland (13 April 2016) Brother tried to kill me in my sleep-gay man

King v Lukhele (1995) Swaziland High Court Judgment 160, December 1995
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