THE OTHER FOUNDATION

Rollbacks, Resilience and Reinvention

A summary of the outcomes of national and regional convenings about policy advocacy for LGBTI freedom, equality, and social and economic inclusion in the context of COVID-19

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Anthony Oluoch is the former Program Manager at Pan Africa ILGA in Johannesburg, South Africa, He also worked as the Executive Director of Gay Kenya Trust, an organization that works towards equality and non-discrimination for all including gay and lesbian individuals in Kenya. As a lawyer, he has previously worked as the Legal and Human Rights Officer at the Gay and Lesbian Coalition of Kenya where he was instrumental in designing and initiating the implementation of what was then a strategy towards decriminalization of adult consensual same-sex conduct. He sat in the advisory panel of the Queen's Young Leaders Award and is currently on the Board of Directors for House of Rainbow and the IDAHOT Committee. He assists organizations in their strategic planning sessions, most recently, the Pan Africa ILGA 2019 – 2022 strategic plan and the East African Trans Health Advocacy Network 2022 – 2025 strategic plan. He currently works for the United Nations Development Programme (UNDP) as Policy Specialist: African LGBTI Networks on a part-time basis and is the host of the mental health podcast, Padded Cell Podcast.
Introduction

From the 15 to 23 November 2021, the Other Foundation supported a series of small national consultative meetings in six countries. These meetings were held in eSwatini, Botswana, Malawi, Mauritius, Namibia, and South Africa. The engagements were meant to re-invigorate public advocacy for freedom, equality, and social and economic inclusion by LGBTI human rights activists in the new environment brought on by the COVID-19 pandemic. They served as galvanizing platforms to initiate more joined-up, strategic and hard-hitting public advocacy actions by LGBTI activists in the region. They presented a catalytic opportunity to regroup, to come together in a more focused way to share learning and develop COVID-19 appropriate advocacy strategies and to plan on how to implement these strategies.

The focus of these gatherings was on litigation and other forms of advocacy for social equality and economic participation that had already been initiated in several countries in the region before the effects of the COVID-19 pandemic.

The convenings were also meant to initiate the planning for the kopano gathering of LGBTI activists and allies to be held in Cape Town in May 2022.

In addition, the outcomes of the convenings will be used to the Other Foundation’s strategic thinking about supporting litigation and other forms of public advocacy.

In addition to the national consultative meetings, the Other Foundation supported several activists to participate in two regional level meetings. These meetings were:

1. A regional-level dialogue that consolidated the outcomes of the national convenings into an assessment of the regional landscape held on 26 November 2022.

2. An LGBTI business summit that was hosted by PLUS, the LGBTI+ Business Network in South Africa, held on 27 January
2022 as a hybrid event with virtual participation by participants from other southern African countries.

This report provides a summary of the six in-country convenings and the two regional level dialogues, highlighting the main discussion points in the engagements and giving recommendations as identified based on the expected outcomes.

Objectives of the Convenings

Kopano, the flagship convening of southern African LGBTI groups and their allies that is convened by the Other Foundation in partnerships with a number of other LGBTI organisations from across the region, will next be held in March 2022 under the theme Rollbacks, Resilience, Reinvention. Kopano offers an opportunity for LGBTI groups and activists across southern Africa to assess the state of LGBTI organising in the region and collectively strategize on how to further the protection and advancement of the freedom, equality, and social and economic inclusion of LGBTI people. As a build up to kopano 2022, the national consultative meetings will inform the agenda and help shape priorities and approaches at kopano. The national regional convenings presented a unique opportunity to broaden involvement in shaping kopano. They also provided an opportunity to broaden participation in advocacy for LGBTI human rights in general, and to strengthen the development of networks between LGBTI activists and allies in the mass media, religious organizations, businesses, governments, cultural traditional leadership, and with parents and families of LGBTI people, to advance progress and increase preventive security.

The overall goal of the engagements was to engage in the sharing of experience and knowledge, and collectively do analysis, reflection and relationship strengthening to support the evolution of strategies used by LGBTI activists and allies in a COVID-19-depressed but still growing movement.

The specific goals were to:
1. Assess the positive and negative changes that have happened in the political, social, and economic landscape in southern Africa due to the COVID-19 pandemic.

2. Explore advocacy opportunities and strategies in the context of COVID-19 and evolve the strategies used by LGBTI activists for greater depth and scale of impact.

Expected Outcomes

The expected outcomes of these engagements were:

1. Renewed collective energy amongst LGBTI activists, community members and allies for evolved activism at national and regional levels in southern Africa.

2. A shared agenda for advocacy to advance equality and freedom for LGBTI people at national levels and at a regional level in southern Africa.
Summary of Key Messages

The national convenings and the regional level dialogues provided platforms for activists in the region to come up with rejuvenated strategies and public advocacy actions considering the effects of the COVID-19 pandemic. It also served as an opportunity for activists to come together and share lessons learnt in their various contexts during the pandemic and find ways to implement those lessons going forward.

The Effects of the Pandemic

The global pandemic brought with it a myriad of structural and functional challenges that organisations and activists continue to deal with. This was over and above the already existing issues that marginalised communities face thus making it difficult and sometimes even impossible to organise and deliver services to the community.

The pandemic created heavy financial challenges both at an individual level and at the organisational level. It was agreed that there was a need for the movement to develop ways of promoting financial stability to guarantee continuity and sustainability.

The pandemic highlighted a need to focus on mental health which traditionally, LGBTI activists have not placed enough focus on. The mental health of many LGBTI activists worsened with the effects of the pandemic. A lot more focused effort needs to go towards ensuring that LGBTI activists’ mental health is given priority.

Sustaining the Movement

To grow and sustain our movement, there is a need to build and maintain relationships with allies in every sector of society. These
allies should be willing to learn from the movement and open spaces for LGBTI people to share their stories and lived realities.

The movement does not exist in a bubble and there is a need to work on intersectional issues. Understanding this will not only keep our allies close but will also make sure that the society sees us and respects us for who we are. This will create a new narrative that shifts focus from sexual orientation and gender identity to the dignity of people.

We need to empower future leaders by coming up with programs that will nurture and equip the next generation of leaders. Unity of purpose is key for the development of, and effectiveness in pushing the movement to work as a team. Leaders should be responsible to build and strengthen the cohesiveness between different organizations within the region.

Moving Forward

There is a need to document human rights abuses in the community, for example by establishing a database where reports of abuse, violence and discrimination are recorded. This will go a long way in not only providing evidence of the existence of abuse, violence, and discrimination but also ensuring that such instances are dealt with timeously.

The movement needs to conduct a situational analysis to explore gender related barriers to services, develop and document ideal clinics for gender affirming health care as perceived by trans and gender diverse people, and describe what contextualized legal gender recognition should look like. Service mapping should be undertaken to improve strategies for linkages to care and to establish key role players, and understand what stakeholders are doing in the space.
The Discussions

National Convenings

The COVID-19 Pandemic

The impact of the COVID-19 pandemic on LGBTI organising and movements was the main topic of discussion in these meetings. As Muriel Yvon, President of Collectif Arc-en-Ciel in Mauritius noted, “COVID-19 reshuffled economies and societies, slowing down most of the work being done. However, it also sparked the use of social media and created a swell of solidarity from organisations and members of the society at large. In doing so, our networks grew, expanding connections, and made us investigate how organisations can help each other.”

It was evident in all the meetings that the pandemic has caused and continues to cause serious blocks in advocacy efforts and has adversely impacted the lived realities of LGBTI people in the region.

CHALLENGES AND MITIGATION

To control the spread of COVID-19, countries went into states of emergency implementing widespread lockdown measures, restricting movement of individuals, and focussing resources, specifically health service resources to fighting the virus. As a result, increased instances of intimate partner violence were reported. LGBTI people were forced to stay at home where they faced stigma and discrimination from their families. Access to healthcare services especially gender affirming health care and HIV care became difficult. This was, as was noted in eSwatini, because individuals could not find health centres that were safe enough for them to access these services without being outed. Due to the restriction of movement, it was sometimes difficult for
individuals to access the healthcare service providers for their needs.

Vaccine hesitancy was noted in various instances due to misinformation and the fact that LGBTI people were afraid to access the vaccination centres because of security concerns and the fear of beingoutedby the providers.

Closures of businesses that were deemed non-essential created an increase in unemployment rates in the community. This caused significant financial strain on individuals who would then find themselves struggling to find shelter and food.

Stigma, hate speech and discrimination became rife as LGBTI people became scapegoated by the rest of the society.

A combination of all these challenges caused by the pandemic and challenges that LGBTI people otherwise faced before the pandemic made people’s mental health deteriorate, thereby increasing the demand for psychosocial support for the community. Bereavement, isolation, loss of income and fear have triggered mental health conditions and have exacerbated existing ones.

Aniz Mitha, Chairperson of Malawi Diversity Forum said, “Despite the COVID-19 pandemic, we have survived, and we are still here.” Organisations in the countries where the convenings took place have found ways not only to deal with the challenges that the pandemic brought on, but to also continue providing essential services to members of the community. In Botswana, LEGABIBO devised different delivery models, shifting from public centred approaches to client centred approaches to help everyone accordingly. They worked closely with clinical providers, provided transport for medical collection, and sought support through social media platforms in the form of donations and food hampers which were then distributed to community members in need.

ADVOCACY AND COMMUNITY ENGAGEMENT DURING A PANDEMIC
Movements everywhere had to find different ways to organise during the pandemic due to the lockdowns that were implemented preventing in-person gatherings. This hampered advocacy efforts. It was noted that to make greater impact, face-to-face meetings were necessary. Physical engagements are more effective in terms of implementation, monitoring and evaluation, and service delivery. The lockdowns also resulted in organisation staff moving away from urban areas, further hindering advocacy activities and reducing engagement from the community on issues that required advocacy interventions.

COVID-19 understandably took lead in priority for action leaving LGBTI advocacy behind. This affected the movement not only in slowing down public messaging but also in creating social and political impact. LGBTI issues seemed to no longer be of importance since the focus was on the pandemic and, in the case of eSwatini, the political unrest that continues to take place in the country. LGBTI organisations suddenly lost their place at the tables of public discourse.

At country levels and from organisational perspectives, resources that were previously earmarked for human rights advocacy were drastically reduced and re-directed towards fighting COVID-19. Organisations were unable to conduct their activities in-person where it was possible, or virtually.

Despite the challenges highlighted above, activists were able to find different ways to conduct their advocacy efforts. Virtual platforms had to be used to reach people. A major challenge that organisations faced due to this was the inability of individuals to access online platforms. Poor internet infrastructure and the exorbitant cost of accessing the internet in some countries made it difficult for people to engage in these platforms.

It has been proven however that consistency in advocacy efforts is the best way to instil new ways of seeing LGBTI people amongst religious and traditional leaders. Some of the organisations have found it possible to create safe spaces within churches to offer support and stage events and activities targeted at supporting LGBTI people. It was also noted that there is a need to develop relationships with community leaders with a focus on
the humanity of everyone. This will enable the movement to move forward with the backing of more people in the society. The pandemic has made these efforts easier due to the proximity to the community caused by restrictions of movement.

**Strategic Litigation**

Mary DaSilva, litigant for eSwatini Sexual and Gender Minorities said, “It is imperative that we refrain from the excluded-minority mindset but strive to question, speak, and challenge the systems that are systematically excluding the LGBTI community.” Strategic litigation is one of the ways in which the system can be challenged. But as was noted in Botswana, strategic litigation needs to be incremental. The movement needs to start by identifying the low-hanging-fruit issues to solve before going for the higher and bigger issues. This way, no small matter would be left unattended. An example of this was the successful registration case of LEGABIBO and SISONKE.

It was however noted that there have been very few countries that have managed to achieve decriminalisation of same-sex conduct through litigation. As it stands, there has been a push by legislators in some countries to table bills that would further criminalise same-sex conduct giving it harsher punishment and going as far as criminalising allies. There is a need for more funding to be targeted towards advocacy including strategic litigation.

To aid the success of strategic litigation, LGBTI youth were urged to approach politics from an issues perspective and to vote for people who had their interest at heart. They were also urged to fill political roles and change the system from the inside. That way the mistreatment, homophobia, transphobia, and the discrimination faced by LGBTI people would end. They would also ensure that the laws which are passed protect and acknowledge LGBTI communities in our region.

Litigation around diversity in gender identity and expression has happened in the region but there is a need to scale it up, for example by advocating for changes in gender classification and
name changes while at the same time using the existing precedence in countries like Botswana to push for further inclusive change.

Being aware of processes that are taking place in the country like the ongoing constitutional review process in Botswana is important. This way, members of the community can be a part of it and enforce positive measures towards inclusion of LGBTI communities. Understanding the key players in these processes and interacting closely with them, making allies out of them where possible and inviting them into our spaces, including webinars and trainings that we conduct, will go a long way in improving the landscape towards incremental strategic litigation.
Regional Forums

Regional Dialogue on Policy Advocacy in the COVID-19 Context

Activists from the national consultations across the region came together in a virtual regional dialogue to review the context in the region by consolidating the outcomes from the national convenings. In doing so, to inform regional level strategies and plans for future approaches, including kopano 2022 and the Other Foundation’s funding strategies.

WORKING IN A PANDEMIC

It was observed that the pandemic has exacerbated the existing misconceptions, prejudices, inequalities, and structural barriers against LGBTI people in the region. It drastically changed the way our work is conducted with most of us being forced to work from home and conduct meetings virtually. It caused an increase in reported cases of mental health problems, domestic violence and intimate partner abuse, loss of income for those who worked predominantly in informal sectors that were deemed non-essential and scapegoating of LGBTI people with sections of the society blaming LGBTI people for being vectors of the pandemic.

The increase in cases of gender-based violence against was especially prevalent for trans and gender diverse people. It was noted that government support to help people in need is very limited in southern Africa.

Despite these challenges and many of those that came up during the national convenings, the organisations in the region did a lot of work to ensure that services reached the marginalised, and as many of the beneficiaries as they could. To create more impact in the country, the organisations worked hand in hand with government institutions, health care service providers, conducted engagements with the police, dialogues with local chiefs and
religious institutions and ensured that the collaborations they had aligned with government strategies, policies, plans, initiatives, and actions.

Friedel Dausab, The Chairperson of the Diversity Alliance of Namibia said, "We still, in Namibia and across the region, are trying to figure out how to reorganise our advocacy and our lobbying and also how to reach the most vulnerable people in our communities to give them the services that they need so badly."

**TACKLING MISINFORMATION**

There are incredibly strong anti-LGBTI narratives across the African continent, including in southern Africa. Anil Padavatan, The Legal and Health Programmes Manager, Gender Dynamix said, “We need to note that there is a globally connected, locally rooted right wring campaign to undermine our advocacy efforts. These campaigns spread wrong information about who we are and what our values are. We can only counter that with our own locally rooted globally connected campaigns that will enable us to tell our stories, speak about our lived realities, and speak in our own voices.”

There should be nothing about us without us. But if people don’t know us and meet us as humans, they will not understand us. We need to have voices in all the other campaigns and create intersectional relationships with other movements, while entrenching our voices in the mainstream.

We live in a world where mainstream media is no longer the main source of information. While a lot of work has been done to build relationships with journalists who have created a space for us to tell our own stories, we understand that the LGBTI community is not a homogenous unit and that all stories are not equally told. It is critical to be able to tell our own stories, both positive and negative. This way, we not only show our triumph, but we also show our resilience. In Malawi, the media has been invited to meetings held by LGBTI people to inform them on how best to
write stories about the community. As was noted in eSwatini, it is important to show journalists the impact of their reports on the lived realities of people in the community. However, in this instance, working with the media through COVID-19 and the civil unrest has been difficult.

To fight misinformation in social media, which is the space where most people now get their information from, organisations in the region have sought the assistance and input of respected professionals in the different fields. This way, those reading the articles being shared will see them as valid.

**ENGAGING OUR ALLIES**

We need allies at every level. From mainstream organisations to every sector of the society including religious entities, the rest of the society and government bodies. However, the allies we need are those that are willing to journey with us, those willing to learn and understand our struggles. These allies should be willing to open spaces up for the movement for us to tell our stories and not only have them talk on our behalf.

For the most part, organisations have been engaged in spaces as third parties. While this is the bare minimum in terms of engagement with other entities, whenever there is a shift in priorities as was seen during the pandemic, third party entities are often left out in discourse. There is therefore a need for intentional and active engagement with allies and other entities as convenors of the spaces to prevent the loss of impact and to ensure maximum input into the discussions. To do this, the community needs to push for ultimate sustainability both structurally and in terms of resources. For maximum impact in engaging with allies, intersectional work is vital.

**INTERNATIONAL ASSISTANCE FROM OVERSEAS**

In the current context, the medical impact on our community has been bad. The economic impact however has been catastrophic. There is a recognition that the society may recover from the medical implications of the pandemic. It is happening already with
the vaccines reducing hospitalisation and serious illness. But the economic impact will remain in play for a longer time. We therefore need to move away from emergency humanitarian responses and move towards more sustainable ways for the community to rebuild their lives and livelihoods.

Safe spaces have been lost because of the lockdowns and due to the diversion of foreign funding towards attending to the effects of the pandemic. These spaces are important for the community as they allow for organising, recuperating, and learning. The loss of these spaces has increased the need for more resources to be directed towards psychosocial support.

The international community needs to find new ways of working with the community; ways that would empower grassroots organisations who work directly with the beneficiary communities on the ground. Direct financial support to these community-based organisations would provide them with office space, equipment, salaries, and resources for programmatic work. This support needs to be given to organisations on the ground in a way that the international community is not taking centre stage. This will also counter the rhetoric that conversations around sexual orientation, gender identity and expression are a Western import.

The LGBTI Business Summit

Author and social commentator Siya Khumalo speaking at the business summit said, “There is room for diversity in economic empowerment. Legislation and policy can be drafted in ways that are LGBTI inclusive and having that inclusivity measurable.”

Participation in this business summit provided an opportunity for regional level strategic learning and planning amongst different southern African LGBTI and ally groups on advocacy for economic participation. This is critical as economic inclusion, empowerment and participation remains a blind-spot of activism despite livelihoods for LGBTI people being one of the most immediate deprivations experienced by LGBTI people in the
region because of multiple spheres of marginalisation, worsened by the social and economic impacts of the COVID-19 pandemic.

The business summit provided the skills, tools, and knowledge that is needed to recover and grow as LGBTI entrepreneurs. It provided information about how the community can tap into supply chains of big companies and how to access those supply chains. During this summit, it was yet again evident that allies have helped open business opportunities up for LGBTI people, underscoring the need to include everyone.

It was understood that having resources means having power, and correspondingly responsibility, to influence and shift public discourse around sexual orientation and gender identity and expression. Thus, corporate partners need to work with the LGBTI community to support the work that is being done on the ground.

**BRANDING**

There are incredible opportunities in the continent. We need to be able to strategically galvanise ourselves as a people to tap into these opportunities. There is a need to drive the narrative of African excellence and specifically African LGBTI excellence. As a small enterprise, one can ensure that when you show up, you do so in a way that can elevate you. There is a need to be honest with ourselves about how we show up because we are not going to stand out and build businesses of value in mediocre ways.

Sylvester Chauke, founder of DNA Brand Architects said, “*The world has changed. There are a lot of opportunities that are in existence right now because of the way the world has changed. Digital is the new norm. If branding is done right, it will cut across the business and what it does.*”

We need to look not only about what our brands are doing but also what our competitors are doing. For our brands to be attractive, people must see them as having potential, and they must want to connect with them. In such a connected world, we don’t want to be like everyone else. We want to be remarkable.
We want to be spoken about for the right reasons and we want people to share their experiences of us with others.

Stories drive the narrative for brands and people. The stories need to be relevant. Brands need to be authentic. The authenticity needs to be exactly as the business is and what the business is about. Messaging needs to be strong, and one needs to ask themselves what they are trying to deliver to their audience and what it is they want their audience to remember.

Entrepreneurs need to learn that they need to prepare to fail. They need to learn from the failures and figure out what they can do better.

The most important element of branding is consistency. To be consistent, the entrepreneur needs to ensure continuous improvement of what they are selling based on feedback, and make sure that they undertake regular reviews.

“The truth isn’t the truth until people believe you. They can’t believe you if they know what you are saying, and they can’t know what you are saying if they don’t listen to you, and they won’t listen to you if you’re not interesting, and you won’t be interesting unless you say things imaginatively, originally, and freshly.” Bill Bernbach

MANAGING FINANCES

The wealth in Africa is not evenly distributed and South Africa has one of the largest gaps worldwide between the rich and the poor. Businesses must do more to ensure sustainable development. Enabling access to skills, the economy and finance to historically disadvantaged groups must create a thriving economy.

Entrepreneurs need to understand how procurement works. They also need to realise that failure is part of the business process, and they need to have thick skins. For start-ups, they must be able to manage their cash flow, watch all their spending, limit fixed expenses in the beginning of their businesses and focus on customer acquisition. They need to be aware of the value they are bringing to the market.
Key Issues and Recommendations

The main issue found in all the engagement is the difficulty in organising during a global pandemic. COVID-19 brought with it a myriad of structural and functional challenges, most of which organisations in the region are still learning to deal with. It further exacerbated the issues that the already marginalised community was facing making it difficult and sometimes impossible to deliver services to the community.

The financial impact of the pandemic from both the individual level and organisational levels was also seen as a key issue. The fact that resources were diverted towards the pandemic and away from human rights work created a scenario where advocacy for inclusion for all regardless of their sexual orientation and gender identity or expression was relegated to being of very low importance. Conversations about the allocation of resources are vital. At the same time, the movement needs to develop a way of promoting financial stability amongst the LGBTI community to guarantee continuity and sustainability.

Building and maintaining relationships with allies in every sector of society is key to ensuring LGBTI conversations do not get forgotten. These allies need to be individuals and organisations who are willing to learn from the movement, who are willing to open spaces for the movement to occupy and share their stories and who are willing to let the people who live in the realities of LGBTI bodies tell those stories themselves. It was agreed that moving forward, LGBTI organisations should not remain third party stakeholders at tables that talk about their issues. Instead they should do the lobbying themselves to legitimise their cause.

There is a need to work on intersectional issues. The LGBTI movement does not exist in a bubble and the issues faced by the rest of the society also affects the LGBTI community. Understanding this and working towards ensuring that we engage in other social justice movements is key not only for keeping our
allies close, but also for making sure that the society sees and respects us for who we are. Involvement in social issues affecting the country, the region and the world is essential to impart a new narrative that moves away from focus of sexual orientation to respect for the dignity of all people equally. It is paramount that our involvement is not limited to issues affecting LGBTI people but also issues affecting the entire population.

Mental health was identified as a key area on which traditionally, LGBTI activists have not placed enough focus. While the mental health of LGBTI activists has been adversely affected by the pandemic, it is important to note that even pre-pandemic, this was an area of concern. It will get worse with the effects of the pandemic and a lot more focused effort needs to go towards ensuring that LGBTI activists’ mental health is given priority.

There is a need to document human rights abuses in the community. Establishing a human rights database where reports of abuse, violence and discrimination are recorded, which database is maintained and mobilised by legal practitioners and healthcare workers would go a long way in not only providing evidence of the existence of abuse, violence, and discrimination but also in ensuring that such instances are dealt with timeously.

There is a need to conduct a situational analysis to explore gender related barriers to services, develop and document ideal clinics for gender affirming health care as perceived by trans and gender diverse people, and understand what contextualized legal gender recognition should look like. Service mapping is needed to improve strategies for linkages to care and to establish key role players, and understand what stakeholders are doing in the space.

Empowering future leaders by coming up with programs that will nurture and equip the next generation of leaders is needed more than ever now. Unity of purpose is key for the development of, and effectiveness in pushing the movement to work as a team. Leaders should be responsible to build and strengthen the cohesiveness between different organizations within the region.