



KBFUS INSIGHTS

AGAINST ALL ODDS - MAKING GAINS FOR LGBTI COMMUNITIES ACROSS AFRICA

Organizations across Africa are working under difficult circumstances to improve human rights for LGBTI (lesbian, gay, bisexual, transgender and intersex) people and to help them gain equality, dignity and justice. Often, it is an uphill battle. But there have also been some encouraging wins.

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), homosexuality remains illegal in 75 countries worldwide. Of these, 34 are in Africa, four of which legally implement the death penalty for people who engage in same-sex relations. Even in African countries where same-sex sexual acts are not illegal, LGBTI people face marginalization, discrimination, violence and death based solely on their sexual orientation. Organizations working to safeguard the LGBTI community encounter myriad challenges.

A mixed bag of progress and oppression

“The situation in the Southern African region varies greatly from country to country, and so do the challenges we face,” says Neville Gabriel, Chief Executive Officer of the Other Foundation, which is based in Johannesburg and works across Southern Africa. “In South Africa, for example, there have been constitutional protections since 1998 that explicitly recognize and defend LGBTI relationships and families. In Mozambique, the penal code was reformed in 2015 and same-sex sexual activity is no longer illegal. In Malawi, the current president [Peter Mutharika, elected May 2014] is much more open to discussing LGBTI rights than any other past presidents.



“But despite these gains, Gabriel says, there are many instances across the region, including in South Africa, where LGBTI people face extreme abuse and exclusion. Many countries do not allow LGBTI organizations to register as legal entities, which inhibits their ability to bring about change. During election cycles, political parties often promote anti-LGBTI ideals as part of their campaigns. This sparks outbreaks of violence towards the community. In extreme cases of discrimination, people have been murdered because of their sexuality. “On one hand, there is hope and progress, and on the other hand, there are horrific examples of violence and oppression. It’s a mixed bag,” Gabriel explains.



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Personal security, healthcare and education are prime concerns

“One of the challenges LGBTI people face daily across East Africa is physical security,” says Mukami Marete, Deputy Executive Director of the UHAI-East African Sexual Health and Rights Initiative (UHAI EASHRI, based in Nairobi). “There is politically instigated violence, especially around elections. Politicians make reckless statements about LGBTI people and sex workers, saying they promote immorality and should not be allowed to be here,” she says. “These wrong-minded sentiments result in our people being attacked.” She adds that religious fundamentalists also espouse the same views, leading to further marginalization and violence.

Access to public services, such as health and education, is another problem for LGBTI people and sex workers. “Just going for a simple check-up can be very traumatizing, especially if a health issue is related to homosexuality or sex work,” Mukami explains. “Quite a lot of our programming is focused on access to healthcare.” Mukami adds that LGBTI people are often dismissed from school and chased out of their homes because of their sexual orientation. “So you don’t have an education, you don’t have family support. You are uneducated and poor.”



Changing social attitudes

Gabriel says the greatest challenge in many countries is trying to change social attitudes. “The truth is we really don’t know what attitudes are in the region, because the research hasn’t been done,” he says. “So part of our

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work is to develop polling techniques to find out what the perception is with regards to the LGBTI community.” He adds that LGBTI groups need to engage directly with local institutions such as churches and other public organizations to try to change attitudes.

“LGBTI people are starting to become much more visible in the region because they are tired of being invisible, excluded and repressed,” Gabriel says. “In general, there is a strong push for groups to be more organized at the local level and to challenge governments to allow them to register. Another challenge for us is to help these groups and the LGBTI community as a whole to be recognized nationally at higher levels.

“He adds that the Other Foundation recognizes it is important to tread carefully when talking about LGBTI rights in the region. “In Southern Africa there are strong, organized social institutions, businesses and politicians publicly proclaiming that LGBTI relations are wrong and that LGBTI people need to be punished,” Gabriel explains. “So it’s important for LGBTI activists to engage the public directly in a way that people can easily understand and relate to, avoiding complicated jargon that further alienates LGBTI activists from public opinion.”

Walking the journey

UHAI - the Swahili word for 'life' - is Africa's first indigenous, activist-led fund supporting sexual and gender minorities and sex workers in their efforts to achieve equality, dignity and justice. UHAI EASHRI works in Burundi, Kenya, Rwanda, Tanzania and Uganda. It provides flexible grants, and helps with capacity and knowledge building. It also supports pan-African organizations whose mandates benefit the East African LGBTI and sex worker communities. "We are mainly an activist fund," says Mukami. "Since 2009, we have made about US\$4 million in grants, and 80 percent of these were determined by people who have lived the realities and know what the funding priorities should be. This makes us unique. We remain activist and indigenous."

Mukami says that while UHAI EASHRI's core work is grantmaking, it is not just about giving money. "We accompany funding with capacity building," she says. "Because we are located within the movement, for us that means we also walk the journey with our grantee partners, helping them with organizational development, building their leadership skills, and ensuring that the organizations are sustainable."

Big and small wins bring hope

UHAI EASHRI has supported some substantial wins for the rights of LGBTI people in East Africa. Kenya's National Gay and Lesbian Human Rights Commission (NGLHRC) took the National NGO Coordination Board to the country's High Court when it refused to register NGLHRC based on their affiliation with the LGBTI community. In 2015, UHAI EASHRI provided core support to NGLHRC for personnel and administrative costs and to hire legal representation in an appeal case brought by the Government against a previous High Court win of orders to allow for their registration by the National NGO Coordination Board. The lawyers argued that because NGLHRC's work is human rights based, it should be registered. The appeal case is still in court.

In Uganda, UHAI EASHRI supported the Human Rights Awareness and Promotion Forum (HRAPF) when it asked Uganda's Constitutional Court to overturn the draconian Anti-Homosexuality Act. Signed into law in February 2014, the act allowed for life imprisonment for 'aggravated homosexuality' and banned the 'promotion of homosexuality'. The Constitutional Court ruled that the bill was passed by MPs without the requisite quorum and was therefore null and void.

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Raising money, making grants

The Other Foundation is an LGBTI community foundation for Southern Africa. Its core mission is to raise funds to advance equality and social inclusion of LGBTI people in the region. Since it became operational in 2013, the Foundation has allocated 88 grants to support individual change makers and organizations, for a total amount of about US\$700,000.

The Foundation links globally with other like-minded organizations, taking inspiration and advice from the progress made in several other parts of the world. However, Gabriel says they are mindful of the politics in Africa so the Foundation avoids creating any perception that working on LGBTI rights is an overseas agenda. "The challenge is to enable the LGBTI groups in this region to find their own voice, their own language and way of advocacy in order to achieve big change."

New avenues of funding are crucial

Governments in East Africa are beginning to control the amount of money civil society organizations can receive from external donors. “This is a sinister ploy to close down civil society organizations so there is no one to push back against corrupt governments,” says Mukami. “If that happens, it would not only shut down UHAI EASHRI, but it would shut down other organizations that support LGBTI rights. We are one of the only funders of these organizations in the region. Therefore it became imperative for us to become financially independent and sustainable into the future.”

UHAI EASHRI embarked on an individual fundraising strategy that would allow it to receive unrestricted funding. In that way, it would be able to build its reserves and eventually build an endowment to ensure that if restrictions are put in place, UHAI EASHRI would still be operational.

Reaching out to friends in the United States

With that goal in mind, UHAI EASHRI hired a consultant to do a feasibility study on how to raise funds from U.S. donors who could support the cause and be eligible for tax benefits. In January 2016, they opened

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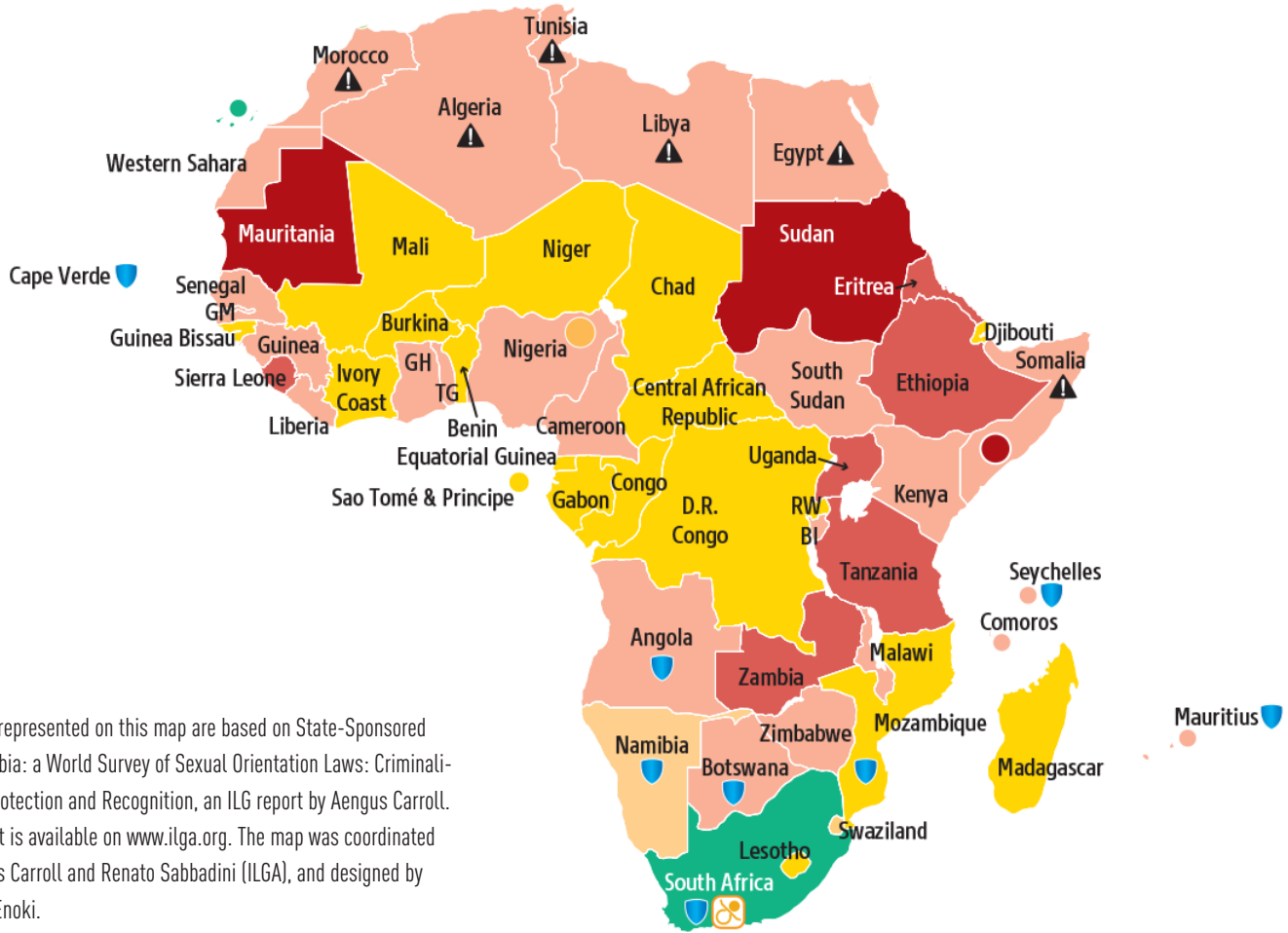
approached KBFUS and found it to be one of the quickest and most efficient ways to do this. It is extremely efficient and easy working with KBFUS. It’s one of the least complicated things we’ve done in a long time,” says Gabriel.

Gabriel says that all small donations go directly to grant making unless the donor explicitly says their gift can be used for core support. He adds that in the short time it has been operational, the Other Foundation has received tremendous support, which has enabled it to very rapidly make a significant contribution to the LGBTI movement in southern Africa. “Since February 2015, we have gained 36,000 followers on Facebook. That indicates strongly that if we reach out to the public at large, there’s a great opportunity for success.”

Find more information about KBFUS at www.kbfus.org, the Other Foundation at www.theotherfoundation.org, and UHAI-EASHRI at www.uhai-eashri.org

Overview of Sexual Orientation Laws in Africa:

Map published by ILGA, the International Lesbian, Gay, Bisexual, Trans and Intersex Association, May 2016.



The data represented on this map are based on State-Sponsored Homophobia: a World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition, an ILG report by Aengus Carroll. The report is available on www.ilga.org. The map was coordinated by Aengus Carroll and Renato Sabbadini (ILGA), and designed by Eduardo Enoki.

CRIMINALISATION

IMPRISONMENT
75 countries and 5 entities
DEATH PENALTY
13 States [or parts of]

- Death penalty not known to be implemented
- Morality laws (religion-based) that limit LGB freedom of expression and association

Death penalty
Imprisonment 14 Y - Life
Imprisonment up to 14 years
Promotion ('propaganda') laws limiting freedom of expression
No penalty specified

PROTECTION

ANTI-DISCRIMINATION LAWS
76 countries and 85 entities
 Includes employment, Constitution, other non-discrimination protections, hate crime and hate speech.

NO SPECIFIC LEGISLATION

Laws penalising same-sex sexual acts decriminalised, or never existed

RECOGNITION

RECOGNITION OF SAME-SEX UNIONS
34 countries and 65 entities
JOINT ADOPTION
27 countries and 28 entities
SECOND PARENT ADOPTION
17 countries and parts of Italy



Marriage
Equal (almost equal) substitute to marriage
Clearly inferior substitute to marriage

Source: http://ilga.org/downloads/03_ILGA_WorldMap_ENGLISH_Overview_May2016.pdf

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