



**Homophobia in Africa: The
Discourses of HIV in the Context of
Criminalisation and Public Health**

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***SYMPOSIUM: HOMOPHOBIA AND HIV IN
SUB-SAHARAN AFRICA***

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AIMS OF THE PRESENTATION



Will provide a perspective on:

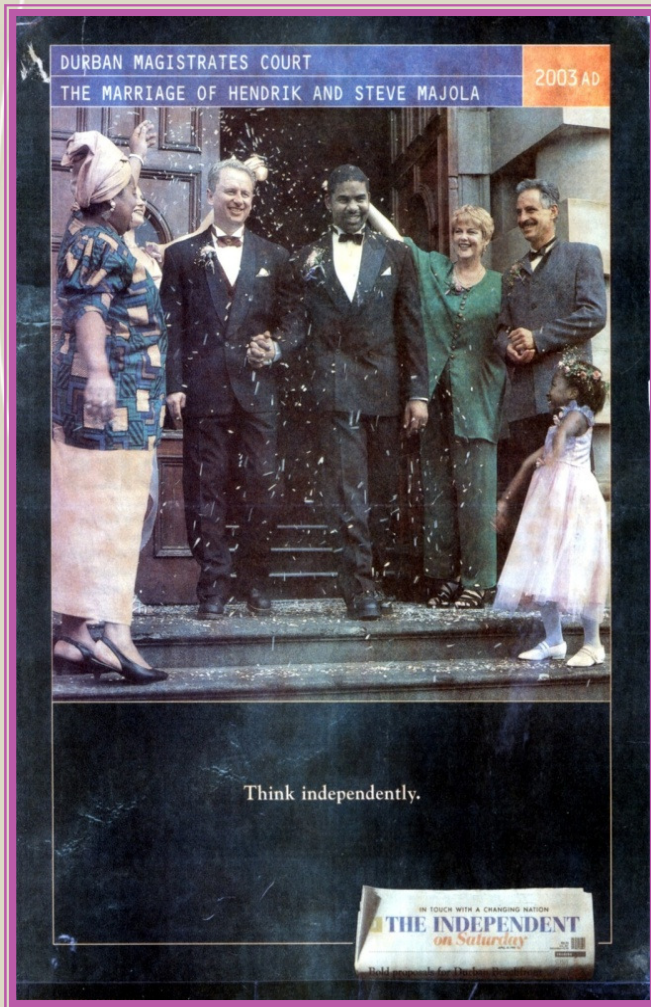
- African homophobia: a brief story line
- What all of this means conceptually?
- What all of this implies for HIV responses?
- What could be done to address the problem of HIV and Homophobia?

AFRICA:

- To be understood in its multi-layered and diverse meanings, but also in the relation its own complexity.
- Is not a homogeneous or uniform continent: the cultural, linguistic, political and religious diversity is larger than Europe.
- Is shaped by histories of colonialism and new forms of power, social position, economics, culture, tradition, other material realities (disease, illness, poverty etc.) and *hope* because *change* remains a constant despite the negativity.



Where are we? (1)



Where are we? (2)



Malawi: Steven Monjeza, left, and Tiwonge Chimbalanga sit in a pick-up truck before appearing in court. Photograph: Eldson Chagara/Reuters



Kampala: A child demonstrates against homosexuality in Uganda's capital city, Friday, Jan. 22, 2010. (AP PHOTO)

Where are we? (3)



SO GIVEN THE MATERIAL REALITIES

- David Kato murder on 26/01/2011; arrests of activists in Malawi and elsewhere on continent.
- State sanctioned discrimination (those that retain state criminal sanctions against forms of same-sex sexual behaviour) *versus* jurisdictions that pronounce anti-discrimination protection
- Are all forms of violence, persecution and discrimination based on sexual and gender 'deviance' necessarily homophobic? (I shall return to this in my conceptual argument)

TURNING TO AFRICA: A DESCRIPTION (1)

- African sexual minorities live in contexts where same-sex practices are criminalised: where **heterosexism, homophobia and prejudice** is rife.
- Severe **penal codes/cultural ban/social norms** exist where in some it is exercised heavily with severe penalties and in others rules of enforcement are not strong.
- **Imprisonment; blackmail and extortion; media support and media withdrawal** (political fear and repression for fear of reprisal). Fueled by religious fundamentalist groups (such as “Mothers Union” in Botswana)
- There are countries where criminalisation exists (Mozambique case in point) but where a labour law was introduced that suggests protection of sexual minorities: there is also a move to revive the penal code.
- Mauritius has no section in its constitution dealing with Sexual Orientation but has laws against sodomy, including a Sexual Offences Bill which includes forced anal rape and oral sex in definition of rape: Employment Equity Bill bans discrimination on basis of sexual orientation and an LGBT organisation exists.
- Comoros’ penal code does not outlaw homosexuality; *only acts*: **ironically not a gay intolerant country but “gayness” not discussed as a nation**: a few ‘gay-friendly’ bars exist

Africa: A description (2)

- In Lesotho: no penal code exists but many LGBT people live in the closet because of societal pressures (Matrix Discussion Group doing some important work)
- In Madagascar homosexuality is not specified in the penal code (is neither legal or illegal). Stigma and discrimination is high and perceived to be invented by the vazaha (“foreigner”). The country has no NSP. NO visible gay culture but a very evident **“homosocial culture”** (men holding hands; caressing each other, sitting on each others laps)
- Somalia has no legal system but has a cultural ban (there is no NSP) and a group called Queer Somalia operates out of the country. Its spokesperson: **“My people don't understand what a homosexual is. They only know that through their religious law the solution is to kill”** (Faro, a leader of Queer Somalia)

Africa: A description (3)

- In Sudan even a kiss can get you killed. Same-sex sexuality is illegal: high instances of torture and death & imprisonment (Islamic law): high rates of slavery evident and anecdotal evidence shows instances of rape of slave boys by older men: Majok said. 'He [the master] went to collect the other boys and took them to that special place. I saw them get raped'.
- Ironically: Sudan's NSP does not include MSM but they reported on one UNGASS indicator (HIV testing for MSM: less than 40 % of men tested for HIV in the last year).
- In Tanzania (not mentioned explicitly in law although certain sections of the penal code is used to prosecute): Zanzibar (autonomous region explicitly outlaws same-sex acts). In the country you get 5 years for having sex with someone of the same-sex; you receive 7 years for having a same-sex wedding. LGBT organisations operate (without pushing a gay agenda) and MSM included in the NSP.
- Zambia another case in point: illegal (based on sections of the penal code); LGBT organisations cannot be registered but do exist. MSM not included in NSP but the UNGASS report (2009) listed one indicator (60-79 % MSM used a condom the last time they had sex).

Africa: A description (4)

- In Zimbabwe it is illegal; located in “sexual deviancy law”; most visible homophobia displayed by Mugabe in the 1990s. Ironically MSM included in their NSP
- Illegal in Angola (using a penal code of 1886). Their latest NSP (developed in partnership with the US, 2009-2013 includes scale up for MSM). Ironically for UNGASS Angola also reported on the % of men receiving HIV testing
- Burundi another case: moves afoot to impose more punitive sanctions in a new Penal Code; President calls it a “curse”; high levels of homophobia; Organisations exist and work with sexual minorities; MSM included in the NSP
- Having said this: African political and religious leaders contribute to significant mobilising against homosexuals (often for political purposes) as we have seen in Kenya, Malawi, most recently in UGANDA.

Some Political Views

- **Minster of Justice said, "There is no homosexual person in my country, that's why homosexuality is legal. That means, still we have a responsibility to defend our people from this kind of cultural aggression from Europe"** (ERITREA)
- **"If they are healed, why do they talk of fighting those who are yet to find cure? Why not take the message of cure to them in a Christian manner?"** (Rev. Michael Nzuki Kimundu, Other Sheep East Africa, Church; KENYA)
- **"Not only do the laws of Malawi outlaw such sexual relationships but homosexuality or lesbianism is abominable and cancerous to societies or nations"** (Petra, Opposition Peoples' Transformation Party president, Kamuzu Chibambo; MALAWI)
- **"Zambia is a Christian nation and it shall continue to be so because it is part of our constitution. And acts such as homosexuality are not part of the Christian norm"** (Vice President, Kunda; ZAMBIA)
- The Minister of State for Ethics, Nsaba Buturo, UGANDA for example, has said: **"We don't believe in homosexuality. We love the gays and homosexuals but we hate their activities. We want to help them to get rehabilitated."**

Gay Cultures/Gay Communities

- Some organised, visible and active, but many operate by strategically not pushing the gay agenda
- Many LGBT organisations work under severe conditions of oppression and repression in the face of state-sanctioned homophobia
- Communities are secretive, non-visible in many instances, homosocial in others, with the existence of gay-friendly spaces (“the love that dare not speak its name”; live without naming it)



COUNTRY STATUS AND NSP (MSM) (1)

COUNTRY	NSP
ANGOLA	Yes
BOTSWANA	NO
BURUNDI	YES
COMOROS	NO
DJIBOUTI	NO
ERITREA	NO
ETHIOPIA	NO
KENYA	YES
LESOTHO	NO
MADAGASCAR	NO
MALAWI	NO

COUNTRY STATUS AND NSP (MSM) (2)

COUNTRY	NSP
MAURITIUS	NO
MOZAMBIQUE	NO
NAMIBIA	YES
SOMALIA	NO
SOUTH AFRICA	YES
SUDAN	NO
SWAZILAND	NO
TANZANIA	YES
UGANDA	NO
ZAMBIA	NO
ZIMBABWE	YES

MSM IN NATIONAL STRATEGIC PLANS

- NSPs show marked differences across countries. Where some include MSMs, others prioritise other MARPs: women, children, commercial sex workers, mobile populations, uniformed services (shows itself in several NSPs), including fishing communities (Uganda)
- And some even provide UNGASS Indicators (a marked absence of indicators demonstrates the absence of fully-fledged scientific data for such a population) – a gap in the research which is also slowly changing on the continent with emerging studies.



“Sex is always political”

Its politicization involves a continual attempt to draw boundaries between “good” and “bad” sex based on

« hierarchies of value »

Religion, medicine, public policies, and popular culture

anxieties lead to « moral panics »

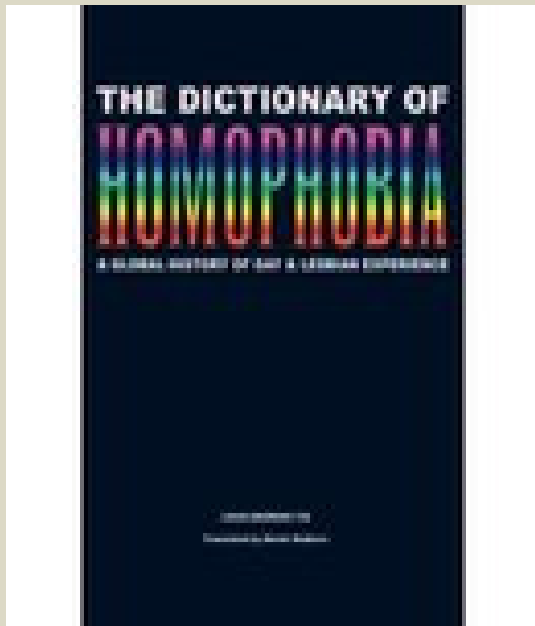
Negotiations over sexual goodness and badness become contested and overtly politicized

Gayle Rubin, « Thinking Sex: Notes for a Radical Theory in the Politics of Sexuality » in: Vance, *Pleasure and Danger: Exploring Female Sexuality* (1984)

HOMOPHOBIA: ETYMOLOGY OF THE CONCEPT

“the dread of being in close quarters with homosexuals – and, in the case of homosexuals themselves, self-loathing”

George Weinberg, *Society and the Healthy Homosexual* (1972: 4)



- **Emphasis on individual pathology**

HETEROSEXISM

“the ideological system that denies, denigrates, and stigmatizes any nonheterosexual form of behaviour, identity, relationship or community”

Gregory Herek, in: D'Augelli & Patterson: *Lesbian, Gay and Bisexual Identities over the Lifespan* (1995: 387-404)

- Structures and beliefs that maintain assumptions that heterosexual relations are *normal*
- “Operates at the level of generalized belief and social sanction, rather than on emotive pain” (Tom Boellstorff, *Ethnos*, 69(4): 471, 2004)
- An extension of Adrienne Rich’s “compulsory heterosexuality” (*Signs*, 5(4): 631-660)
- Monique Wittig’s “straight mind” (*The Straight Mind and Other Essays*, 1992)
- R.W. Connell’s “gender regimes” (*Gender and Power*, 1987).
- Judith Butler’s “heterosexual matrix” (*Gender Trouble*, 1990)

AFRICAN HOMOPHOBES?



POLITICAL HOMOPHOBIA

- A new violence *directed* against gay men (less often lesbians) (Boellstorf, 2004)
- Used in context of state sanctions and scapegoating
- Language (particularly hate speech) used as a strong by political leaders (Reddy, *Southern African Linguistics*, 20 (3): 163-175, 2002)
- Strong links between political homophobia and phallic masculinity (Ashley Currier, *Gender and Society*, 24(1): 125, 2010)

got homophobia

By Azaan Kamou

What do all of this mean?

- Attitudes toward homosexuality becomes a marker of debate between “tradition” and “modernity”
- Homosexuality viewed as a colonial import; therefore a corruption of pure Africa
- Ironically countries colonized by French (*Code Penal*) have no laws against homosexuality, while British law does (so what is the real import?)
- Gay men threaten a masculinist nationalism and challenge African patriarchy.
- Sexual and gender non-conformists have citizenship & human rights withdrawn (they cannot “belong”).
- In Africa the dominant cultural model denies freedom, protection and erotic justice for homosexuals
- Homosexuality signifies sexual excess even when heterosexual promiscuity is admired.
- State and extra judicial violence and persecution is evident, and is also revealed subtly, through social processes

What do all of this mean conceptually?

- Socio-cultural factors, as well as the legal and judicial, play an important role in the **construction of homophobia**.
- People's **control over their sexual lives and choices is shaped by gender-related values**, norms and traditions become important determinants of vulnerability to HIV.
- The greatest threat is a **gender-based violence** (whether through hate campaigns, physical/sexual and verbal assault) target homosexuals, especially feminized men. Such violence increases vulnerability.
- **Criminalisation and stigmatization further reinforce violence**, aligned to received notions of masculinity and femininity.
- **Disempowerment of homosexuals** (including trauma, fear and anxiety) is often an outcome of political homophobia

What do all of this mean for HIV responses?

- Ultimately all of this have implications at the structural, behavioural and epidemiological levels
- Structural violence appears strongest: stigma, discrimination, prejudice as a result of culturally and politically sanctioned homophobia
- Inadequate information and denial of resources imply that homosexuals may be less able to adopt preventive techniques
- Attitudes by health care workers, including the homophobia in the health care systems (in countries where criminal sanctions exist) further compromise programming and services for homosexuals

So what can be done?

- **Pushing evidence over ideology (these two aspects are related)**
- **Develop “data” to challenge the myth of LGBTI existence (“enumeration”)**
- **Sensitizing health care workers and improving responsiveness of health care system**
- **Promote HIV testing, knowledge and disclosure of HIV**
- **Promote early access to treatment**
- **Establish ongoing surveillance of HIV among MSM**
- **Training people for quality services. Work across class, gender, sexual orientation**
- **Advance universal minimum standards (incl. approach to patient needs on account of diversity)**
- **Minimum package of services (e.g. STI diagnosis and treatment and HIV treatment, care and support services)**

So what can be done? Ctd.

- Behavioural interventions to reduce UAI and sex while under influence of alcohol and drugs
- Link MSM and HIV to Reproductive Health Services (view these issues holistically)
- **Tackle the State** by Monitoring and Evaluating Implementation (and advocate for inclusion of MSM in NSPs where it is absent)
- Implement **public education** to reduce stigma and discrimination
- **Promote advocacy at political level for tolerance of diversity**

Thank you!
Ke a leboga!
Ngiyabonga!



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Social science that makes a difference

