

The status of sexual minorities in Southern Africa

Written and researched by Engender for and on behalf of Oxfam affiliates in Southern Africa

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¹ All names of interviewees in this document have been removed to protect interviewee confidentiality

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Executive summary

This report, commissioned by Oxfam affiliates in Southern Africa, surveys the status and human rights of sexual minorities in Malawi, Mozambique, Zambia, Zimbabwe and South Africa.

Analysing the legal, social, political, economic, and cultural contexts of sexual minorities in these countries, it recommends potential ways in which Oxfam, Oxfam affiliates and other interested parties can seek to address the issues identified, including the:

- recognition of sexual minorities by the state and society;
- criminalisation of sexual minorities versus legislative protection;
- hate crimes perpetrated against sexual minorities;
- availability of health and support services for sexual minorities; and
- strategies that individuals and organisations can employ to advance the rights of sexual minorities.

The report's findings are based on a series of interviews with individuals from the five Southern African countries. Eleven organisations participated, 11 interviews were conducted, and 9 others actively participated. The 11 interviewees were primarily members of sexual minority organisations and identified themselves as members of a sexual minority. For the purposes of this report, sexual minorities are defined as broadly as possible to include individuals who identify as lesbian, gay, bisexual, transgender, intersex or queer.

Based on the findings, the report makes the following recommendations:

Build movements:

- Forge links between the sexual minority movement and other social movements such as the women's and gender social movements.
- Educate other social movements about issues faced by sexual minorities.

Advance legal reform and implementation:

- Retain and enforce existing laws that protect and advance the rights of sexual minorities (eg South Africa's Constitution and Mozambique's labour legislation).
- Advocate for further legal changes (such as repealing colonial penal codes in Mozambique and challenging homophobic penal codes in Malawi, bringing them in line with a progressive Constitution).
- Support legal remedies developed by people within their own countries, unless support is requested from outside.
- Encourage progressive realisation of rights, challenges of implementation, and the recognition and enjoyment of rights by especially more marginalised citizens.
- Encourage an approach that recognises the importance of legislation *and* the need for realising other political and socio-economic rights.

Educate civic society:

- Develop campaigns targeting groups and individuals whose activities can influence the lives of sexual minorities such as faith and religious leaders, educators, health professionals, policy makers, service providers, sexual minority activists and communities.
- Develop materials specific to, and in appropriate languages for, unique communities.
- Use research as an avenue for civic education.

Campaign against hate crimes:

- Develop programs to discourage hate crimes and relate hate crimes to other forms of gender-based violence, such as same-sex domestic violence.

- Expand programs such as the 16 Days of Activism against Violence against Women campaign and Western Cape End Hate campaign.

Reduce poverty:

- Take action on poverty as the struggle for sexual identity is inseparable from other social issues including poverty.
- Develop and promote organisational sustainability through scholarships, staff training, employment creation (such as “pink” businesses) and community and backyard food gardens.

Improve health services:

- Educate the health sector about HIV and AIDS and other sexual minority issues and support health services that cater for sexual minorities.

Recognise diversity:

- Recognise patriarchy as a central cause of phobias against sexual minorities.
- Recognise the impact of patriarchy on women, and address the discrimination that sexual minority women face.
- Encourage gender-specific organisations to define and name themselves as such, rather than as gender neutral.
- Ensure gender balance and sexual diversity where possible in mixed gender spaces.
- Recognise sexualities as dynamic and diverse, transcending rigid categories.

Mainstream services:

- Make all programs relevant to sexual minorities and target specific programs at sexual minorities.
- Encourage generic organisations to include sexual minorities.
- Encourage sexual minority organisations to include “minorities”, eg bisexuals, intersex and transgender people *and* to be gender inclusive.

Conduct further research:

- Commission studies of the links between generic societal violence and gender-based violence, and hate crimes against sexual minorities.
- Commission comparative analyses of the impacts of European colonisation on genders and sexualities in former colonies.
- Commission studies of indigenous sexualities to debunk the myth of sexual minorities as un-African.

It is hoped that with a better understanding of the issues faced by sexual minorities in Southern Africa, and a range of effective strategies to advance their rights, that donors’ interventions will be more strategic, that grant recipients will be aptly consulted, and that donors’ funds will be spent effectively.

Introduction

Across the world, sexual minorities are challenging their governments and conservative social norms. Despite these progressive efforts, resistance to the rights of sexual minorities continues, and in some instances has strengthened, resulting in powerful backlashes. Some countries continue to create laws and progressive policy for the rights of sexual minorities yet there remains a major gap between legislation and its implementation.

According to the International Lesbian and Gay Association's (ILGA), 2008 *State-sponsored Homophobia Report*² at least:

86 member states of the United Nations still criminalize consensual same sex acts among adults, thus institutionally promoting a culture of hatred. Among those, 7 have legal provisions with death penalty as punishment. To those 86 countries, one must add 6 provinces or territorial units which also punish homosexuality with imprisonment.

The Co-secretary General of ILGA says that although many of the countries listed in the report do not systematically implement these laws, their mere existence reinforces a culture where a significant portion of the citizens need to hide from the rest of the population out of fear:³

... a culture where hatred and violence are justified by the State and force people into invisibility or into denying who they truly are. Whether exported by colonial empires or the result of legislations culturally shaped by religious beliefs, if not deriving directly from a conservative interpretation of religious texts, homophobic laws are the fruit of a certain time and context in history. Homophobia is cultural. Homophobia, lesbophobia and transphobia are not inborn. People learn them as they grow.

The global North

Sexual minorities in the global North are accessing more civil and political rights as more inclusive legislation and policies are developed. In many countries, sexual minorities have gained the rights to civil unions, adoption and various social services. For example, the European Union (EU) prohibits discrimination against sexual minorities and compels new member states to adapt any repressive legislation to conform to that of the EU.

Increasingly, however, conservative governments are being elected, such as in the Netherlands, Italy, Norway and Canada, which may threaten the rights of women and sexual minorities (although Canada retains some of the world's most progressive legislation and policy regarding the rights of sexual minorities).

The policies of the former Bush administration in the United States illustrate well the impact conservative politics can have on the rights of sexual minorities. Under Bush's reign, the US government instituted "abstinence-only" sex education, attempted to change the country's Constitution to disallow same-sex marriage⁴ and instituted the US Agency for International Development's "Global Gag Rule" and ABC ("abstinence, being faithful, correct condom use") policies. These policies prohibit funded organisations from promoting abortion, requiring them instead to promote abstinence among non-married people and faithfulness among married heterosexuals. This

² http://www.ilga.org/news_results.asp?LanguageID=1&FileID=1165&FileCategory=1&ZoneID=7

³ http://www.ilga.org/news_results.asp?LanguageID=1&FileID=1165&FileCategory=1&ZoneID=7

⁴ "Bush calls for ban on same sex marriages", *CNN International*, 25 February 2004, <http://edition.cnn.com/2004/ALLPOLITICS/02/24/elec04.prez.bush.marriage/>

policy implies avoidance of safer sex practices⁵ which clearly affects sexual minorities, especially people who have “riskier” sex with men.

In other countries such as Spain, progressive governments are leading the way for social renewal, including strengthening the most progressive rights for women and sexual minorities.

The global South

In the global South the picture is decidedly diverse. Latin American countries such as Ecuador, Mexico, Uruguay and Venezuela all offer some form of rights to sexual minorities, with Uruguay offering some recognition of same-sex unions.

Parts of Brazil and Argentina also recognise sexual minority rights, although they have yet to enact national legislation in this regard. The contrasts between Africa, where most countries have repressive legislation against sexual minorities, with that of Latin America, where most countries have no legal codes against sexual minorities, may make Africa appear developmentally impaired. However, a more balanced view emerges when the Islands and Guyana are included in the Latin American picture: Barbados, Grenada, Trinidad and Tobago all have repressive legislation against sexual minorities, with sentences for engaging in homosexual sexual acts ranging from one month to life imprisonment.

In the Asia-Pacific, the situation ranges from hefty prison sentences in India, Pakistan and Malaysia to some forms of legislative protection in Taiwan, Fiji, New Zealand and Australia. Homosexuality remains illegal in China; in 2007 Nepal’s Constitutional Court compelled the removal of laws that discriminate against sexual minorities.⁶

In the Middle East, many countries impose the death sentence for engaging in homosexual acts, such as Yemen, Iran, Saudi Arabia and the United Arab Emirates, or long gaol sentences, as in Syria and Lebanon. Interestingly, Israel offers some form of legal protection for sexual minorities, despite severe repression for Palestinians. For a Palestinian lesbian with Israeli “citizenship” the Israeli state may not offer any protection because it uses repressive political policies and actions against Palestinians, irrespective of their sexuality.

This is similar to contradictions in many countries where sexual minorities may enjoy significant state protection while ethnic or indigenous minorities, such as Indigenous Australians, remain marginalised or oppressed and do not necessarily receive state support, irrespective of their sexuality.

Africa

Only two African countries offer some form of protection for sexual minorities: Mozambique and South Africa. The rest have no legislation, repressive or otherwise, regarding sexual minorities, such as Chad, Gabon, Mali, and Madagascar, or impose the death penalty, such as Sudan, Mauritania and parts of Nigeria (the north) or hefty sentences ranging from one month to 10 years’ imprisonment, as in Ethiopia and Botswana, or sentences from 11 years to life imprisonment in Zambia, Malawi, Tanzania, Kenya and Uganda.

The five countries under review, Malawi, Mozambique, Zambia, Zimbabwe, and South Africa, are each very different, as the study reveals. Malawi and Zambia have repressive legislation that mandates 11 years to life imprisonment for sexual minorities. Zimbabwe has slightly less severe prison terms, ranging from one month to 10 years. Mozambique recently enacted an anti-discrimination employment

⁵ For example, see the International Gay and Lesbian Human Rights Commission (IGLHRC) report, “What Happened to Safer Sex? How the US Abstinence-only and Global Gag Rule Policies Affect Sexual Minorities”, www.iglhrc.org

⁶ “Nepal court rules on gay rights”, *BBC News*, 21 December 2007, http://news.bbc.co.uk/2/hi/south_asia/7156577.stm

policy that includes sexual orientation, and further progressive amendments are expected. South Africa has the rights of all people, irrespective of sexual orientation, enshrined in its Constitution, and various other pieces of legislation and policy, making it one of the world's most progressive countries regarding the rights of sexual minorities.

Malawi

Organisation Interviewed:

Centre for the Development of People (CEDEP)

Malawi is one of the world's poorest countries. The 2007/2008 UN Development Program's Human Development Index⁷ ranks Malawi as 164 out of 177 countries and as "low human development". Of the countries surveyed, only Mozambique ranks lower.

According to the Malawian organisation Centre for the Development of People (CEDEP), long-time president Kamuzu Banda curtailed basic democratic freedoms, such as freedom of speech and association, but following the end of his dictatorship in 1994:

... democracy (and neo-liberal globalisation) brought with it sudden social, political, economic and cultural shifts ... This social context reinforces hetero-normative attitudes in all social and cultural practices [which] informs public opinion, policy and legislation. Heterosexual marriage in Malawi is so revered that anyone who deviates from this is considered an outcast and a child.⁸

These shifts have occurred in a cultural context where more than 90% of the population is Christian and sexual minorities are often forced into marriage.

Centre for the Development of People (CEDEP)

CEDEP was established in 2006 and regards itself as the only organisation in Malawi addressing lesbian, gay, bisexual and transgender (LGBT) issues, especially issues concerning men who have sex with men and HIV and AIDS.

CEDEP has about 500 members across the country, all of whom are men. Women do not attend strategic planning meetings ("women are not able to come out and are reluctant to attend") and are not included in the organisation's programs, although CEDEP plans to include "a few women" in its programs in the future.

Legislation and policy

In 2007, CEDEP and the Human Rights Commission in Malawi launched a legal challenge to Malawi's Penal Code in an attempt to bring it in line with the country's Constitution. The Constitution guarantees the rights of citizens on all grounds except for sexual orientation, which is codified in the Penal Code:

Sexual activities of people in same-sex relationship are criminalised according to Sections 153 and 156 of the Code, which prohibit 'unnatural offences' and 'public indecency'. These offences include sodomy and other sexual acts, considered 'unnatural' and attract a penalty of 14 years in prison. Due to this lack of legal protection and constitutional freedoms, LGBT [lesbian, gay, bisexual, transgender] community in Malawi has been suffering from high levels of verbal violence, stigma and discrimination from ... Malawian society. There has been violation of the rights of LGBT people through homophobic sentiments made by the media, community, religious groupings, NGOs and government contributing to high levels of fear.⁹

CEDEP published a press release in the newspapers, stating inconsistencies between the Penal Code and the Constitution. A CEDEP administrator commented:¹⁰

⁷ <http://hdr.undp.org/en/statistics/>

⁸ Malawi LGBTI Issues General Background, no date, page 1 of 5.

⁹ Malawi LGBTI Issues General Background, no date, pages 1–2.

¹⁰ Telephone interview, 29 July 2008.

We didn't look at the sexual part, but more in general. Most people labelled us and said we're trying to fight for same-sex marriage. We're not fighting for same-sex marriages just yet, but we're fighting for basic human rights ... Both the Constitution and the Penal Code criminalises sexual minorities and sexual acts by them. The same Constitution guarantees freedom of association, and privacy. So if two gay men want to associate in private, what law are they breaking?

I believe that every person has rights, regardless of religion, sexual orientation ... It's just very hard that in ... most Southern African countries people can't come out freely and disclose their sexuality for fear of being detained or getting killed. I wish we could protect such type of people. We are killing people's rights in the name of religion, culture ... We need a platform where people can speak freely. People lose their jobs due to their sexuality.

Hate crimes

A study conducted by Johns Hopkins University concluded that there is a 21.4% HIV prevalence among gay men in Malawi compared with a national prevalence of only 12%. Yet a CEDEP Program Manager says that the government does not address gay men in its HIV and AIDS prevention and treatment programs.

According to the Program Manager people are chased from their homes because of their sexual orientation and gay men have been beaten, a crime which he says is never reported to police for fear of police harassment, including fear of imprisonment. CEDEP staff speak of widespread "verbal attacks".

The CEDEP Program Manager also reported that one woman they encountered through a CEDEP survey "was gang raped by a group of men who knew that she was a lesbian, so they raped her... We also have cases where gay men are raped. Last year we had a case of rape by four men. He couldn't report the case to police because of fear".

All staff interviewed from CEDEP assert that while there is little generic social violence in Malawi such as violent murders or robberies, gender-based violence is rife, including domestic violence (battery) and rape, cases of which are regularly reported in the media.

Realising the rights of sexual minorities

The CEDEP Program Manager says it is important to educate people about their human rights. "Educate, help everybody understand what the law says about MSM [men who have sex with men] and WSW [women who have sex with women], and help address this issue on a legal point of view. So all people are comfortable, free to socialise, just as people from one nation, and not look at each other based on sexual orientation."

He also says that HIV and AIDS programs should incorporate all sexual orientations:

Make a safe space for bisexual and gay men, so they can enjoy their freedom. Just focusing on the heterosexual side does not help us because gay men are married and have hidden relationships with men, and they don't know how to protect themselves when having sex with men, and then they get diseases, and pass it to women. I'd prioritise this.

A CEDEP administrator wants to "address religious leaders to assist sexual minorities, to preach love rather than segregation based on sexual orientation, to inculcate a heart of accommodation rather than hate. Most sexual minorities are excommunicated from churches so it's all the more important." They also believe that people involved in prison work should be educated about men who have sex with men issues, HIV and AIDS, and the need for condoms in prisons.

Mozambique

Interviewees:

Lambda - Mozambique Association for Sexual Minority Rights
International Lesbian and Gay Association (ILGA)

According to the 2007/2008 *UNDP Human Development Report*, Mozambique has the lowest levels of human development of the five countries featured in this survey.

Lambda

Lambda is the only lesbian, gay, bisexual, transgender, intersex (LGBTI) organisation in Mozambique. Other organisations such as Pathfinder, an international sexualities organisation, work on issues related to sexuality, but not specifically with sexual minorities.

Legislation and policy

The Co-chair of ILGA Africa ¹¹ says that in his country things are “difficult. Not good or bad. Sexuality is not criminalised. But we have no legal cover. No law to protect us if we are, for example, arrested for sexual activity”.

He says sexual minorities fear the police less than they do losing “face, their position, in work, or their family”. This is in the context of the recent enactment of Article 4 in Mozambique’s new Labour Bill, which prohibits discrimination on several grounds, including sexual orientation.

Mozambique is also revising its Penal Code. Articles 70 and 71 list “crimes against nature” (without identifying sodomy or homosexuality specifically) and will probably be repealed after public consultation. Lambda will be one of the groups consulted.

Despite these positive steps, the state’s legal generosity is limited, according to the President of Lambda who says that Lambda is:

... not allowed to register [as a legal entity] yet. Our papers are still with the Justice Ministry for at least six months. We don’t have any answer. We don’t know if we’re allowed to register as an association. It stops us from doing some things. We have to now say ‘we’re Lambda, still to be authorised’. The Minister of Justice went on TV and she said about our registration application, that she’ll treat our application like any other in the country. They use these things to stop us.

The Co-chair of ILGA Africa says that the “problem is not with the state, but with the society, with the community”. As the Lambda President says:

We found a home in Lambda. We went on TV to show people we have homosexuals locally. People tend to ignore us; they don’t believe we’re here. They were shocked when we were on TV. We’re not included in their priorities. [After the TV show] friends told me they won’t allow me inside the church anymore. But still I go to church. People still talk to me the same way they used to talk. When I’m there they talk nicely, but when I’m not there, they talk behind my back.

About the challenges of being lesbian, The Lambda President says, “Other ladies in Mozambique, when they’re found out, the parents want to kick them out of the house. They’re treated as if they’re doing something very wrong in their life, as if it’s a sin”.

“Give me the same human rights as approved for all the universe. Are we going to get married one day? Of course I want to get married one day, raise kids.”

¹¹ Telephone interview, 29 July 2008.

Hate crimes

The ILGA Co-chair suggests that hate crimes are largely absent in his country. "LGBTI people are not very visible, so crimes or violence may be less visible. We have no records of rape or violence [be]cause of sexuality. We don't really have hate crimes." He argues that social stigma is a more significant factor in Mozambique.

The Lambda President says that Mozambique has "not a lot of rape, one case in five months. Domestic violence also happens with homosexual men and women, though more lesbian couples hit".

She says intersex people are particularly invisible due to social stigma. "They tell that this guy is a hermaphrodite, but she doesn't like to talk. So we don't even start the conversation, we talk about things that are not offensive to [any] of us. They tell us, neh, but I've never seen one myself. Maybe three you've heard are hermaphrodite."

Realising the rights of sexual minorities

ILGA advocates for civil society to be educated on sexualities and the rights of sexual minorities within subcultures and broader communities:

On human rights, people must understand what human rights are before they can understand sexual rights. How to live with diversity: diversity in political parties, in food, music, culture, religion, in sexual activity. We have to believe and accept differences. We have to be educated enough to understand what a human right is ... People must be taught about differences, how to live and cope with differences, and from this we can talk about sexual rights and minority rights. When Lambda goes to a community, we talk about sexual diversity, human rights in general (rather than sexual rights). Most people know what a human right is. We start with small things. And then we gradually get to sexual diversity. At the end of the lecture people say that they know someone who is gay or lesbian, and they don't have issues with that. We often ask if people want to kill this [gay/lesbian] person, and they say no, they don't want to live next to them, but they don't want to kill them either.

They believe that it is critical for local activists, especially those working in organisations, to build their capacity and skills for the benefit of communities:

We don't want them [Europeans] to talk for us. We want them to help us, to stand for our rights. We need to capacitate our own people. Like scholarships to go to a place, or an organisation ... learn something. Internships, human resources in the movement, send someone to SA [South Africa] or Kenya or somewhere. We would like to build activists. African gay and lesbian empowerment is what's missing if we don't have capable people.

Zambia

Organisations Interviewed:

Friends of Rainka (Rainka)

Rainka

The Friends of Rainka (commonly known as Rainka) is a LGBT organisation in Zambia run by 11 volunteers, most of whom are male. One of Rainka's Co-presidents, interviewed for this study, was born female and identifies as male, hence is considered transgender. Rainka's other co-president is a gay male.

Rainka' Co-President says that Zambia is largely "ignorant of minorities. They just don't want to know about it. How we've lived our life, we don't expose ourself in any way". He also says many sexual minority Zambians are forced into heterosexual marriages "just to get along with everybody else".

A gay man who is a dedicated Rainka volunteer and is employed as a mobile coordinator with Population Services International's male circumcision program says the website African Veil "for African fruits"¹² refers people to him. The two known sexual minority "spaces" in Zambia are thus Rainka and the virtual space offered by the African Veil website.

Hate crimes

The Rainka volunteer says:

In Zambia we're blessed because we're generally a peaceful country. People here are not very violent, naturally. The worst you could get here is [verbal] bashing. Someone may pass a silly or derogatory comment. It's rare to find people beaten up or even killed cause of sexual orientation. The worst people could do is hurl insults or something like that. Lot of Zambians are very tolerant. You'll be amazed, even people in government are beginning to be tolerant. A Director of Public Health in the Ministry of Health is pushing for the CDC [Centre for Disease Control HIV/AIDS prevalence] study to go ahead. Lot[s] of organisations are wanting to look at our issues. People are misinformed. When you tell them you're gay, they think of anal sex. They don't realise about gender orientation and sexual behaviour. When we get to explain these things to people they tend to understand and say now I get it. A lot of people won't come out. But if they come out they'll be more visible, and it won't seem foreign to Zambia. And not a Western influence.

On being openly gay, Rainka's Co-President says, "It's who you're out to basically. Most of my friends know I'm like this. But my parents don't know. I'm 30 [years old]."

The philosophy of "don't ask, don't tell" seems to prevail in Zambia, as it does in Malawi and many other countries, according to Rainka's Co-President:

I've been lucky [be]cause I'm an only girl in a house of boys. It was easy to get away with being a tomboy, and hang around with boys. I wouldn't say I've been under any pressure. My parents basically left me to my own business. They've never really asked about a man. I would take home a girl and say this is my friend and everything. And no one would ask me any more than that. I'm sure my parents know but they would rather not talk about it. There's no point in me bringing it up cause what's the point, really.

He says that he has experienced verbal abuse "because I look male and feel myself transgender, and carry myself as male" but is unaware of beatings or rape. Similarly, the Rainka volunteer has witnessed verbal "bashing" but no other forms of hate crime. However, he is aware of "cases in Zambia where police would harass people and extort money from gays".

¹² www.africanveil.org/about.htm, last accessed 14 August 2008.

The comparatively low levels of violence against sexual minorities in Zambia could be compared with their country's low levels of general societal violence and gender-based violence.

Little is known about the situation for intersex people in Zambia. While the Rainka volunteer has never heard of an intersex person before, the co-president says:

I have heard of one. I have never met him-her. I really don't know one, but I've heard of one. I haven't met them yet. It's not easy for them to expose themselves. It's not easy for gay people to expose themselves, so for them it's even harder. This is the biological aspect of their life. So it's even harder for anyone to accept really.

Realising the rights of sexual minorities

Even though violence is rare, Rainka says they want to make a safe haven so people can discuss issues, including hate crimes. The interviewed volunteer at Rainka agrees that Zambian sexual minorities need a safe space and resources:

We need a resource centre where people can go and feel safe. Also where they can get information, [be]cause people are ignorant about rights, the Constitution. When People have information, they'll be stronger and stand up and come out. We need to give them info on health issues, especially on HIV/AIDS. Lots of young men turn to anal sex, unprotected, with their friends or colleagues, to prevent HIV, because [they believe] women carry the disease. We need to educate them. We'd like flyers, leaflets, to educate people. We'd like to give lube (people can't afford to buy KY jelly in pharmacies). We want to give condoms.

He also wants to engage with the government and lawmakers as he says there is:

... no formal recognition of sexual minorities, no funding for sexual minorities. Government officials just say we don't have LGBTIs in Zambia, hence there's no need to table these issues at certain fora. They say we can get, for example, mainstream health, so they won't give special services for example to MSMs [men who have sex with men]. What we say is there's lots of stigma, and lots of mainstream health services are not LGBTI friendly. We say it's not illegal to be gay, but the sexual act is illegal.

According to the Rainka volunteer, the Zambian Government intimidates organisations that wish to host men who have sex with men (MSM) studies, especially on HIV prevalence, so he identifies a "need to have well established and well funded MSM organisations which can be bold enough to do the work in the face of government opposition". He maintains that a lack of government support can be circumvented, as in the case of the Open Society Initiative for South Africa MSM studies in Mozambique, Malawi, Zimbabwe and Namibia which were all conducted without government support.

The Rainka Co-President believes three key interventions are needed: health, combating substance abuse (alcohol and marijuana), and attention to transexual issues. "We don't have any dental dams here. We don't have rehab in Zambia. Trans issues are more important for me [be]cause we are really misunderstood. They don't know if we're lesbian or something else. It would really help to show people that we're normal people as well."

Zimbabwe

Organisation Interviewed:

Gays and Lesbians of Zimbabwe (GALZ)

According to a Gender Program Manager at the non-government organisation Gays and Lesbians of Zimbabwe (GALZ), "We've made a couple of inroads in various organisations, especially human rights and health organisations. It's pretty difficult [be]cause of social conditions and state-led homophobia. GALZ is the only LGBT organisation in Zimbabwe."

Gays and Lesbians of Zimbabwe (GALZ)

GALZ was established in 1990.¹³ Its principle objective is to build a democratic and accountable organisation and to strive for the attainment of full, equal rights and the removal of all forms of discrimination in all aspects of life for gay men, lesbians and bisexual people in Zimbabwe and to inform, educate, counsel and support people.

The GALZ website states that:

GALZ was one of the first organisations in Zimbabwe to start HIV/AIDS awareness campaigns ... it is the only organisation in the country specifically working with people who engage in same-sex sexual activity. Originally a small social club of mostly middle-class professionals, the association has grown over the years and now truly represents the broader LGBTI community in ten centres throughout Zimbabwe ... Today, the GALZ Resource Centre in Harare provides professional counselling, entertainment and educational activities for members. GALZ is also actively involved in broader human rights campaigning and in the fight for access to affordable treatment for all people living with HIV or AIDS.¹⁴

Legislation and policy

According to the Gender Program Manager, legislation against sexual minorities centres on the *Sexual Offences Act, Codification Act 2004*. "Men are prohibited. It's quiet on women, but there's no protection, even if it's not legislated." On laws covering homosexual activity:¹⁵

Although there is at present no Statutory law proscribing or prohibiting the activities of homosexuals in Zimbabwe, the Common Law does not allow gay men, and to a lesser extent, lesbians to give full expression to their sexual orientation. Common Law prohibitions are sodomy and 'unnatural offences', and these are particularly repressive. These laws criminalise sex and even the display of affection between men. Sexual acts between consenting adults of the same gender are prohibited. Other laws which may be enacted to harass homosexuals are the *Miscellaneous Offences Act* and the *Censorship and Entertainments Control Act*. This may all be about to change for the worse if the incredibly repressive Sexual Offences Bill becomes law.

Hate crimes

"Hate crimes have definitely increased in the recent past towards women, especially in the townships," says GALZ Gender Program Manager. "There's expulsion from homes, from work sometimes as well."

She cites the case in 2007 of a lesbian who was kidnapped, sexually assaulted with a pool cue, and badly beaten. "She lost about 12 kilos, but she survived. The assailant was released and murdered for other reasons." In the same neighbourhood, another lesbian was beaten up by her female partner's

¹³ www.kubatana.net/html/sectors/gay001.asp (Zimbabwe NGO Network Alliance).

¹⁴ www.galz.co.zw

¹⁵ www.mask.org.za/index.php?page=southafrica, accessed 14 August 2008.

brothers. They (the survivor and her friends) reported it (the assault) to the police, even though members were too afraid to volunteer information to the police, which resulted in arrest and a year's imprisonment.

The GALZ Program Manager says that hate crimes are "not as bad as they used to be against men. Often people don't report and are silenced. Blackmail is really common". Thus Zimbabwe, unlike the other three countries reviewed previously, is more akin to South Africa, with its high rates of general social violence, high gender violence statistics, and relatively high rates of hate crimes against sexual minorities, especially women.

Little is known about the situation for intersex people in Zimbabwe. The GALZ Program Manager says, "One woman ... joined GALZ as an intersex member. She hasn't come to any meetings, so it's very difficult to follow up. She's the only intersex person who's come out as intersex. I don't know of any other intersex people in Zim."

Realising the rights of sexual minorities

The GALZ Gender Program Manager sites HIV and AIDS legislation as one of the biggest challenges. "I can't look at things from a Western perspective. Women engage in sex with men, for whatever reason, even women who identify as lesbian. Often it's not protected. This makes it difficult to present strategies focused on same-sex relationships. At the same time the HIV/AIDS strategy is very heterosexual."

The Gender Program Manager says her priorities for GALZ are to:

- address the criminalisation of homosexuality in communities, countries, and Africa as a continent;
- address the HIV pandemic;
- provide education and information, especially to schools (although GALZ is unable to work in schools);
- work with prison service organisations;
- continue working with women's organisations, such as the Women's Coalition of Zimbabwe;
- provide training for law enforcement agencies, police, lawyers, judges, parliament, cabinet, and the government; and
- provide food aid and transport money so members can access and help with the GALZ herb and vegetable garden.

South Africa

Organisations Interviewed:

Commissioner for Gender Equality
Forum for the Empowerment of Women (FEW)
Triangle Project
Equality Project

Legislation and policy

On 8 May 1996, South Africa became the first country in the world to enshrine lesbian and gay rights in its Constitution. Clause 9(3) reads:

The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth.

A similar provision had previously been included in the Interim Constitution adopted in December 1993. The African National Congress had formally recognised lesbian and gay rights as part of its policy at its policy conference in May 1992.

Same-sex marriage became legal in South Africa on 30 November 2006 when the Civil Unions Bill was enacted after having been passed by the South African Parliament earlier that month. A ruling by the Constitutional Court on 1 December 2005 imposed a deadline of 1 December 2006 to make same-sex marriage legal. South Africa became the fifth country, and the first in Africa, to legalise same-sex marriage under the *Civil Union Act*.¹⁶

Despite these progressive moves by the state, interviewees from both the Triangle Project and the Equality Project are deeply concerned about “socio-economic-political crises in the country”. While both appreciate their “paper laws” and notions like “progressive realisation of rights”, they are keenly aware, says the Equality Project, that “our societies and communities have not fully transformed yet”.

An interviewee from the Triangle Project identifies the domination of certain groups, with obvious “implications for rights of sexual minorities”. Both interviewees stress “our civil liberties being lost”, and the general lack of community respect for the Constitution and the diversities it enshrines.

The Equality Project interviewee believes that sexual minorities have to hold on to their “paper rights” while also working to transform society. The society both interviewees describe is an impoverished one where the poor are manipulated to turn against each other, and where respect for diversities and the Constitution is largely lacking, resulting in violent attacks on “Others”, especially poorer black lesbians in townships, some of whose own communities gang rape and/or murder them in public spaces.

The Triangle Project interviewee advocates a “shift from Constitutional Court “[be]cause if you’re poor, black, living in a shack, you’re at risk of sexual violence, you can’t speak and claim your rights” while a Co-chair of ILGA Africa, stresses legal reform:

... as this is the basis of social and institutional homophobia. There is an urgency to repeal these laws in order to pave the way for positive legislation that could benefit everyone with the equal dignity and respect to which all persons are entitled. Positive legislation fights against discrimination and would obligate policy makers to be inclusive and will enhance the working relations with service providers, police, medical practitioners, teachers, courts etc.

¹⁶ www.mask.org.za/index.php?page=southafrica, accessed 14 August 2008.

The Equality Project interviewee also suggest that in a country such as South Africa, with its inspiring and groundbreaking legislation and policy on genders and sexualities, most (grassroots) people are not participating politically because their socio-economic standing inhibits them.

“As [lesbians and gays] we ... want a desk at the police station dealing with sexuality issues. But we also need to go a step further, to say people need to value themselves as human ... How many suicides relate to sexuality? People need to be proud of who they are.”

Hate crimes

According to the interviewees, masculine dominance, embedded with misogyny and homophobia, encourages hate crimes, especially “curative” rape and murder of lesbians in the townships. The interviewees were disturbed by “the extreme brutality of the violence” against lesbians.

Sexual minority organisations are taking action to address the violence. FEW, South Africa’s only organisation entirely co-founded by black lesbians, for black lesbians, forms the national Secretariat of the national 070707 End Hate Campaign. And in the Western Cape, the largest and most powerful LGBTI organisation, Triangle Project, acts as Coordinator of the provincial End Hate Campaign.

Sexual minority organisations are also joining forces with other social movements and human rights organisations. For example, the Equality Project is affiliated to the social justice movement Indaba. The engagement is not merely in solidarity, but also to challenge generic movements to recognise sexual diversities and to act as allies to sexual minorities movements.

In the report *A Global Gaze*, Zawadi Nyong’o, former head of Urgent Action Fund – Africa¹⁷, encourages “LGBTI funders to engage mainstream women’s and human rights organizations to broaden support for LGBTI issues on the international scale”.¹⁸ In the same report, Ford Foundation’s Carla Sutherland suggests that LGBTI issues “are typically embedded in other areas such as human rights, women’s rights, sexual rights, sexuality, youth and HIV and AIDS”.¹⁹

Concurring with this analysis, all South African interviewees advocate for a mass-based sexual minorities social movement that transcends class, ethnicity and gender and fosters sexual *diversities*, rather than the traditional dominance of gays and lesbians.

Realising the rights of sexual minorities

To varying extents, all the sexual minority organisations surveyed engage in public education. The difference among them is their emphasis on building movements and working in alliance with other movements. Equality Project has worked with 30 participants through six workshops, and plans to extend this to 10 further sites nationally. The Triangle Project works with some of the most marginalised urban and rural communities and has produced a report²⁰ of lesbian lives in two rural areas, arguably the first of its kind in Africa, and one of a few in the world focused on rural lesbian lives.

FEW is entirely focused on the empowerment of young black lesbians in the broader women’s movement, as well as the sexual minorities field. Its signature project is its national “Lesbian Feminist Leadership Project” for young black women living across five provinces. It also runs the Rose has

¹⁷ Nyong’o is working for Association for Women in Development in Canada.

¹⁸ *A Global Gaze: LGBTI Grantmaking in the Global South and East*, by Funders for Lesbian and Gay Issues [2007: 19]. www.lgbtfunders.org

¹⁹ *A Global Gaze* [2007: 19]. www.lgbtfunders.org

²⁰ “Living Patriarch: Below the Belt above the Waist: Investigating and Exploring Lesbian Lives in Two Rural Areas”, June 2008.

Thorns campaign against hate crimes and the Keep Us In campaign which addresses the issue of black lesbians being forced out of public schools. FEW also supports the “1 in 9 against gender violence” and 070707 End Hate campaigns.

The Commissioner for Gender Equality believes organisational sustainability is critically important to realising the rights of sexual minorities:

How does Triangle sustain itself in 20 years' time? To what extent do we support our own work? We avoid projects that aren't politically popular. Donors could fund us into dependency, or into sustainability. It's their choice. Internationally, donors do nothing about sustainability. By then it's too late. Anyone knows that if you start a new business, it takes five years to break even, before you start to make a profit. Someone coming in should have a five to 10 year plan. But donors say, 'This is the last grant you're getting from us, now you have to figure ways to make money.' It can't work like that. I've seen it happen in the women's movement, with like GETNET going under. I don't want it happening to us.

For the Commissioner for Gender Equality, organisational sustainability is directly related to the economic empowerment of people and the creation of jobs through “pink” women's businesses, from bakeries to guesthouses, in diverse communities. The Commissioner suggests that when communities see “pink business taking care of its own” they will invariably want to participate or benefit too. She cites instances of heterosexuals applying for jobs in sexual minority organisations²¹ pretending that they are homosexual to benefit from opportunities supposedly reserved for sexual minorities. This supports her argument that people will join in when they perceive personal benefit, even when it is to associate with stigmatised people or communities, such as sexual minorities.

For these politicised lesbians, strategies and interventions need to include history, structure, and consciousness. Working on sustainable livelihoods is as important as addressing dependent mindsets, as important as intra- and inter-movement building. The Commissioner for Gender Equality also stresses the importance of an intersectional approach. “People like to think in terms of sexuality [only]. You're born a woman, born black, born poor. What, are we only going to address the *lesbian* part of you?”

Moreover, the interviewees stress that sexual minority movements need to be challenged to bring policy and practice to apply to a wide *diversity* of sexual minorities, including bisexuals, transgender and intersex. LGBTI movements that ignore the “T” (transgender) sector, and are ignorant of the “I” (intersex) sector, render them invisible.

Definitions of sexual minorities also need to become more fluid. For example, the original inhabitants of Southern Africa, the KhoeSan, regarded genders and sexualities as dynamic rather than as static binaries:

This fluidity applies to most ancient indigenous peoples the world over, from Native American *berdache* to Indian *hijras*. ... employing a linear definition of [gay-]lesbian may exclude the infinite varieties of sexuality choices that are inbetween and vary over time and with circumstances.²²

In sum, an interviewee from the Triangle Project says that “in the long term we want consciousness transformation. In the short term we'll give some services ... education, lobbying, advocacy, and [organisation] building.”

²¹ Details confidential, but cases anecdotally recalled occur nationally.

²² Muthien, 2007.

Recommendations

Build movements

Forge links between the sexual minorities movement and other social movements.

Specifically it is recommended that:

- the sexual minority movement allies itself to women's movements and other gender struggles; and
- other social movements as well as civic society are educated about sexual minority issues.

After education and consultation, grassroots communities tend to exhibit no violence toward sexual minorities. For example in the pan-African women's movement, sexual minority women and men approach gender trainers for support. If the trainer is educated in these areas, they may offer support on the spot (especially in rural areas) or refer the person to appropriate service providers. This has been anecdotally reported in various African countries.

Historically, gender and women's movements have been a critical ally to sexual minority struggles, from South Africa, where a large percentage of leaders (especially white and middle-class women) were and are lesbian²³, to other African countries where women's leaders, even when in forced marriages, are the leading advocates of sexual diversity struggles. Thus it remains critical for sexual minority activists, especially lesbian and bisexual women, to remain engaged with gender struggles, with all men as allies.

In addition, given levels of poverty in Southern Africa, and challenges of state provision of social security for all citizens, activists need to engage the sexual minority movement with broader civil society movements, especially those advancing socio-economic justice. These activists are usually politicised and may be more open to recognising diversities of all sorts. This is especially critical in South Africa, where four interviewees in this study argue that some civil movements are being waylaid by homophobia and patriarchal misogyny.

Advance legal reform and implementation

Retain and enforce existing laws that protect and advance the rights of sexual minorities and seek recognition of further needs.

Legal and human rights education is important for sexual minority activists, communities and service providers, especially in countries where having homosexual sex, rather than identifying as homosexual, is illegal (eg Zambia and Zimbabwe). Specifically, steps should be taken to:

- hold on to legal advances as in South Africa (Constitution) and Mozambique (labour legislation), and advocate for further legal changes (such as repealing colonial penal codes in Mozambique and Malawi's challenge of homophobic penal codes in line with a progressive constitution);
- support legal remedies developed by people within their own countries, unless support is requested from outside;
- encourage progressive realisation of rights, challenges of implementation, and the recognition and enjoyment of rights by especially more marginalised citizens; and
- encourage an approach that recognises the importance of legislation *and* the need for realising other political and socio-economic rights.

²³ For example, the earliest members of Rape Crisis since the 1970s were all white middle-class lesbians.

Malawi's bold constitutional challenge can be contrasted with Mozambique's more circumspect approach regarding legal reform. Lambda in Mozambique suggests that pressuring the state and engaging in civil action around sexual minority rights may jeopardise the progressive legal reform initiated by their government. The absence of the sort of progressive government action evident in Mozambique may necessitate CEDEP in Malawi's more daring efforts and legal challenges. What emerges from these examples is that remedies devised by people within their own countries may be more appropriate than external intervention, unless people request support from outside their countries.

South Africa's progressive policy and legislation, with the notion of "progressive realisation of rights", are sometimes called "paper rights" because of the challenges of implementation and the recognition and enjoyment of rights, especially for the most marginalised members of society, such as rural poorer lesbians or intersex people. This situation demonstrates the need for an approach that recognises the importance of legislation that legitimates all civil unions, for example, as much as it acknowledges the need for realising other political and socio-economic rights (such as access to food and freedom from homophobic violence).

Educate civic society

Educate civic society on the issues facing sexual minorities.

Specifically:

- develop campaigns for the various groups whose activities can influence the lives of sexual minorities;
- develop materials specific to, and in appropriate languages for, unique communities; and
- use research as an avenue for civic education.

Particular sectors that need strategically targeted education campaigns include faith and religious leaders, educators, the criminal-justice system (including police, attorneys and judges), the health sector, policy makers (various levels of government), various other service providers, sexual minority activists and sexual minority communities, community leaders, and grassroots organisations.

Materials that educate on issues pertinent to sexual minorities could be developed. For example, Zambia received materials and condoms from Liverpool VCT (a Kenyan non-government organisation) during an international meeting in Kenya, which is commendable. However, each country needs to be equipped with materials specific to, and in appropriate languages for, its own communities.

Even a research project, carefully developed, can become an avenue of civic education and strategic intervention, through inserting strategic questions on sexual minorities. For example, during a 2002 study on the intersections between gender violence and HIV and AIDS among service providers working with gender violence in South Africa, Engender²⁴ inserted questions on sexual minorities, resulting in several interventions, even while the bulk of interviews were still being conducted.

Campaign against hate crimes

Develop and expand programs and campaigns that discourage hate crimes and encourage state and civic society cooperation.

Specifically it is recommended that:

- programs are developed to discourage hate crimes and relate hate crimes to other forms of gender-based violence, such as same-sex domestic violence; and

²⁴ In full consultation and with the encouragement of the commissioning agency, the Gender Project of the Community Law Centre at the University of the Western Cape.

- programs such as the 16 Days of Activism against Violence against Women campaign and Western Cape End Hate campaign are expanded.

Hate crimes in Southern Africa range from verbal “bashing” in Zambia, police harassment and gang rape of a lesbian in Malawi and threats of “curative” rape in Mozambique to brutal assaults, rape and murder of lesbians and a few gay men in Zimbabwe and South Africa.

Also, internalisation of violence (generic social violence as well as surviving homophobic violence) in same-sex relationships, as expressed through same-sex domestic violence, is rife in many African countries, and needs to be accurately recorded and quantified.

The rape of women to “cure” them of their lesbianism is particularly complex. Engender conducted a series of grassroots focus groups in the Cape Peninsula during 2003–2004, examining violence against and between women in same-sex relationships. Most participants came out as survivors of “curative rape”.

It would be particularly powerful to tie hate crimes to generic gender-based violence during the 16 Days against Violence against Women (international) campaign²⁵, especially in countries such as South Africa, where state and civil society often cooperate during this time.

Another important issue that related to hate crimes is unnecessary genital surgery on intersex infants, children and adults. This surgery could be classified as a hate crime. Consistent and accurate recording of intersex births is needed, as present statistics vary from one birth in 500 to one in 2,000. Intersex South Africa campaigns as part of the End Hate and 070707 campaigns for an end to unnecessary genital (and gender assignment) surgery on intersex infants and children.

Reduce poverty

Take action on poverty as the struggle for sexual identity is inseparable from other social issues including poverty.

Specifically it recommended that the sexual minority community:

- develop and promote organisational sustainability through scholarships, staff training, employment creation (such as small “pink” businesses), and community and backyard food gardens.

It would be useful to support organisational sustainability in the ways suggested by the Commissioner for Gender Equality (eg scholarships) and requested by the ILGA Co-chair (eg staff training and exchange programs). Equally powerful might be the creation of employment through developing small “pink” businesses. One simple cost-effective source of food for families is community and backyard food gardens. The United Nations’ Food and Agriculture Organisation (FAO)²⁶ states that “food security exists when all people, at all times, have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life”. FAO stresses that to break the “hunger-poverty trap”²⁷...urgent action is needed on two fronts – making food accessible to the most vulnerable, and helping small producers raise their output and earn more”. GALZ’s communal garden serves as one example. When people are well fed and well nourished, they are better able to care for themselves and others, and better able to engage in struggles for the rights of diversities and others.

Improve health services

²⁵ From 25 November, International Day against Violence against Women, to 10 December, International Human Rights Day, each year. See for example www.cwgl.rutgers.edu/16days/about.html

²⁶ www.fao.org/newsroom/en/news/2008/1000923/index.html

²⁷ www.fao.org/newsroom/en/news/2008/1000923/index.html

Educate the health sector about HIV and AIDS and other sexual minority issues and support health services that cater for sexual minorities.

Health issues particularly pertinent to women include education on, for example, Human Papilloma Virus how easily it is transmitted between women, how fatal it is, and how easy it is to detect through a simple pap smear, as well as the ease with which it can be treated if detected early. However, in South Africa a woman is only offered three free pap smears in a lifetime, one each decade, from the age of 30. Most lesbians (and other women) remain ignorant of these issues. Excessively high rates of sexual coercion in South Africa especially evince the desperate need for attention to be paid to these simple health issues.

Other health concerns, especially substance abuse and suicide among sexual minorities, also need attention, through civic education as well as working with health service providers.

Recognise diversity

Address the male orientation and patriarchal nature of many of the African cultures which adversely impact sexual minorities.

It would be useful in planning for action to:

- recognise patriarchy as a central cause of phobias against sexual minorities;
- recognise the impact of patriarchy on women, and address the discrimination that sexual minority women face;
- encourage gender-specific organisations to define and name themselves as such, rather than as gender neutral;
- ensure gender balance and sexual diversity where possible in mixed gender spaces (including men, women and “minority” sexual minorities); and
- recognise sexualities as dynamic and diverse, transcending rigid categories.

Patriarchy is a central cause of phobias against sexual minorities. For example, in Zambia, “heterosexual” men engage in homosexual anal sex, apparently to avoid HIV transmission because these men believe that “women carry the disease”.²⁸ This idea of women as carriers of disease could be interpreted as misogynistic. It is important, therefore, in addressing sexual minority issues, to recognise the impact of patriarchy on women and to address the discrimination that sexual minority women face.

It is also important to address these issues in sexual minority organisations. The Malawi organisation, CEDEP, for example, has only male members and staff, and works with men only. It would be useful for organisations that are gender specific to clearly define and name themselves as such, rather than appear gender neutral in name. On the other hand, clearly defined mixed gender spaces should pay appropriate attention to issues of gender balance and sexual diversity. This means the inclusion of women as well as men in consultation, leadership, and identifying issues and priorities, as well as the allocation of resources. For example, where condoms are distributed, dental dams also need to be made available, and safer sex education needs to include education on Human Papilloma Virus (HPV)²⁹, which can be transmitted during lesbian oral sex.

Gender and sexual diversity implies inclusivity and active attention to “minority” sexual minorities, including bisexuals, transgender and intersex individuals.³⁰ It may be useful to recognise sexualities as

²⁸ This myth is not unusual in many other African countries, including Senegal, as reported by Amadou Moreau, at the launch of the pan-African International Resource Network on Sexualities (IRN) during 2007.

²⁹ HPV can cause cervical cancer, one of the most fatal diseases for women. HPV is easily preventable through regular pap smears.

³⁰ For information on intersex see the website of Intersex South Africa www.intersex.org.za

transcending rigid categories, in acknowledgement of all people as full human beings, imbued with humanity and deserving of love and respect. This recognition is seen in programs by sexual minority organisations working in prisons to address HIV where ostensibly heterosexual men have sex with men.

Mainstream services for sexual minorities

Sexual minority issues need to be mainstreamed: aid programs need to be relevant to and represent sexual minorities.

As with gender mainstreaming initiatives, sexual minorities may benefit from a joint strategy of mainstreaming (ensuring all programs are relevant to sexual minorities and that at least 10% of participants and staff are sexual minorities), as well as from specific programs for sexual minorities. For example, the German Green Party's foundation, Heinrich Boell Stiftung (HBS), mainstreams gender throughout its programs, within HBS and in its grantees programs, as well as addressing gender through its Feminist Institute in Berlin.

This mainstreaming imperative may help generic institutions to include and advance sexual minorities. It may also encourage sexual minority institutions to be inclusive and demographically representative in terms of all minorities, especially bisexual, transgender and intersex people.

The GALZ Gender Program Manager's reference to avoiding a "Western perspective", and ILGA Co-Chair's mention of a "European view", along with the Commissioner for Gender Equality's critical inquiry regarding donor imperatives driving local movements, urge serious reflection. How we engage with and empower individuals, organisations, communities and movements will determine how successful we ultimately are.

Conduct further research

Commission research to help address the issues faced by sexual minorities in Africa.

Specifically it is recommended that sexual minority organisations conduct:

- studies of the links between generic societal violence and gender-based violence, and hate crimes against sexual minorities;
- comparative analyses of the impacts of European colonisation on genders and sexualities in former colonies; and
- studies of indigenous sexualities to debunk the myth of sexual minorities as un-African.

A more substantive study that explores the links between the levels of generic societal violence, (heterosexual) gender-based violence, and hate crimes against sexual minorities is recommended. As with the first tentative intersections between gender violence and HIV and AIDS studies³¹ in Africa during the early 2000s, a thorough intersectional study that includes hate crimes might be equally path-breaking. For years, studies³² have shown the links between generally violent societies (such as South Africa) and gender-based violence rates. To extend the link to include hate crimes against sexual minorities could lend significant support to sexual minority struggles.

A comparative analysis of the various impacts of different forms of European colonisation (English, French, Spanish, Portuguese, Dutch, German) on genders and sexualities in the former colonies of

³¹ See for example, Muthien, 2002, "Strategic Interventions: the Links between Gender-based Violence and HIV/AIDS in South Africa", Community Law Centre, University of the Western Cape.

³² See for example Riane Eisler's *The Chalice and the Blade*; the Zagreb Centre for Women's Studies' *Women and the Politics of Peace*; Muthien's *Engendering Security*, Heike Becker (2003); Elisabeth Rehn and Ellen Johnson-Sirleaf (2002); Peggy Sanday; Turshen and Twagiramariya's 1999 anthology of women and conflict in Africa; and Vickers' *Women and War*. Also the multi-country studies of Amnesty International and the World Health Organization.

the global South may provide answers to questions such as why Swahili-speaking countries have life sentences, while Portuguese-speaking Angola does not indicate length of imprisonment, while recent labour legislation in Mozambique is progressive. Why do some countries have no legislation, while some countries repress and yet others celebrate sexual diversities? A comparative analysis may also indicate ways to challenge colonial legislation and education and reclaim indigenous understandings of genders and sexualities.

A study exploring indigenous sexualities in Southern Africa would be valuable both in debunking the myth of sexual minorities as being un-African, and in exploring further the notion of sexualities as dynamic and diverse as raised by some of the participants of this study.

Conclusion

This report highlights the need for further in-depth research that contributes to improving the quality of life of sexual minorities in Southern Africa and further afield, enhances strategic interventions, and reinforces donor support of programs, communities and individuals.

Oxfam affiliates in Southern Africa commissioned this study to understand the context of sexual minorities and contribute to effective interventions. Through this approach, they are leading the way for international donors wishing to engage with specific sectors in appropriate, respectful and strategically effective ways. Their approach needs to be shared with other international donors with the hope that interventions will be more strategic, that recipients of grants will be aptly consulted, and that donors' funds will be spent effectively.

Glossary of terms

Apartheid	A social system in which white men have all the means of social control and have authority over black people, women and children. Also called white supremacy, racism, and patriarchy, at various times and by various commentators.
Beyond heteronormative	A belief that heterosexuality should not be compulsory and that most people are in fact, and according to scholars like the late Kinsey, "fluid" or bisexual, or "beyond heterosexual".
Bisexual	A person sexually attracted to both (or all) sexes.
Dental dams	Small, thin, square pieces of latex that are used for oral-vaginal or oral-anal sex to help reduce the transmission of sexually transmitted infections.
Gay	Men attracted to other men.
Hate crimes	Criminal actions intended to harm or intimidate people because of their race, ethnicity, sexual orientation, religion, or other minority group status.
Heterosexual	A person sexually attracted to people of the opposite sex.
Homosexual	A person sexually attracted to people of the same sex.
Intersex	An intersex person is defined as an individual born with characteristics of both male and female. In many cases these individuals are subject to surgery at an early age and are forced to adopt either a male or female identify.
Lesbian	Women attracted to other women.
Misogyny	Hatred of women.
Patriarchy	A social system in which the father is the head of the family and men have authority over women and children.
Queer	A person who does not conform to traditional polarised definitions of gender or sexuality, and who often seeks to transcend traditional polarised definitions of genders and sexualities.
Transgender	Broadly speaking, transgender people are individuals whose gender expression and/or gender identity differs from conventional expectations based on the physical sex they were born into: the sense of self is in conflict with the gender assigned to a person at birth, and its corresponding stereotypical role.

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