



# SPEAKING OUT

ADVOCACY EXPERIENCES AND TOOLS OF  
LGBTI ACTIVISTS IN SUB-SAHARAN AFRICA

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First published in 2014 by  
Amnesty International Ltd  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
United Kingdom

© Amnesty International 2014

Index: AFR 01/001/2014 English  
Original language: English  
Printed by Amnesty International,  
International Secretariat, United Kingdom

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*Cover photo:* More than 100 gay Ugandans and their supporters packed a hotel conference room in Kampala on Valentine's Day to talk about the Anti-Homosexuality Bill. 14 February 2010, Kampala, Uganda.

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# INTRODUCTION

## BACKGROUND

The last decade has seen an unprecedented rise in the levels of discrimination and violence directed towards lesbian, gay, bisexual, transgender and intersex (LGBTI) people in sub-Saharan Africa. LGBTI people have faced harassment, persecution, and vilification. They have been subject to: forcible eviction from their homes because of who they are; being kicked out of churches and schools; laws that have been introduced to introduce or increase sanctions for consensual same-sex sexual activity; arbitrary arrest by police; imprisonment for actual or suspected consensual same-sex conduct (or for their identities); torture and other ill treatment whilst in detention; judicially-ordered forced anal examinations; murder; rape; beatings; stabbings; being branded paedophiles; accused of "recruiting" children into homosexuality"; accused of sorcery; disowned by their own families; public denigration by politicians and political parties; and blame by religious leaders for societies' economic and social ills. This is not an exhaustive list.<sup>1</sup>

Discrimination, violence and incitement to violence against LGBTI people are by no means unique to sub-Saharan Africa. However, a range of factors have meant that over the past decade, in many countries in the region, these attitudes and actions directed towards LGBTI people have become particularly acute, and some politicians and other public figures are expressing homophobic and transphobic views for political gain.

## DISCRIMINATORY LAWS

31 states in sub-Saharan Africa still criminalize consensual same-sex sexual conduct.<sup>2</sup>

Laws criminalizing consensual same-sex conduct introduced by the British, French, Dutch and Belgian governments during the colonial era have not yet been repealed, and in many countries are being applied with greater frequency to arrest and charge LGBTI individuals. In two countries not directly affected by European colonialism, Liberia and Ethiopia, laws criminalizing same-sex conduct have nonetheless been introduced, in 1978 and 2004 respectively.

There have also been ongoing attempts in some countries to introduce new criminalization laws (Burundi), expand the scope of existing laws (Botswana), or introduce new legislation increasing the severity of existing penalties (Uganda, Nigeria). When South Sudan became independent in 2008, it criminalized same-sex conduct for both men and women. Such moves are a direct violation of these states' obligations under international human rights laws to ensure the dignity and equality of all people. For more information on these obligations, see the section Legal Status of LGBTI People in Sub-Saharan Africa on page 5.

In many countries with criminalization laws, police actively use the law to target not only those suspected of consensual same-sex sexual activity, but those who are simply suspected of being gay, lesbian, bisexual, transgender or intersex. As a result, people who "look different", or whose behaviour is interpreted as falling outside strict gender norms of masculinity and femininity, or who are simply reported to the police, may be at risk of arbitrary arrest.

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Clearly, in order for LGBTI individuals in Africa to be able to exercise their human rights, laws that are instrumental in the persecution of people based on their sexual orientation or gender identity must be repealed. However, laws that explicitly criminalize consensual sexual activity do not exist in a vacuum. Governments also use laws covering public morality or nuisance, censorship, freedom of expression, freedom of association and cross-dressing to clamp down on people expressing their sexual orientation or gender identity. This abuse of laws must stop.

## SOCIETAL ATTITUDES

These laws contribute to creating a climate of hostility that supports hostility by private actors. Many individuals who do not conform to gender norms suffer high levels of violence and discrimination at the hands of their families, as well as their neighbours, employers, teachers and others in their communities, including religious leaders. While religious leaders enjoy religious freedom, they may not use this freedom to incite violence against people based on their sexual orientation or gender identity. Rather than view LGBTI rights as a fringe issue, African civil society leaders and human rights activists must support and advocate for the rights of LGBTI Africans.

## VIOLENCE

Furthermore, even in countries where the law does not criminalize same-sex sexual behaviour, such as South Africa, high levels of discrimination and violence against LGBTI populations, coupled with high levels of violence against women, mean that targeted violence including rape and murder, persists against individuals simply because of their real or perceived sexual orientation or gender identity. Repealing laws alone will therefore not bring about much-needed change. Attitudes about gender roles, LGBTI people, women and violence also need to be challenged and transformed.

## ACTIVISM

Throughout sub-Saharan Africa there are countless brave activists speaking out against oppression and persecution on the basis of sexual orientation and gender identity, despite the risks that this activism often entails to their own livelihoods and lives. They have led and continue to lead the way in the struggle to have politicians and religious leaders, and society at large, recognize that LGBTI people are entitled to the same respect, acceptance and rights protections as every other African. Amnesty International recognizes and salutes the work and courage of these activists and hopes that this toolkit may support their efforts.

This toolkit is based on research and over 60 interviews conducted in Uganda, Kenya, Cameroon and South Africa, and is specifically tailored to the sub-Saharan African context. Many activists kindly contributed their time and are named in the text; many others contributed anonymously.<sup>3</sup> Amnesty International is aware that having done research in those four countries, this toolkit cannot possibly take into account the particular situation in every sub-Saharan African country. However, Amnesty International hopes that, using this as a basis, activists, organizations and individuals throughout sub-Saharan Africa will be able to adapt this toolkit to their particular circumstances.

## WHO IS THIS TOOLKIT INTENDED FOR?

This toolkit is designed for use by lesbian, gay, bisexual, transgender and intersex activists, individuals and organizations in the sub-Saharan African context. It is intended to equip activists with some of the key concepts and tools around advocacy, in its broadest sense, so that they can effectively persuade others – the broader community, religious leaders, mainstream civil society organizations and health professionals - that the human rights of LGBTI people are worth protecting, and so that they can effectively advocate for governments to respect, protect and fulfil these human rights.

Amnesty International recognizes that many activists and organizations will already have the knowledge and know-how to engage in advocacy on many different levels. This toolkit is for those activists, organizations and individuals who feel that they could benefit from some additional tips and tools on advocacy, as well as good practice stories from their African counterparts in their advocacy journeys.

## THE SUB-SAHARAN AFRICAN CONTEXT

There are many human rights challenges which, while not unique to the region, are of particular concern to LGBTI activists in sub-Saharan Africa. This section will highlight some of the most prominent.

### ACCUSATIONS OF BEING 'UN-AFRICAN'

A particularly damaging political discourse that has emerged in sub-Saharan Africa over the past decade is that same-sex sexual activity is “un-African” and a “Western import”. The assertion of the rights of LGBTI people has become intimately associated with neo-colonial interference in the politics, culture and societies of African countries. The accusation, and widespread belief, that homosexuality is a “Western import”, has meant that activism by Western organizations around LGBTI rights and decriminalization can be counter-productive and create backlashes in the countries that are the targets of the advocacy. It has also meant that local and regional organizations working on the issue are often accused of being controlled by Western organizations or influences.

This discourse is prevalent despite the fact that prior to colonisation, same-sex sexual activity existed in Africa, and despite the fact that the vast majority of the laws criminalizing same-sex consensual sexual behaviour are relics of colonial rule.<sup>4</sup> The real “Western import” was the codification of morality in the form of these discriminatory laws. See the section Changing Attitudes on page 33.

### RELIGIOUS INFLUENCES

Religious-based discriminatory attitudes and violence across Africa present a huge challenge to activists, individuals and organizations trying to push for non-discrimination in law and in practice, for decriminalization, and for the full enjoyment of sexual and reproductive rights for all. The expression of anti-LGBTI views in religious contexts has gained force across numerous countries in the region in the wake of the increase in the presence, influence and spread of US evangelical churches, many of which have been vocal in their opposition to LGBTI rights.<sup>5</sup> Facing changing attitudes in the West, many evangelical churches are focusing their energies on parts of the world where they believe their messages will be more

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enthusiastically embraced.<sup>6</sup> In Uganda, the Anti-Homosexuality Bill 2009<sup>7</sup> was introduced soon after US evangelical Scott Lively<sup>8</sup> had visited Uganda and helped to convince some parliamentarians that new legislation was needed to increase the penalties for same-sex sexual activity.

Some church leaders in Africa do not merely preach that same-sex sexual acts are bad. They seek to link homosexuality, and LGBTI people generally, with paedophilia, with the “recruitment” of children, and sometimes with witchcraft and sorcery. They often blame the very existence of LGBTI people for a litany of socio-economic ills besetting their country. This rhetoric can engender hatred and incite violence, and can spur calls for ever-increasing criminal penalties for consensual same-sex conduct. Freedom of thought, conscience and religion does not protect speech that rises to the level of incitement to violence.

Of course, there are many progressive religious leaders and churches throughout Africa, but so far these have had less influence on mainstream discourses around same-sex sexual activity. Building relationships with progressive religious leaders can be a strong advocacy tool – see the section Engaging with Religious Institutions on page 47.

## GENDER NORMS AND STEREOTYPES

Gender norms present a challenge for activists too. Often, individuals are targeted for violence or abuse not because it is known that they are a lesbian, a gay man and/or transgender, but because their appearance or manner does not correspond to conventional gender norms. This means that a woman who looks or presents as more masculine may be targeted for sexual violence, even though her sexual orientation is apparently not known by her attacker. See the section Specific Advocacy Concerns for Different Populations on page 15 for more information.

## RESOURCES

In addition, advocacy can be expensive. There are enormous challenges faced by activists in raising the capital necessary to be safe, effective and influential activists. There is the matter of infrastructure, salaries and money to attend regional and international meetings. Many activists find they have to fit in their activism around their day jobs, or spend the majority of their time fundraising rather than engaging in much-needed local, regional and international advocacy. Groups and organizations in Africa need to be careful if they receive funds from others in the West, in order to avoid accusations of being unable to set their own agendas or of being puppets of the West. See the section on Financial Resources on page 26 for more information.

## SAFETY

Finally, advocacy in the area of LGBTI rights is itself a challenge. As a result of the prevailing social attitudes towards people who are – or are perceived to be – LGBTI, there are many places where LGBTI rights advocates are perceived negatively, and those who are brave enough to publicly act may be targeted for increased persecution. This has the effect of silencing many potential LGBTI activists, and puts those who are publicly known at higher risk. See the section on Personal Safety and Security on page 22 for more information and resources on physical, digital and emotional security.

## WHAT DO WE MEAN BY ADVOCACY?

Advocacy is any action that aims to change laws, policies, practices and attitudes. In this toolkit, we use 'advocacy' to include activities that may also be called "campaigning" or "awareness-raising". It can include public activities designed to gain media attention such as flashmobs, demonstrations or marches; non-public activities such as meetings with politicians, workshops and trainings for key decision-makers and community leaders; lobbying in international forums; or mass campaigning through letter-writing, public meetings or social media.

Advocacy can be used in many different ways and can address many different targets. It can be used to change social attitudes, influence media coverage, reform government policies, laws and public health practices, educate teachers or convince religious leaders. The way in which advocacy is engaged, and what advocacy is needed, will differ from region to region, and country to country.

## GOALS FOR ADVOCACY

For some LGBTI activists, the main goal of their advocacy is the decriminalization of same-sex conduct. But advocacy around sexual orientation and gender identity goes far beyond this. Activists across sub-Saharan Africa have called for an end to all violence, including from colleagues, neighbours, acquaintances and family members. They have advocated to prevent arbitrary arrest and extortion attempts by police; evictions by landlords; violations of freedom of expression, association, privacy and peaceful assembly; and incitement to hatred by the media. Activists have advocated for the rights of children, including the right to education of LGBTI children who too often are driven out of school by violence or are excluded from schools as a matter of policy. Activists have advocated for the government to address sexual violence that too often is ignored or denied even as police exploit vague and overbroad legislation prohibiting on cross-dressing, loitering or public nuisance to target transgender individuals. Advocacy for the human rights of LGBTI individuals covers sexual rights for everyone, legal gender recognition, and non-discriminatory access to health care.

It should be noted that the broad focus on decriminalization by many organizations, in particular by those in the West, often overlooks or steamrollers the plans and ideas of local activists and academics of what needs to change, as well as when and how. In some countries, activists told Amnesty International that a focus on actually repealing the law that criminalizes same-sex conduct, at present, would be counter-productive. They cited the unlikelihood of such legislation getting through parliament; that if it did, mob justice could result; and lastly, the publicity around it could create a violent backlash against LGBTI people and may set the movement back by years.

In some countries, focusing on developing jurisprudence around the right to privacy, or advocating for the right to health for all people, or working to put in place broad and non-specific non-discrimination provisions in legislation, may be far more conducive to advancing LGBTI rights than aiming in the short term for decriminalization. For more information, see the section on Challenging Laws in the Courts on page 29.

Obviously, what the focus of advocacy should be, or the advocacy goals, in any given country, needs to be determined by local activists themselves, based on their assessments of the local

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context, potential targets, and strategic planning. What works and what is needed in Cameroon, for example, may be very different to what is currently needed in Uganda. South Africa presents a different set of advocacy challenges from many other sub-Saharan African countries, given its progressive Constitution, other domestic laws and absence of criminalization, but very high levels of violence and social intolerance.

# LEGAL STATUS OF LGBTI PEOPLE IN SUB-SAHARAN AFRICA

**“The protection of people on the basis of sexual orientation and gender identity does not require the creation of new rights or special rights for LGBT people. Rather, it requires enforcement of the universally applicable guarantee of non-discrimination in the enjoyment of all rights.”**

UN Office of the High Commissioner for Human Rights<sup>9</sup>

## STATUS OF LGBTI PEOPLE UNDER INTERNATIONAL LAW

The human rights of LGBTI people are well established under international human rights law, as set out in the Universal Declaration of Human Rights and subsequent human rights treaties. Many states whose laws criminalize same-sex behaviour argue that the human rights of LGBTI people are ‘special’ rights or ‘fringe’ rights, with no basis in international law. As the UN Office of the High Commissioner for Human Rights has said, this is simply false.

All people, regardless of sexual orientation or gender identity, are entitled to enjoy the protections provided for by international human rights law, including, but not limited to, the rights to life, security of person and privacy; the right to be free from torture, arbitrary arrest and detention; the right to be free from discrimination and to equality before the law; the right to freedom of expression, association and peaceful assembly; the right to marry and found a family; and the right to the highest attainable standard of health.<sup>10</sup>

## LEGISLATIVE AND SOCIAL CHANGE

One of the major issues, and one which arouses debate among activists, is the order of change that is needed in the 31 sub-Saharan African states that still criminalize same-sex conduct. At its most basic, this concerns whether or not social change should precede legislative change, and what should accompany legislative change when it happens. According to the Cameroonian organization ADEFHO (Association for the Defense of Homosexuals),

*“On the one hand, community attitudes are informed by the law, but on the other hand, the continued criminalization is justified through community attitudes. It is a catch-22 situation.”*

<sup>11</sup>

The majority of activists we spoke to said that social change is more urgent than legal change. One Ugandan activist told Amnesty International that there is too much focus by local and international organizations on changing the law, and that *“what we need is*

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*programmes – education, health, employment.*"<sup>12</sup>

Alain\* from Cameroon pointed out that legal change will not solve everything: *"Even if the law is overturned, discrimination will remain. We need to sensitize people to change things."*<sup>13</sup>

The LGBTI Security Committee in Kampala echoed these sentiments, and emphasized that the government needs to take a leadership role:

*"Social change will not follow legislative change. The influence of culture and religion is very strong. If the government were to take a strong stance and publicly state that LGBT people have the same rights as all other members of society, then that would begin to shift attitudes. But first we need grass roots change. These (politicians) are only human beings. We need to educate civil society first."*<sup>14</sup>

Steve Nemande, a practising medical doctor and, up until January 2011, director of Alternatives Cameroon, pointed out that even though Cameroon law outlaws same-sex conduct,

*"Often, judges, police officers and civil servants will say that as Christians, they know homosexuality is a sin and against nature. Most often there is no legal argument. But they speak and use their personal beliefs in their professional work, and bring the moral and religious aspects to bear. This is why the most important thing is social change, and not legal change."*<sup>15</sup>

Other activists – particularly in countries where the law is frequently used to target LGBTI individuals for arbitrary arrest and detention – believe that the law must change first. Two lawyers who work to defend people accused of having engaged in same-sex conduct in Cameroon strongly believe that the law needs to change first. Michel Togue said, *"First the law needs to change, as the law is the main argument that everyone uses."*<sup>16</sup> Alice Nkom told Amnesty International that although a combination of education and social change is needed, legal change needs to happen first:

*"The government says that all the public is against homosexuality, and that they need to uphold traditional African values. Religious leaders do not help either. One cardinal signed a petition against homosexuality, saying that homosexuality is a tool for colonization. We need to be able to debate, and challenge these arguments. We have a big job ahead in educating people, but we need the law to change first."*<sup>17</sup>

The NGO Humanity First Cameroon spoke about the unique challenges facing LGBTI activists in countries where their activities and identities are criminalized:

*"The main problem is lack of training and the presence of discrimination. We can't talk about rights if we don't know what they are. There is discrimination in families, amongst neighbours, in the workplace, within the police, and in Article 347 of the law. At the last place where we had our office, people know that LGBT gathered there to meet. People used to come and shout, and say that we look gay, then they got physically violent. So we have a*

*problem both with the law and with social attitudes. Stigma and discrimination are increased by the law, but both aspects are important. The law is the first challenge, as it is used to justify homophobic attitudes. Training is needed for journalists, lawyers and the police, as well as non-LGBT human rights defenders. We also need the Human Rights Commission to mainstream the issue. Any time they come across a case of arrest, they say there is a law condemning [same-sex sexual activity].”<sup>18</sup>*

Although he stated that social change is more important than legal change, one Cameroonian activist raised the issue of the implementation and application of the law that criminalizes same-sex conduct in Cameroon:

*“I don’t have any hope that (Article) 347 will be overturned. It needs to be applied in a stricter sense. If it was, the police would not be able to arrest MSM [men who have sex with men] just for dancing or socialising. They would need to actually catch them in the act (of sex) itself.”<sup>19</sup>*

Of course, both legislative and social change are required in order that LGBTI people are able to claim their human rights, and ideally, both should happen in parallel. But the cultural and social context for different activists and groups differ widely, and so too will the targets and objectives for advocacy.

# DIFFERENT CONTEXTS, IDENTITIES AND NEEDS

## CHALLENGES IN CONTEXT

There are a wide range of challenges facing LGBTI activists throughout Africa. Activists work in environments where their sexual activity is criminalized, and where in practice their identities are criminalized too. This makes it very difficult to engage in advocacy without fear of arrest. As Anne Gathumbi from the Open Society Initiative for East Africa (OSIEA) told Amnesty International, *“Activists need to strike a balance between courageous acts and calculated risks.”*<sup>20</sup>

LGBTI activists face challenges from state actors, including arbitrary arrest and detention, and extortion by the police. They also face abuse by non-state actors, including violence, harassment and threats from neighbours and colleagues, frequent eviction from their homes, sexual violence, violent attacks and even murders, the inability to access appropriate health care, forced anal examinations by doctors, expulsion from educational institutions, and discrimination and harassment in the workplace. For activists in different contexts, the priorities for advocacy differ depending on what they see as the most important issues. What follows are different perspectives from activists on what the most pressing challenges are.

The Kenyan organization ISHTAR, a support group for male sex workers, MSM and transgender women, told Amnesty International that *“the only barrier is criminalization. There is still a fear for LGBTI individuals of being arrested. There’s also a fear for LGBTI individuals of coming to clinics that provide services for MSM and WSW [women who have sex with women] – people are afraid to be seen.”*<sup>21</sup>

In Cameroon, Steave Nemande told Amnesty International that the continuing arrests of gay men is the main barrier to his outreach work for MSM:

*“In early January 2011, there was a massive arrest in Douala, at the place where we used to do outreach work (at a bar). The police came to check our documents. Those people without documents were taken to the police station. The police returned later and took everyone to the police station at 2 or 3pm. The police clearly stated that they were arresting the men for their presumed homosexuality. The police afterwards told the owner of the bar that he was promoting homosexuality. His bar was closed for 3 months and he had to pay 300,000 CFA. Since this arrest, the peer educators have stopped doing work. It was a very useful space to give out condoms and provide outreach etc.”*<sup>22</sup>

Another very practical challenge Amnesty International was told about is the difficulty many

organizations face in becoming officially recognized. ADEFHO in Cameroon, for example, still has not received a registration number from the Government, despite applying in 2003. The wait time is usually two months. The Coalition for African Lesbians had their application for observer status at the African Commission on Human and Peoples' Rights rejected in 2010 (after having applied in 2008), and many Ugandan LGBTI organizations are not able to be registered in Uganda at all.

Human rights defenders working on LGBTI issues can often find that their work is blocked or challenged at many different levels. Alice Nkom, one of only two lawyers in Cameroon who is willing to defend LGBTI individuals from prosecution, faced an administrative complaint filed by the Minister of Justice with the Bar Council, because she had said in public that the Minister's actions proved him to be homophobic. The Minister complained that Alice Nkom does not deserve to be a lawyer, and that he would never forgive her for defending "homosexuals". When Amnesty International asked Alice Nkom why she does this work, she said: *"I am 66 years old. I have practised the law for 43 years. I have nothing to lose. The police know that I am not doing this for me."*<sup>23</sup>

Identifying challenges – and how to overcome them – is a key part of planning and carrying out advocacy work. See *Defining the Strategy* for more information on how to incorporate this into planning.

## SPECIFIC ADVOCACY CONCERNS FOR DIFFERENT POPULATIONS

Much of the advocacy efforts over the past decade have focused on decriminalization of consensual same-sex acts between adult men. This advocacy has been, and continues to be, necessary to the broader struggle for the full realisation of the human rights of LGBTI people – but it is not sufficient. This focus has often meant that the human rights of certain populations, such as lesbian women and transgender individuals, have been overlooked.

### LESBIAN WOMEN

Lesbian women face a broad range of challenges and oppression in many parts of Africa, not limited to the criminalization of their consensual same-sex sexual activity in several countries. In addition to the homophobia directed at them by neighbours, colleagues and family members, lesbian women are often subject to the added layer of violence, discrimination and inequality that many women throughout Africa face. The intersecting discrimination affects lesbian women in different ways, depending on class, socio-economic empowerment, race, education and degree to which they conform to concepts of how women should look, dress, walk, speak etc. One of the most common stories Amnesty International heard was that lesbian women are more often the targets of violence and harassment within the home, from family, neighbours and colleagues, rather than by state forces. Humanity First Cameroon, an organisation providing sexual health services, told Amnesty International:

*"For lesbians, there is the problem of denunciations by families, and psychological violence. Often families will send their daughters to traditional healers to try to "heal" their lesbianism. And corrective rape is also a big problem. Butch women especially are targeted by their families. Some lesbians have fled their homes before being evicted. Some hide their sexual orientation. Most are dependent financially on their parents. Violence against lesbians is very prevalent."*<sup>24</sup>

Family members, neighbours, religious leaders and other community members feel entitled to 'police' and 'punish' women's behaviour to a much greater extent than they do that of men. Another NGO, Ladies First in Cameroon, concurred that the main problems arise from the families and neighbours of lesbian women:

*"The first challenge is that we face discrimination from neighbours and families. Many of us have to hide our identity from society because of discrimination. Sometimes if families are aware of sexual identity, they try to hide it from the wider family. It is very stigmatizing to have a lesbian daughter in the family."*<sup>25</sup>

Steve Nemande told Amnesty International that whereas gay men are mainly targeted by the police, lesbian women face violations from their immediate environment:

*"Discrimination is the overarching theme in Cameroon. Lesbians are subject to abuses and discrimination from their direct environment. They are often not visible, but get a lot of harassment from parents, friends, school mates and neighbours. Women playing football face a lot of discrimination. Gay men, on the other hand, are targeted more by the police, and are often arbitrarily arrested and detained/imprisoned. The similarities between lesbians and gay men in terms of how they are treated – they are both thought to be evil, and when people find out, they are subjected to discrimination, they are evicted and lose their jobs."*<sup>26</sup>

The health and reproductive rights of lesbians are frequently violated, and their health needs are commonly overlooked or denied. A common misconception is that lesbian women are not at risk of cervical cancer, HIV or other sexually transmitted diseases. In Kenya,

*"Lesbians are less able to enjoy reproductive rights, but many women in general die in childbirth in Kenya. A particular challenge for lesbian women is around health. There are a lot of gaps in health knowledge and information as well as limited access for lesbians. Many lesbians are married (to men), and this creates many more issues. There are additional issues for poorer lesbians, especially where they are not gender conforming, who are subject to discrimination and attacks. For gender conforming women, intimacy between women is not necessarily frowned upon. But for gender non-conforming women in rural areas, it is much more difficult. It would be good if Kenyan lesbian organizations addressed issues of choice, pleasure, sexual rights."*<sup>27</sup>

In 2013, Freedom and Roam Uganda (FARUG) - a human rights organization that addresses discrimination against lesbian, bisexual and transgender women in Uganda- published a report on the access to sexual and reproductive health and rights for LGBTI people and WSW in Uganda.

*"[I]t is clear that there is a need to educate and equip sexual minorities with information regarding their right to health. Health workers, likewise, need to be educated on the existence of sexual minorities. It would be helpful to remind them that since Uganda is a signatory to human rights treaties they have a mandate to stop discriminating against people for any reason when it comes to health care. They must know that each and every individual deserves equal access and treatment irrespective of their sexuality or sexual choices. It*

*would also be extremely beneficial for both the business of the health care workers and accessibility to services for LGBTI folks if a database was established to identify LGBTI friendly service providers and health care centers.*

*“Finally, it is extremely crucial that advocacy and lobbying of the Government to include sexual minorities in the national health programs be stepped up. Health care professionals, Government officials, and Advocates for SRHRs [sexual and reproductive health and rights] must revisit the health policies and develop a strategic advocacy plan to include health issues affecting LGBTI persons. The idea that Trans and intersex identities are a myth to the medical personnel must be reversed and challenged. And lastly, there needs to be much more awareness and education about the complexities of SRHRs for LGBTI people and those who are responsible for providing comprehensive and quality health care services.”<sup>28</sup>*

In Kenya, Artists for Recognition and Acceptance (AFRA-Kenya) is engaging in a project to document the experiences of lesbian and bisexual women in Kenya, for the purpose of developing targeted health strategies. The AFRA activists we talked to said that while there is now a substantial amount of information and statistics for men who have sex with men (MSM), there is a glaring absence of targeted information for and about women who have sex with women (WSW). The common response they get from mainstream health organizations and HIV organizations is that lesbian women are not at risk.<sup>29</sup> In 2012, they produced a documentary, ‘I Am Mary’, highlighting the experiences of a lesbian woman living with HIV.<sup>30</sup>

Gender norms play a large part in determining how at risk specific lesbian women are from violence. Often, women are targeted because they look masculine, or butch, rather than for their actual sexual orientation. Of course, whether a woman was attacked because of her perceived contravention of gender norms, or because of her sexual orientation, or because her appearance led the perpetrator to believe she was a lesbian, or a combination of the above, is often hard to ascertain - and irrelevant to the fact that such violence must end. A Kenyan organisation, Minority Women in Action, told Amnesty International:

*“In terms of security, we talk to our members about actions they can take to minimise attacks. For example we advise them to not be rowdy or obnoxious in bars etc. We’ve also developed a security tree. Lesbians in Kenya have a lower risk of being attacked than gay men. But it is harder for butch women. Men feel comfortable generally with female intimacy, but not with butch women. This is more about gender norms than sexuality. For example, if there is a butch woman with a beautiful femme woman, a man will fight back for what he perceives to be ‘his’. We conduct workshops on violence, hate crimes and same-sex domestic violence. We engage in public forums, and we create lots of activities for lesbians. This is essential for empowerment.”<sup>31</sup>*

Sexual violence is a serious problem affecting lesbian women. In South Africa, levels of sexual violence – including murders - against lesbian women remain alarmingly high, while survivors of sexual violence – or the families of women who have been killed – are often unable to obtain justice. And in Cameroon, Steave Nemande told Amnesty International that,

*“Lesbians are more frequently subjected to rape. I know of one case where a girl was raped by police officers after two lesbians were arrested at a hotel following an argument. Following the rape they still had to bribe the police to be released.”<sup>32</sup>*

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There are a number of strategies and projects in South Africa to empower lesbian women, and to put an end to the violence. The Hate Crimes Working Group has identified the need for three “necessary interventions”. These are:

*“1) reforming the policing of hate crimes, 2) improving the judicial response to hate crimes and 3) develop improved monitoring of cases of hate crime.”<sup>33</sup>*

The Forum for the Empowerment of Women have developed a pilot project working with police in one township, and they run a leadership programme for young black lesbians, which has 20 participants from across South Africa:

*“It is a three-year programme. The first year, the women reflect on their situation, on how to access information, on feminism. Sometimes the personal reflection and life history can be too horrific to recount. The second year is more academic, focusing on the importance of research, and how to start their own organizations etc, research skills. The third year focuses on upskilling.”<sup>34</sup>*

## TRANSGENDER AND INTERSEX PEOPLE

Advocacy that focuses on decriminalization of same-sex relations often overlooks the broad range of human rights violations faced by transgender and intersex people throughout Africa.<sup>35</sup>

Some transgender individuals have same-sex relationships and same-sex sex, and so are affected by the criminalization laws, but many heterosexual transgender people find themselves the target of the provisions that outlaw same-sex behaviour all the same because of their appearance, or their identity.

Transgender individuals are also subjected to a litany of other laws – including against cross-dressing, vagrancy, prostitution, and public nuisance – that, whilst not necessarily developed to target them, are used and misused by governments and police to target them, and other individuals who do not conform to gender norms.

*“Trans people get attacked more frequently. Most attacks are based on non-conformity. The ‘impersonation laws’, which were originally designed to target theft and fraud, are now used to target trans individuals. The police also use ‘vagrancy’, and ‘loitering with intent’ laws to target trans and sex workers. People forget that the sodomy law is just one law. Many others are used to target LGBT people.”<sup>36</sup>*

Transgender people are also subject to very high levels of violence from neighbours, colleagues, family members and strangers in the street. Due to very limited, and in most cases, the absence of, access to legal gender recognition, hormonal assistance and medical and surgical gender reassignment surgery, trans people in Africa are often unable to “pass” as their identified gender, making them targets for violence. Individuals who transgress gender norms in appearance, behaviour or activities are often subjected to discrimination, harassment and violence.

In addition to the absence of legal and medical gender change, other health needs of

transgender individuals—whether related to their trans identity or not—are frequently overlooked or denied in many African countries. Amnesty International was told by FARUG in Uganda that trans men who bind their breasts often get infections. They are unable to go to the hospital for fear of being reported to the police for their identities.<sup>37</sup> In South Africa, Amnesty International heard that trans women often use illegal hormones when the legal ones are inaccessible. They use contraceptives, for example, and other drugs that may be contraindicative to prescribed medication, including HIV medication.<sup>38</sup> Even though transgender identities are not criminalized in South Africa, transgender people still have severe problems accessing health care, as well as violence by non-state actors. Robert Hamblin, then of Gender Dynamix, an organisation supporting transgender people in South Africa, told Amnesty International:

*“One current big problem is that the transgender team at the main hospital can only do four gender reassignment surgeries per year. So we have lots of people on a hormonal programme, but on a waiting list for surgery. This is the only hospital in the country to do surgeries.”<sup>39</sup>*

Other concerns for trans people in South Africa have to do with socio-economic disempowerment, unemployment and discriminatory attitudes and hostility towards trans people, as well as a lack of awareness amongst the police, lawyers and judiciary. Gender Dynamix told Amnesty International of a case of a trans woman fighting for custody of her child: *“The judge didn’t know what ‘transgender’ meant. He said ‘what rubbish is this?’ Her child very nearly landed in foster care.”<sup>40</sup>*

The exclusion and marginalization of trans individuals does not just happen within mainstream society. It can also happen within LGBTI communities. According to Gender Dynamix, *“A big part of our work is within the LGBTI sector. Lesbian, gay and bisexual individuals need to realize that trans is not just ‘sub-gay’.”<sup>41</sup>*

Intersex individuals – who possess genital, chromosomal or hormonal characteristics which do not correspond to the given standard for “male” or “female” categories of sexual or reproductive anatomy – also face distinct oppressions. In some countries, they may be targeted under the laws criminalizing same-sex sexual activity, and they may also be targeted because of their appearance, or their apparent non-conformity to gender norms.

Infants who are diagnosed as having an intersex condition at birth may be subjected to genital surgery or pharmaceutical procedures to “correct” their genital presentation.<sup>42</sup> The surgery and the early gender assignment can result in serious emotional and physical trauma to the individual, and often results in significantly reducing sexual sensitivity. It can also very often result in the loss of fertility, and can in some cases cause urinary tract problems. Many intersex individuals assigned a particular gender in infancy often later realize that they do not identify with the sex and gender they were assigned.

Intersex individuals may also experience violations of their right to health when seeking healthcare, as a result of health professionals’ prejudice, fear or lack of knowledge about healthcare requirements for intersex people. As FARUG has said, *“the idea that trans and intersex identities are a myth to the medical personnel must be reversed and challenged.”<sup>43</sup>*

Even where intersex individuals have not undergone "normalizing" or "corrective" medical procedures, as adults or as children, the very fact of possessing an intersex body can, in some cases, lead to discrimination, exclusion and violence. An intersex individual who was detained in a Kenyan prison was subjected to "*humiliating and invasive body searches*" that were "*motivated by an element of sadism and mischievous curiosity, to expose the petitioner's unusual condition.*"<sup>44</sup> The individual's genitalia were exposed in the presence of others, leaving the individual open to contempt and ridicule within the prison. In 2010, the High Court of Kenya found that this treatment violated the petitioner's constitutional right to protection from degrading and inhuman treatment.<sup>45</sup>

## **MULTIPLE OPPRESSIONS**

One essential point to note when engaging in LGBTI advocacy is that this advocacy is never on behalf of one homogenous community. Not only do lesbians have different advocacy needs to gay men, or to intersex individuals, but each lesbian, bisexual, gay, trans or intersex person may have different needs according to a range of other factors, including, but not limited to, race, class, religion, ability, education and socio-economic empowerment. According to Cherith Sangar, then of the Women's Legal Centre in Cape Town:

*"Whilst the South African Constitution, lists various grounds on which unfair discrimination is prohibited including on the grounds of gender and sex, hate crimes legislation should put in place measures to recognize and address intersectional discrimination and the impact of multiple grounds of discrimination which exacerbates the experience of unfair discrimination."*<sup>46</sup>

The Durban Gay and Lesbian Health and Community Centre told Amnesty International about some of the tools and strategies they have used to ensure that different women's needs are taken into account when providing education or training around issues of sexuality and sexual health:

*"We have produced various materials, coming out booklets and materials on sex and sexuality – encouraging safe sex but also ending stigma around sexual practices. We have also highlighted some of the misconceptions around the use of the term 'corrective rape'. We try to also educate heterosexual women about safe sexual practices, letting them know that everybody is vulnerable. We take them through a journey of sexual orientation and gender identity. We do needs assessments with Black and Indian women, looking at how culture further marginalizes and discriminates against them. We've also been assisting in a number of individual hate crime cases."*<sup>47</sup>

It is also important to recognise that different groups may have different priorities for advocacy. Activists from the One in Nine campaign staged a 'die-in' protest at Johannesburg Pride 2012, asking for one minute's silence to pay respect to the dozens of LGBTI individuals who have been killed over the previous few years in South Africa. This request was not granted by the Parade officials and members of the Parade board. Subsequently, the interaction between the protesters and parade officials turned ugly. One parade member yelled at the protestors to "*go back to your lokshins (townships)*", and one helmeted parade volunteer head-butted one of the activists. One in Nine also said they were protesting against

what they believe has become an apolitical and largely white event, focussed more on partying rather than advocating for an end to the endemic violence against LGBTI people in South Africa.<sup>48</sup>

# PERSONAL SAFETY AND SECURITY

It is hard to be an effective advocate without having made provisions to ensure your personal safety, the safety of the people you work with and the safety of your organization. In order to do this, activists should consider three elements of safety: physical security, digital security, and self-care. All three of these elements are crucial for safety and all activists should take steps to ensure they are able to carry out their work without compromising these.

For LGBTI human rights defenders, the threats to their personal safety come not just from governments or police. They also often come from neighbours, colleagues, family members, landlords, or even former sexual partners. One of the key challenges for many LGBTI activists in Africa is finding a safe space in which to work, and in which to live.

## PHYSICAL SECURITY

Individuals engaged in human rights advocacy work often do so at great personal risk, and LGBTI activists in particular often face serious threats to their physical safety. Activists should take this risk seriously and ensure that they regularly assess the risk to themselves, while at work but also at home.

Frontline Defenders, an organisation supporting human rights defenders around the world, have created a Protection Manual for Human Rights Defenders, which covers areas such as assessing risks, responding to incidents, and preparing and implementing a security plan. Amnesty International urges activists to read this manual in detail.<sup>49</sup>

The risk levels are different for every individual and may change suddenly and rapidly or slowly over periods of time. Individuals should assess their own level of risk but also seek out help if they need it.

Resources which may prove useful are listed below:

- Protection Manual for Human Rights Defenders, Frontline International, 2005<sup>50</sup>
- Protection Manual for LGBTI Defenders, Protection Desk International, 2010<sup>51</sup>

## DIGITAL SECURITY

Both state and non-state actors may try to gain unauthorized access to digital information – in order to view databases of activists, of LGBTI individuals, organizational strategy, plans and finances. This has the ability to negatively impact on advocacy efforts, but it also, more critically, poses a threat to the privacy and safety of LGBTI individuals who might be listed on such databases.

In Uganda in July 2011, just a few months after Amnesty International's meeting in 2011 with FARUG their offices were broken into by unknown persons. No members were present at the time, but given the items that were stolen, it is probable that whoever broke in was after their data. It is also possible that they intended to intimidate the staff upon their return. The founder and then director of FARUG, Kasha Jacqueline Nabagesera, said in a press release at the time,

*"Five computers, two printers, server, microwave and some [documents] including the members' electronic database were stolen. A jerrycan of acid, one computer, all padlocks filled with acid and a huge metallic pipe were left in the compound. The office lines were also taken."<sup>52</sup>*

For more detailed information on digital security, Amnesty International refers activists to a resource produced by the Tactical Technology Collective and Frontline Defenders called Security in-a-box<sup>53</sup>: It outlines, amongst other things, how to protect your data from physical threats, but also from malicious software (malware) and hackers, how to protect (and destroy, where necessary) sensitive information, how to use a mobile phone securely, and how to keep your internet communications private.

## SELF-CARE

**"Caring for myself is not self-indulgence, it is self-preservation, and that is an act of political warfare."**

Audre Lorde, activist

An element essential to effective and sustainable advocacy - which is often overlooked, but which is crucial for successful activism - is the mental welfare of activists themselves. Serious physical threats, government intimidation, violence and imprisonment, means that there is a high burn out rate amongst LGBTI activists in sub-Saharan Africa. Speaking about activists in South Africa, Professor Juan Nel from the Department of Psychology at the University of South Africa and member of the Hate Crimes Working Group, told Amnesty International:

*"There are lots of burnouts of lesbian activists here. We need to work out ways to sustain advocacy, and how to ensure that these activists have the skills and know-how to take care of themselves."<sup>54</sup>*

Often, organizations have one leader who is the public figure of the organization, and who is subject to more threats, public scrutiny, and harassment by the broader public than other members of the organization with a lower profile. Having one leader can be good for media consistency, but it can also be detrimental to the organization in the long run if that cannot be sustained, as well as detrimental to the individual involved. It can create a leadership void if the person leaves, and can create burnout and exhaustion because of all the pressures on the one public face of the organization. Fostering leadership is important, and sharing out the responsibilities amongst other members of the organization can relieve some of the strain and pressure on individuals, and ensure organizational sustainability in the long run. As Jane Barry writes:

*"Sustainability is about being able to do the work we love, while still feeling full and happy in*

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*every part of our lives. It's about feeling safe, feeling connected, feeling recognized, respected, and valued—for who we are, as much as for what we do.*<sup>55</sup>

Self-care is also important for activists who are under enormous pressure. As writer and activist Jessica Horn writes:

*“Social change is a process of transforming ourselves as much as it is about supporting transformation in others. Feminists call this principle ‘the personal is political’; in black consciousness the motto ‘black is beautiful’ and a call to ‘decolonize your mind’ also asserts this principle of self-reflection and affirmation. Self-care and supporting our well-being is a central component of this transformation, and necessary to sustain each of us as activists and to sustain our activist movements. This includes taking care of our physical health and well-being and our mental health as well as issues such as personal security. It also means developing positive ways of relating to our own bodies, sexualities and identities.”*<sup>56</sup>

It is valuable for Individuals engaged in advocacy to take time to ensure that they attend to their own physical and emotional needs, and challenge the perception of the “selfless activist” who devotes all their time and energy to their work. Self-care is not selfish, nor is it time spent not doing “more important” work: it is a vital part of activism.

It is important to learn to recognize the signs of burnout<sup>57</sup> – in oneself as well as in one’s peers – and take time periodically to review and reflect. What are you doing, why are you doing it, and who are you doing it for? Accept that there will inevitably be setbacks and disappointments in your work, and take time to acknowledge, reflect and learn from these experiences. Build strong relationships with peers and other activists – but also take time for relationships outside of your activism.

Organizations and groups can also ensure that they create an atmosphere where self-care is encouraged and valued. Creating safe spaces and building space for self-care into work is vital to ensure that individuals – and the group as a whole – do not burn out. It is easier to take steps to prevent this than deal with burnout when it happens. Investigate external resources for support and respite, but also create internal support systems. Share responsibilities, build trust, and create a vision of success – and take the time to celebrate your successes.

Many of the following resources were written to address the needs of women human rights defenders, but activists of all genders may find them useful.

- Bernal, Marina, Artemisa and Elige. *Self-Care and Self-Defense Manual for Feminist Activists*. New Delhi: CREA, 2008.<sup>58</sup>
- Women Human Rights Defenders' Security Strategies: *Insiste Persiste Resiste Existe*, JANE BARRY with Vahida Nainar, 2008, Urgent Action Fund for Women's Human Rights, Front Line - The International Foundation for the Protection of Human Rights Defenders, and The Kvinna till Kvinna Foundation.<sup>59</sup>

- Jane Barry with Jelena Đorđević, 'What's the Point of Revolution If We Can't Dance?', 2007, Urgent Action Fund for Women's Human Rights.<sup>60</sup>
- Jane Barry, 'Integrated Security: The Manual', 2011, The Kvinna till Kvinna Foundation and Urgent Action Fund for Women's Human Rights.<sup>61</sup>

# FINANCIAL RESOURCES

## ECONOMIC EMPOWERMENT

The socio-economic situation of activists, and of the countries in which they operate, can have a profound effect on their ability to undertake effective advocacy. Levels of economic empowerment can determine safety, and organizations obviously find it difficult to operate safely and effectively without steady incomes.

### THE IMPACT OF POVERTY

As Denis Nzioka, then with Gay Kenya, told Amnesty International:

*“Poverty is the new black. If you are a gay man, have a stable income, a partner, a house, a car, and are economically stable, you will face less homophobia than a gay guy living in Kibera. In slums, no one is out, and many gay men do sex work, which obviously raise issues of access to health and HIV risk. The rates of HIV infection are very high. There is now a support group for HIV positive male sex workers.”<sup>62</sup>*

Issues of race are closely connected to socio-economic empowerment in South Africa. A large number of black lesbians have been attacked in townships, but over the last two years there has also been a series of murders of white gay men in more affluent suburbs.

Poverty is also a problem on a broader societal level. According to Gay Kenya, *“Poverty is a huge driver of homophobia.”<sup>63</sup>* An activist in Nairobi explained that one of the main barriers to effective advocacy is *“poverty, and not just for LGBT people, although they are more vulnerable.”<sup>64</sup>* Similarly, Bishop Senyonjo in Uganda told Amnesty International that he believes poverty has a lot to do with prejudice – both the poverty experienced by the broader population, and economically disempowered LGBTI people. His organization tries to focus on economic improvement for LGBTI people, providing opportunities and access to income.<sup>65</sup>

### ECONOMIC DEPENDENCE

Amnesty International was told that in Cameroon and in Kenya, many LGBTI people are still living with their parents in their late teens and twenties. Most of these people do not have supportive families, and so coming out, accessing health services, and keeping safe from family and neighbour-based violence related to sexual orientation or gender identity, can be very difficult. *“An additional complication is when gay people are still economically dependent on their parents.”<sup>66</sup>* Activists in Nairobi told Amnesty International that many lesbian women they worked with were aged 17-24, and most were in college, still living with their parents and did not have jobs.<sup>67</sup>

## FUNDRAISING

Resources are a huge issue for most LGBTI organizations. Funds are needed for campaigning and advocacy, but also for space in which to operate, and for ensuring safety and security of activists, premises and data. The Security Committee in Kampala told Amnesty International “it is a matter of resources. The anti-LGBTI movement can afford more.”<sup>68</sup> In Cameroon,

*“One of the critical issues is space – where organizations and LGBT people can meet. We hold weekly meetings in a house of one of our members. This is near Douala in a neighbourhood near the airport, as we do not have an office yet. We work with 10-15 LGBT people trying to discuss issues of basic rights. We discuss how to react in case of arrest, what to say, what not to say, and the issue of HIV prevention, as many gay men think they are not at risk of HIV. Activists also need basic tools, like materials, laptops etc.”<sup>69</sup>*

Securing an ongoing source of funding is a serious concern for many LGBTI organizations, which are often staffed by volunteers who have full time jobs. Some organizations are successful at fundraising, either from donor organizations based in Africa or elsewhere. But relying on donors can have the effect of directing the advocacy agenda to one particular issue, for example HIV and MSM, or decriminalization, to the exclusion of other vital issues. FARUG in Uganda told Amnesty International that “it is important for donors to look at STDs [sexually transmitted diseases] and cancer when it comes to LGBTI people, rather than just HIV and MSM.”<sup>70</sup>

The process of obtaining donor funding comes with its own challenges, and organizations may wish to seek out resources or training on how to do this. Some organizations that may be able to provide assistance are listed at the end of this section.

Some organizations are now focusing more on developing financial management skills and organizational capacity. One is advocating the development of microfinancing projects – seeking to enable LGBTI organizations to become self-supporting, so that their activities are not donor directed and they have financial security.<sup>71</sup>

### FUNDRAISING TIPS

- Ensure that the plans for the work that you are seeking funding for are well-developed – define what you need the funding for, over what time period, and what you will achieve with it.
- Research potential donors: look at what other projects they fund, and from whom organizations doing similar work to yours obtain funding.
- Seek out and build relationships with existing and potential donors, for example by attending events that the donors organize, or inviting them to your own events.
- Plan and set out a clear budget and timeframe for the work.
- Ensure you will have strong systems in place for managing grants, monitoring and evaluating the work, and reporting to the donor. If you can show that you can manage the

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donor's investment successfully, they are more likely to continue to support you.

### RESOURCES

- The Resource Alliance – works with organizations on financial sustainability.<sup>72</sup>
- Fahamu – resources for grant-seekers in Africa.<sup>73</sup>
- [www.fundsforngos.org](http://www.fundsforngos.org) – online information and resources about grants.

## APPROACHES TO ADVOCACY

It is clear that advocacy for the rights of LGBTI individuals poses a unique set of challenges. How such advocacy is conducted, and by and for whom, is of critical importance. Visible and public advocacy can sometimes be the most appropriate, but at other times it can be detrimental. In Kenya, ISHTAR told Amnesty International:

*"We are more effective when we are quiet otherwise we attract attacks by religious leaders and politicians. We need to engage in advocacy in the diplomatic, quiet way."<sup>74</sup>*

In contrast, Humanity First Cameroon told Amnesty International:

*"Behind the scenes advocacy is not enough. We need to integrate the wider population and explain sexual orientation and gender identity issues to them. Even if they don't accept immediately, change will happen slowly."<sup>75</sup>*

Equally, what angle organizations choose to use in their advocacy at any given moment, or for any given campaign or advocacy goals, is vital, and will depend on each country's context. Advocacy can be quiet or loud, national or international, or can focus on particular rights, like the right to health, or the right to privacy. And it can, of course, combine a variety of different angles and approaches. Advocacy in Kampala, for example, may need to be approached differently from advocacy in Yaoundé, and advocacy in Mombasa may need a different angle to advocacy in Nairobi. Activists in Kenya told Amnesty International that Kenyan politicians recognise the right to health and it is easier to find safe spaces in Kenya than in other countries in East Africa, and that relations with the media are easier. There is also a long history of support from women's movement.<sup>76</sup>

It is very important to always have in mind the advocacy goal, the advocacy audience, factors that will influence the advocacy, and the local and national context in which your organization is situated. Understanding all these factors will help you determine how you shape and conduct your advocacy as discussed above: either in a public and very open way or using diplomatic and quiet processes. This section will provide a few examples of different angles of advocacy that have been used in several countries, and will also provide activists' insights into what has and has not worked.

### CHALLENGING LAWS IN THE COURTS

Challenging the laws criminalizing same-sex conduct is in theory the most direct route to decriminalization, though in practice not always the safest or most expedient way. In fact, decisions about whether, when and how to challenge criminal laws directly is of utmost importance to prevent further criminalization, violent backlashes, or both.

The Gay and Lesbian Coalition of Kenya (GALCK) told Amnesty International that in Kenya it is important that strategic litigation be undertaken to have the Supreme Court declare that the penal code provisions criminalizing same-sex conduct<sup>77</sup> are unconstitutional:

*“We want to create an environment where it is safe and possible to directly challenge the laws. We’re not going to debate on whether homosexuality is African, but we are going to say that criminalization is foreign, un-African. We will go to court to seek interpretation of the equality provision, as to whether it includes sexual orientation. This will be a long process. We will need to collect affidavits from LGB people, and conduct research to show that these laws have a negative impact on people. We also want to support gender minorities and intersex status by advocating for a legal and social environment where they can live a full life. We are an LGBTI representing organization and believe that oppression on the basis of gender identity and sexual orientation are so interconnected that it would be a sin to implement strategies only geared towards eliminating one facet of that oppression.”<sup>78</sup>*

Other activists talked about a broader range of opportunities in relation to the Kenyan Constitution:

*“The new Constitution provides us with quite a few opportunities. It opens doors and allows alliances to be created regarding the rights of women, the right to health, etc. With the right to health, the argument has been that the state, and health providers, cannot discriminate against anyone in the provision of medications. The new Constitution has also opened up a lot of doors in relation to strategic litigation – it has enlarged the space. For example, you can now sue as a group of people. It is key for LGBT rights to be informed by constitutional developments.”<sup>79</sup>*

Amongst activists in Kenya, there are differing opinions as to whether or not to focus on decriminalization as an advocacy goal. Denis Nzioka told Amnesty International:

*“The sodomy law is a barrier but it is not the main one. If people push for decriminalization, gay people won’t come out the next day, nor will Kenyan families immediately accept gay sons and daughters, nor will there be gay pride the next day. It won’t change attitudes immediately. Even with the law as it is, the situation is not all that bad. We need to be aware that a campaign for decriminalization could raise the red flag, and create a culture of homophobia. (We) have to be aware that in any decriminalization campaign, any gains will encounter sacrifices. The problem is that most people are focusing on decriminalization. I want gay people to feel comfortable with who they are, and not belittled, stigmatized. Decriminalization is a side issue. We need change in the boardrooms and social change before the law changes. In South Africa, the opposite happened. The law changed first but then people didn’t follow. In Kenya, on the ground, this would be chaos.”<sup>80</sup>*

In Cameroon, one activist told Amnesty International that:

*“the whole issue of decriminalization really is a matter of targeting the judiciary first, for example, bringing a case before the Supreme Court to declare Article 347 of the Penal Code unconstitutional.”<sup>81</sup>*

And in Uganda, efforts have focused on preventing further criminalization in the form of the Anti-Homosexuality Bill, first introduced in 2009, rather than on advocating for decriminalization.

## THE RIGHT TO HEALTH

The criminalization of same-sex conduct means that even if health care is available, is it often inaccessible for LGBTI individuals. The fear of being "outed" or denounced in the act of accessing health care deters many from attempting it, or drives them to go through convoluted means to do so. For example, one activist Amnesty International spoke to in Cameroon regularly sent HIV medication in the mail to his gay male friend living in a rural area, because his friend was afraid of being denounced by doctors.<sup>82</sup>

The consequences of this mean that many crucial health services for lesbian, gay and bisexual people are either not accessible, or not available at all. The situation for transgender individuals is often just as dire. Many countries in sub-Saharan Africa do not provide for any access to legal or medical gender change for those individuals who would like it. Transgender individuals are also subject to very high levels of violence and harassment by state and non-state actors, limiting their ability to access medical care not related to gender reassignment.

The national HIV prevention and treatment plans in many African countries do not refer to groups which are particularly vulnerable to HIV infection, such as men who have sex with men (MSM), or to the particular health needs of lesbian and bisexual women. Transgender people, too, are frequently overlooked.

Focusing LGBTI advocacy on the right to health is an approach that has been used in a number of countries, with notable success in some. This approach involves convincing the public, lawmakers, health service providers, and in some cases religious leaders, that everyone has the right to the highest attainable standard of health, and that by preventing some parts of the population from exercising this right, the health of the broader population is at greater risk. Activists in Kenya have had some successes using a health approach and showing linkages between different populations of gay, heterosexual and bisexual people.<sup>83</sup>

In the case of Kenya, whilst the health advocacy approach has not yet resulted in decriminalization, it has resulted in increased services for men who have sex with men (MSM), reduced stigma and discrimination, and opened up spaces in which issues of sexuality can be discussed.

According to ISHTAR:

*"Dialogue with faith based organizations is key. We foster dialogue around health rights for all. Our argument is that if you leave one element of society out, you're still not controlling HIV. The dialogue around 'human rights' distances people. People will listen to health rights though. You need to educate society."<sup>84</sup>*

In Uganda, many activists are increasingly focusing their advocacy on sexual health. Amnesty International spoke with Dismus Aine Kevin, founder of the Rainbow Health Foundation in

Mbarara:

*“Mbarara is very conservative. With my own sexuality, I try not to let it out, even with my own family. I try to find a way to not make it pronounced. Our organization focuses on sexual health rights. Working on sexual health is usually more accepted in Uganda than working on gay rights. We held one workshop in 2010 where we opened up a discussion and showed a film.*

*In rural areas there are a lot of bisexual men, but there’s no education so they don’t use protection. Our foundation provides services, support, and we are trying to get funds for a resource centre. In rural areas, there’s not much of an awareness about rights. That’s why we approach our work from a health perspective. We can’t get up on a pulpit and say ‘we want rights.’”<sup>85</sup>*

In Cameroon, Amnesty International was told by the organizations ADEFHO, and SID’ADO (Adolescents Against AIDS),

*“In order to reduce the rates of and help prevent HIV amongst teenagers, [we] have built a bridge between straight and gay communities, and are bringing together straight and gay youth. [We] also have focused on prevention, and providing access to condoms and lube.”<sup>86</sup>*

Steve Nemande is a member of the Country Coordinating Mechanism (CCM), appointed by the Global Fund to coordinate the response to the HIV epidemic in Cameroon. The CCM focuses on marginalized populations, such as MSM and sex workers. However, he says they have faced some difficulties in implementing their plans to ensure that HIV response work in Cameroon includes services for MSM:

*“In our proposal, one of the goals set out to fight stigma and discrimination against MSM. This was removed from the final version. The members of the CCM are not trained in stigma and discrimination against MSM, neither are the staff of the National AIDS Commission.”<sup>87</sup>*

No single approach can work in isolation. Many activists told Amnesty International that their health-based advocacy was just one strategy that was part of a broader whole. In Cameroon, barrister Alice Nkom told Amnesty International that:

*“the Global Coalition Against AIDS is doing good work in Cameroon, including with MSM, but that the effort will fail if people cannot be free.”<sup>88</sup>*

Indeed, some activists thought that a focus on public health to some extent prevented a more holistic rights-based approach to advocacy. In South Africa, Professor Vasu Reddy told Amnesty International:

*“Much of the LGBT work is driven by public health model, as this is where the funding is. But we need to work out how to insert a rights-based approach.”<sup>89</sup>*

## CHANGING ATTITUDES

One approach that some activists told Amnesty International had been helpful to change attitudes is that of "humanizing" LGBTI people in the minds of the broader public. The East and Horn of Africa Human Rights Defenders Project (EHAHRDP) said that showing LGBTI people in their professions, as doctors, farmers, mechanics or lawyers for example, served to show the public that being gay or lesbian or transgender is only one part of a person's make up, and served to emphasize the commonalities between LGBTI and heterosexual people.<sup>90</sup> For Denis Nzioka, the then spokesperson of Gay Kenya, humanizing LGBTI people to the broader public has been key to many of the advocacy gains in Kenya:

*"For years in Kenya we have tried to emphasize the similarities between people. In the beginning, the media dealt with the issue in very stereotypical ways, for example by writing about 'muzungus' (white people) going to Mombasa to meet boys. Now, though, we have cultivated a very strong media presence. We have worked hard to counteract negative stereotypes. I have shown me going to church, work, school etc. We need to give positive impressions of LGBT people, to show that we are everyday normal people."<sup>91</sup>*

A big part of advocacy that seeks to change attitudes to LGBTI people is one-to-one storytelling, and persuading people through contact with LGBTI people or their allies. In Cameroon, Alice Nkom told Amnesty International that the personal approach is key, and related a conversation she had recently had with a female traditional chief in the country:

*"After the chief proudly said that she had expelled someone from her house who [said] he was gay, I explained to her all about sexual orientation. She eventually admitted that she had been wrong."<sup>92</sup>*

One strategy some organizations are utilizing in order to humanize LGBTI people in the eyes of the broader public is linked to highlighting the positive contributions of LGBTI individuals to the local economy. Some organizations have developed economic empowerment programmes for their members. The rationale for such programmes is that if people start recognizing LGBTI people for who they are and their professions, and their sexuality as simply one part of their character, then attitudes might start to change.<sup>93</sup>

This strategy can also help combat accusations that same-sex sexual activity is "un-African". Documenting historical examples of same-sex relationships, showing films or other media from our own or neighbouring countries produced by or featuring LGBTI people, can help to challenge attitudes that deny the existence of LGBTI Africans.

## DOCUMENTING HUMAN RIGHTS VIOLATIONS AGAINST LGBTI PEOPLE

African activists are increasingly using personal testimony to document human rights abuses and to tell their own stories, as well as to provide their own evidence of the negative effects of criminalization laws to governments, to regional and international human rights mechanisms, and to the broader public. Documenting human rights violations can be a key part of advocacy, helping to persuade people of the negative effects of punitive laws, discriminatory practices, and the incitement of hatred and violence against LGBTI people.

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Advocacy experiences and tools of LGBTI activists in sub-Saharan Africa

Minority Women in Action Kenya have undertaken a project to document violations. In addition, they are looking at case stories from between five to 15 years ago with the purpose of providing a documentary history on how LGBTI people live and have lived.<sup>94</sup> Similarly, the Coalition of African Lesbians told Amnesty International that authorship is very important, and that there should be an increasing emphasis on African organizations doing their own research and documentation.<sup>95</sup>

## COMBINING APPROACHES

Truly effective advocacy can never only rely on one element, or one approach. It should draw on a variety of strategies and approaches according to the particular aims and objectives, and according to the political, cultural and social context.

In addition to their intention to create a legal framework that encompasses the protection of LGBTI individuals, GALCK emphasized that, for them, there is a need to focus on building relationships and engagement, and on four key areas they have identified:

- *“Conducting civic education within and outside of the LGBTI community.*
- *“Facilitating the accessibility to competent and friendly LGBTI health services.*
- *“Sensitizing and educating the Kenyan media on sexual orientation and gender identity concerns.*
- *“Sensitizing religious leaders and key opinion shapers in the religious sector on sexual orientation and gender identity concerns.”<sup>96</sup>*

GALCK explained the key to effective advocacy in Kenya:

*“A large part of the advocacy here is putting the word out, to the community, to government and to health providers, that there are LGBT people out there. Kenyan activism is slow-paced, focused on building relationships and engagement. In Kenyan city suburbs, people are generally tolerant even if not accepting. The key to advocacy here is: interaction with LGBT persons; interaction with the community at large; engagement with culture, religion and beliefs; and using media and other campaigns.”<sup>97</sup>*

## CASE STUDY: COMPLEMENTARY STRATEGIES

Gay Kenya told Amnesty about the different strategies they use:

*“Gay Kenya was started in 2004, when gays and lesbians started coming together. At first it was just a social group - comprised of lawyers, journalists and professionals, mostly. We had to think about ways of engaging the media, so we set up the website Gaykenya.com, which was the first gay website in Kenya. We saw a lot of people going online between 2004 and 2008, and most people coming out over the internet. The website has been our main tool for advocacy. One milestone was a publication from one of our members in 2006 called ‘Understanding Homosexuality’. The next milestone was Gay Kenya having a spot at the World Social Forum 2007. We first got an office in 2008, just staffed by volunteers, but then active members started coming in person. Then we created a board of directors. We wanted*

*to have human rights as a part of our mandate, so we started undertaking human rights training for LGBTI persons in major towns. We have trained 100 LGBT persons so far. We still really need to reach people in rural areas. We now have a human rights and media group who document human rights abuses against LGBT people, and we are expanding the LGBT profile to include broader human rights work. This kills two birds with one stone, and creates a mutually beneficial relationship. For example, yesterday, two of us went to protest with banners about rising fuel prices. We joined the mainstream civil society. We also are about to publish 'My way, your way or the right way' – a domesticated version of the Yogyakarta Principles."<sup>98</sup>*

# STRATEGIC PLANNING

## FORMING A STRATEGY

In the pressured environment of LGBTI advocacy in Africa, planning medium and long term advocacy strategies can be difficult. In many countries, incidents happen that require the instant response of organizations, whether they are large or community-based non-governmental organizations. These incidents could be the arrest, detention or eviction of, or attacks against, LGBTI individuals, or they could be the burglary of or government-ordered closure of the organization itself. Such incidents are not only disruptive for the organization dealing with them, but they can have a profound psychological impact on activists.

Taking into account all the time and energy that may be needed to react or respond to various incidents and emergencies, organizations should set out their medium and long term advocacy goals, and what steps they will need to take in order to get there. This is important because it allows organizations to: (a) guide their own direction; (b) break down the advocacy into achievable and manageable parts; (c) develop the messaging that works; (d) deal with opposition before they encounter it; (e) put resources to the most effective use (f) carefully consider the timeline that is needed; and (g) identify what external players they may need to develop relationships with in advance.

Below are suggested steps that organizations can take in order to plan their advocacy strategy.<sup>99</sup>

### IDENTIFY THE PROBLEM

Examples could be:

- criminalization of same-sex sexual activity in Kenya
- increase in number and frequency of arrests of men believed to be gay or MSM in Cameroon
- increase in violent attacks against LGBTI people in South Africa, and the failure of the police to adequately investigate and bring to justice the perpetrators of such crimes

### ANALYSE THE CONTEXT

The context may be the political, social or economic situation, levels of discriminatory attitudes in a particular region or city, whether various media propagate hatred and violence, or whether they are willing to work with LGBTI organizations, what efforts have already happened, or are currently happening, to try to achieve the same or similar aim, and what backlash might result if the aim is achieved.

## SET THE AIM

The aim or aims should set out what you want to achieve. They should seek to address the problem identified, or one particular element of it. What the aim is will also depend on the strengths, capacities and resources of your organization, the political climate, how long you have to achieve the aim, what key relationships your organization has, and what support you can muster going forward, and an assessment of what impact reaching the aim would have.

## DECIDE OBJECTIVE(S)

The objectives will be a series of achievable stepping stones that your organization will take towards reaching the overall aim. It's sensible to ensure that your objectives are SMART – Specific, Measurable, Achievable, Relevant and Time-bound. These criteria will differ in different contexts.

The aim may be to repeal laws criminalizing same-sex sexual conduct, but this is not a SMART objective. An example of a SMART objective could be: *Within one year, obtain a commitment from the Minister of Justice that arrests under the law criminalizing same-sex sexual conduct will cease.* The table below shows how this example is SMART:

Specific	Define who and what should be involved, and where – in what region or jurisdiction - the objectives should be achieved.	<i>Targets a known individual – in this case, the Minister of Justice for the country – and asks for a concrete commitment.</i>
Measurable	Include indicators of success – how will you know if your goal has been achieved?	<i>Success is defined by whether or not the Minister makes such a commitment.</i>
Achievable	Set out how the objective can be completed – is your objective realistic?	<i>This is realistic if the evidence suggests the Minister may be receptive to advocacy on this issue. If he or she is not, then this objective may not be realistic.</i>
Relevant	Contribute towards the overall goal, fit in with your organization or groups' other priorities, and be suitable to the context within which you are operating.	<i>If this commitment is made, it is a step towards the final aim of decriminalization.</i>
Time-bound	Include a firm target date or time period by which the objective will be achieved.	<i>Success is defined by whether the Minister makes the commitment within the one-year target.</i>

## IDENTIFY TARGETS

Targets are the individuals or institutions the organization needs to (and can) influence to

achieve the aim. They could be local, national, regional or international. There could be one target or several. It is crucial that when targeting someone to make a particular commitment or take specific action, it is clear that it is within their power and authority to do so. Often calling on a whole group of people to take an action means none of them will.

Examples could include the Parliament, one or more ministers of government, the president or prime minister, the Minister of Justice, a particular police department or jurisdiction, a corporation, parents of LGBTI people, the population of a particular city, town or area, the judiciary, religious leaders, teachers, the media, or health professionals.

### **ASSESS STRENGTHS AND WEAKNESSES**

It is important to assess the strengths and weaknesses of your own organization so that you can design your advocacy strategy around those strengths. Assessing capacity is crucial so that you do not over-reach in your advocacy aims, and so that you can seek out ways of increasing your capacity in particular areas.

For example, if your organization wants to document human rights abuses of LGBTI people to show the government the impact of laws that criminalize same-sex conduct, does your organization have the skills necessary to do this? If not, you would either need to organize training for one or more staff members, or utilize a different method of advocacy that builds on the existing skills of the organization.

### **IDENTIFY ALLIES AND OPPONENTS**

From the outset of planning, it is crucial to identify what organizations and individuals might support your organization in its advocacy aim. This might include organizations that could join together with your organization in its advocacy, or individuals who are willing to be "champions" for your advocacy aim within particular institutions, such as parliament, churches or the police, for example. For further information, please see the section on Coalition-building.

It is also important to identify individuals and organizations which may strongly oppose your advocacy. What arguments are they likely to put forward, and how will you counter them? How could you persuade them to cease advocating against you – or even to start working with you?

You may want to consider which organizations and individuals might be particularly influential – positively or negatively – with the advocacy targets you have identified.

### **ASSESS RESOURCES**

Does your organization have the financial and/or human resources to carry out this strategy?

Does your advocacy depend on receiving additional funding to start or continue activities? If so, you will need to identify and obtain this funding, or consider diverting existing funds where this is possible.

Do you have the staff – paid or voluntary – in place to carry out advocacy activities? Will new activities put pressure on staff to drop existing activities? Is additional training required, and

if so, do you have the people and/or budget to carry this out?

### **DECIDE ON THE STRATEGY**

Your strategy should be based on all of the above, and based on your own knowledge and research, identify what the key levers will be to influence your target. Identify how you are going to influence the target – directly or indirectly, over what time period, and who you might need to assist in the influencing.

### **DRAW UP A TIMELINE**

Your advocacy should include a timeline for your activities – taking into account your objectives (which should be Timebound – see above) and constraints on your resources.

### **CONFIRM INDICATORS**

Your objectives should be Measurable and therefore include indicators of success – for example, number of people participating in workshops, number of positive media statements, or percentage of crimes prosecuted.

Decide when and how often you will assess your work against these indicators. Will you have one indicator for the end of the work, or several benchmarks as your advocacy work progresses?

### **DEVELOP CORE MESSAGES**

These cannot always be planned in advance, but it is a good idea to set out between two and four key messages that you will use to persuade.

If you have more than one advocacy target, you may require different messages for each target. For example, your message to convince government might be different from the one you would use to convince members of a church.

### **WRITE YOUR ACTION PLAN**

The action plan should set out who will be doing what, when they will do it, and how they will do it. It should also include what tactics and strategies will be employed.

### **MONITORING AND EVALUATION**

Throughout your advocacy, it is important to keep a record of what has worked and what has not, and why, in order to better inform your future advocacy plans. Monitoring and evaluation allows you to assess the impact of your work against your advocacy plan, to reflect on the successes and failures, and to inform and adjust your future plans.

## **COALITION-BUILDING AND CHAMPIONS**

One of the strongest messages that came out of our meetings with activists and organizations in Cameroon, Kenya, Uganda and South Africa was the importance of building strong coalitions with “mainstream” human rights organizations, and of fostering champions within various institutions, such as faith-based organizations, the police, and the Department of Justice. Building coalitions is difficult work, and it presents its own set of challenges

regarding differing agendas, different ways of working, and the politics of representation. Yet there is almost always more power in them, both to reach governments and to change social attitudes. In some cases, governments and those community members who are opposed to LGBTI rights are sometimes more likely to be convinced if they view sexual orientation and gender identity as part of the broader human rights spectrum, and if they hear “mainstream” organizations speaking about these issues. It can also help take some of the pressure off smaller LGBTI organizations. Frank Mugisha, Executive Director of Sexual Minorities Uganda (SMUG) and recipient of the Robert F. Kennedy Human Rights Award 2011, told Amnesty International:

*“Advocacy around LGBTI rights usually has more success when it is conducted not only by LGBTI organizations, but also by mainstream human rights and civil society organizations, such as women’s rights organizations, trade unions and national human rights institutions. This helps reinforce the idea that LGBTI rights are not fringe rights, or special rights, but human rights that all people should strive to protect, and not just those who belong to the LGBTI ‘group.’ It is essential not to overlook the importance of advocacy aimed at gaining the support of these organizations and bodies. For many civil society organizations, training is desperately needed to sensitize them to these issues.”<sup>100</sup>*

The LGBTI Security Committee in Kampala concurred that one of the most important elements of their advocacy is trying to get mainstream human rights organizations and coalitions on board. They said that this comes with its challenges, however, as “*Many people are scared of riding against the tide.*”<sup>101</sup>

#### **CASE STUDY: COALITION BUILDING**

The Civil Society Coalition on Constitutional Law and Human Rights in Uganda (the Coalition) was formed in response to the introduction of the Anti-Homosexuality Bill in 2009, and received the US Department of State’s Human Rights Defender award in 2011 for its advocacy for the rights of LGBTI people in Uganda. Many organizations Amnesty International spoke to talked about the success of the Coalition in encouraging mainstream organizations to advocate for LGBTI issues, and for creating a space in which they can be discussed. Adrian Jjuuko, the then Coordinator of the Coalition cited the practical challenges of keeping a coalition together:

*“Whilst there are 37 [now 51] members, not all are active. Another challenge is the fact that many LGBTI organizations are not registered. The Coalition can only formally acknowledge registered members, and that creates tensions. Given the onslaught of violations against the LGBTI community, the community has become used to reacting and operating on an emergency basis. One of the challenges is working with the LGBTI community to plan ahead and develop systems for working.”<sup>102</sup>*

In Kenya, mainstream supporters have also been important in much of the progress on sexual orientation and gender identity and human rights. Activists in Kenya attribute some of their advocacy success to mainstream allies, citing that, when dealing with the police, support from mainstream organisations is more likely to be beneficial than support from organisations focused on LGBTI rights.<sup>103</sup>

The Gay and Lesbian Coalition of Kenya reinforced this message by telling Amnesty International that one of their key non-legal strategies is to form coalitions with mainstream organizations.<sup>104</sup>

Similarly, the Triangle Project, an LGBTI organization based in Cape Town, South Africa, also aims to facilitate connections between small and local LGBTI organizations, with larger, more national and mainstream organizations in South Africa:

*“We are trying to develop links between local community-based work and broader and more mainstream organizations, like between Free Gender and the Social Justice Coalition, Black Sash and the Western Cape Network Against Violence Against Women. However, creating networks with more mainstream organizations requires significant capacity.”<sup>105</sup>*

But coalition building does not have to happen at a national level. A lot of essential coalition building happens at a very local level. The Youth on the Rock Foundation, based in a slum outside Kampala, Uganda, has utilized coalition-building at the local level. Najib Kabuye, an LGBTI human rights activist from the Foundation, told Amnesty International that they had worked to develop a friendly working relationship with some women from the mothers' union in the slum:

*“Five of these women came to the church in [the slum] and spoke to the congregation about accepting LGBT people. They told the congregation, ‘These are your children. You are the mothers of this country.’ This was very persuasive to those present.”<sup>106</sup>*

Getting the heterosexual friends and family members of LGBTI individuals to advocate alongside them, or on their behalf, can be persuasive for some audiences, for example conservative politicians. There are a number of chapters of Parents and Friends of Lesbians and Gays (PFLAG) in South Africa. In Cameroon, ADEFHO *“tried with limited success to create a PFLAG group. There was one mother of an activist who was willing to be active and outspoken, but now she has moved to the US.”<sup>107</sup>* At the time of the interview, they had no other parents willing to speak out publicly. The progressive religious group, Other Sheep, has also been attempting to create a PFLAG group in Kenya, but with limited success so far. According to GALCK:

*“Parents in Kenya think not my child - what will neighbours/relatives think?”<sup>108</sup>*

## COORDINATION

Many activists Amnesty International spoke to emphasized the importance of LGBTI organizations working together to convey consistent messages to advocacy targets. For example, if one organization is pushing for marriage equality, while other organizations are pushing for decriminalization, the former may inadvertently sabotage the advocacy efforts of the latter.

That said, within the broader movement it is also critical to recognize, foster and celebrate difference, and respect differences of opinion. The challenge is to continue to celebrate difference whilst conveying consistent messages, where possible, to advocacy targets.

There need to remain spaces for the organic evolution of new activists, and new organizations, or more informal groupings of activists to emerge. Innovative advocacy efforts are coming from many small organizations across sub-Saharan Africa. One activist from the One in Nine Campaign, a Johannesburg-based feminist collective, raised concerns about the increasing 'NGO-isation' of LGBTI activism, and that it is getting increasingly difficult for more organic organizing spaces to form.<sup>109</sup>

### **CHECKLIST FOR STRATEGIC PLANNING**

- Identify the problem
- Analyse the context
- Set the aim
- Decide on the objective(s)
- Identify targets
- Assess strengths and weaknesses
- Identify allies and opponents
- Assess resources
- Decide on the strategy
- Draw up a timeline
- Confirm indicators
- Develop core messages
- Write action plan
- Monitoring and Evaluation

## METHODS OF ADVOCACY

Not only are the particular angles of advocacy important, but how activists and organizations go about engaging in the actual advocacy itself. There are many different forms that advocacy can take, including for example:

**Person to person** e.g. one-on-one lobbying visits, group or community meetings, conferences and workshops, public hearings, protests, public demonstrations.

**Print** e.g. newspapers, magazines, journals, newsletters, posters, leaflets, pamphlets, reports, studies, letters to decision makers.

**Electronic** e.g. radio, television, video and film, blogs, social media websites, YouTube, SMS.

**Drama and folk art** e.g. street theatre, songs, music, poems, dance.

There are many factors to consider when deciding which form(s) to use for a particular piece of advocacy work. For example:

- What are the audience's primary sources of information? Who or what do they listen to?
- Do they have access to television and Internet? Do they listen to radio?
- What do they read? What do they watch? What appeals to them?
- What are the audience's characteristics (age, gender, class, employment, race, etc.)? What languages do they speak?
- Where do they live? Work?
- Are there public figures that are likely to influence the audience's views? What are they likely to say – or not say?
- What are the internal skills, capacities and resources required in your organization to work with the selected medium? If they are not available internally, how can they be resourced?

The then Coordinator of the Civil Society Coalition on the Constitution and Human Rights in Uganda provided advice on how advocacy could be approached in the Ugandan context: *"the more you push it, the more you will get resistance. The more you pull it, bring it towards you, the more it will be accepted."*<sup>110</sup> He also cautioned against activists acting too hastily, or being

#### 4.4 SPEAKING OUT

Advocacy experiences and tools of LGBTI activists in sub-Saharan Africa

impatient in their advocacy. He said that change is slow, but it does happen.

Framing issues within a broader human rights discourse and as part of the broader struggle for human rights can be effective. Looking at LGBTI rights as human rights, and human rights as LGBTI rights, is critical to starting to change attitudes. In Cameroon, Steave Nemande organized a human rights forum in Douala, in which prisoners' rights, women's rights and issues around sexual orientation and gender identity were discussed: "*It was very successful and it shows how important it is to speak about sexual orientation and gender identity issues as part of the broader human rights discussion.*"<sup>111</sup> People who might be reluctant to discuss LGBTI issues may start to slowly shift their attitudes if they are able to situate them in a broader spectrum of human rights. Jules Eloundou, a human rights defender from Humanity First Cameroon, told Amnesty International: "*Amnesty needs to help convey the message that LGBTI rights are human rights.*"<sup>112</sup>

However, before this can happen, in some countries at least there needs to be more work done in providing training on human rights as a concept. Adrian Jjuuko told Amnesty International that "*there is a long way to go with human rights as a concept, let alone sexual rights.*"<sup>113</sup> He cited a Coalition report containing details of a survey which found that only 10% of the Ugandan population could define human rights, and 26% of the population believed that human rights were something that the government handed out. The survey did not ask a question about sexual rights.<sup>114</sup>

*"There is a need to start with general education about human rights, and defining human rights, and then moving onto sexual rights and love."*<sup>115</sup>

## ADVOCACY TOWARDS STATE ACTORS

### PARLIAMENTARY ADVOCACY

Lobbying governments to repeal legislation poses a particular set of challenges to activists in countries where same-sex conduct is criminalized, and where LGBTI people, and activists in particular, are monitored, harassed, and sometimes persecuted by their governments. Additionally, in countries where there is widespread public rhetoric opposing the 'promotion of homosexuality', publicly lobbying for LGBTI rights may risk triggering a backlash against activists and individuals.

When dealing with individual members of parliament, activists often face the same challenges as they do when dealing with members of religious orders – that whilst some people in authority are prepared to express their support for LGBTI rights in private, hardly any are willing to do so in public:

*"In Uganda, there are supporters in the government for the rights of LGBTI people, but this support would only ever be in their private capacity. They would not act on such beliefs whilst in government."*<sup>116</sup>

If it is safe, it can be beneficial to develop close working relationships with sympathetic members of parliament and their staff. Steve, a long-time South African activist, emphasized the importance of building allies within the government in South Africa:

*“The government has a problem with implementation, but they are over there. We need to bring them closer. We need to do more sensitization with the Ministry of Justice. Of course you need to apply a different strategy in different cases, and it is important not to be reactive, but to be proactive.”<sup>117</sup>*

However, in countries where same-sex conduct is criminalized, where activist gatherings and trainings workshops get closed down and organizations are put under surveillance, or where there are frequent or increasing arrests of LGBTI people, and/or widespread expression of hostility towards LGBTI people, activists may be at risk of being ‘outed’ and opposed publicly by political figures who see political gain in opposing LGBTI rights, or becoming the target of arrest themselves.

As well as lobbying for decriminalisation, activists may want to engage in advocacy and lobbying with other parts of government – including, for example, Ministers of Interior, Health, Education, Housing, Human Rights, Women’s Rights, and so on – on LGBTI rights. This may include lobbying for the repeal of other discriminatory laws, for the introduction of protective laws or anti-discrimination measures, as well as for the introduction and/or implementation of policies and procedures designed to respect, protect and fulfil the human rights of LGBTI people.

When engaging in advocacy with governments, it is important to map out the targets and strategy for advocacy. It is crucial to research and analyse the answers to the following questions:

**Who do you need to convince to take action?** Who is responsible for repealing, changing or implementing laws or policies? Which Minister or Ministers? Are there other important figures who should also be taken into account, for example the President?

**Who or what is likely to influence them?** Do they rely on advice from their officials or department? Are there certain colleagues, committees or organisations who are particularly influential – or independent experts? Are they receptive to media coverage, or national or international public pressure? Have they made commitments in the past to LGBTI rights issues or to human rights issues more generally? If so, who or what is responsible for holding them to these commitments?

**Who or what might oppose the action you are looking for?** Is there strong resistance within government? Are there particular figures who are influential but opposed to LGBTI rights? How can you neutralise or counter their arguments? What are the potential risks – to individuals or organisations – of lobbying activities?

**How important is timing?** Are there opportunities coming up to review laws and policies? Have Ministers indicated a willingness to review, or called for input? What are the procedures for these changes?

A more practical problem in terms of government lobbying activities in countries where same-sex conduct is criminalized, is that members of parliament will not meet with LGBTI activists. Often the only forums in which meetings are granted are in the context of

international spaces, such as during the Universal Periodic Review<sup>118</sup> process by the Human Rights Council in Geneva, although these meetings can come with their own set of challenges. For more information on these spaces, see the section on Engaging with International Mechanisms. Where activists and organisations are unable to organise meetings with parliamentarians, it can be helpful to build relationships with other organisations – including human rights organisations or organisations working on health issues. Such allies may be able to meet with the target members of parliament, and may be able to represent LGBTI rights concerns or even bring activists with them to the meetings.

### ENGAGING WITH THE CRIMINAL JUSTICE SYSTEM

The relationship between LGBTI activists, individuals and the police throughout sub-Saharan Africa is a challenging one. In many countries, the police, and their actions, represent the greatest threat to the human rights of LGBTI individuals, through arbitrary arrests, extortion attempts and beatings in and outside custody. In some places, however, activists have managed to conduct training for police officers on LGBTI issues, or have advocated with police to more robustly investigate hate crimes against LGBTI people by non-state actors. In other places, it may not be possible to develop any kind of working relationship with the police due to the risk of arrest, and it may be easier, and safer, for mainstream human rights organizations to start developing these relationships, if strategic to do so. Activists should use their own judgement to assess the particular situation in their own country.

Activists in Kenya have met with police to challenge them about incidences of police harassment, blackmail and extortion, and in some cases have obtained agreements that the police would not harass and would protect LGBTI people.<sup>119</sup> In South Africa, numerous organizations have been working with the police for several years to sensitize police to LGBTI issues, assist in investigations, and to ensure that hate crimes are prosecuted and the motivating factor of homophobia or transphobia is taken into account in such prosecutions.<sup>120</sup> One of the main calls of the South African based Hate Crimes Working Group, which was established in late 2009, is to ensure that there is more thorough, impartial and effective police investigations into hate crimes, whether prompted by homophobia, xenophobia or other prejudice, and that the police adopt new ways of monitoring and receiving reports of hate crimes.<sup>121</sup>

Engagement with the criminal justice system does not mean only engaging with the police. It may also be productive to explore working with prosecutors, forensic specialists, or even the judiciary. Especially in situations where LGBTI individuals are at risk of harassment by the police, it may be crucial to develop links – through other organisations if necessary – with the wider criminal justice system so that cases of police abuse, arbitrary arrest and detention are addressed and the perpetrators brought to justice.

It may also be beneficial to develop relationships with lawyers who work within the criminal justice system. Where activists and individuals face the risk of arrest, having lawyers 'on call' who can assist early in the process may help prevent detentions.

## ADVOCACY TOWARDS NON-STATE ACTORS

### ENGAGING WITH RELIGIOUS INSTITUTIONS

In many countries throughout Africa, some religious organizations and individuals are strong drivers of discriminatory attitudes and hostility towards the LGBTI population. It is important when doing advocacy to recognize that freedom of thought, conscience and religions means that people may judge people based on their religious beliefs but this right does not allow incitement to violence.

We spoke to many activists about their experiences engaging with religious leaders and organizations, as well as several progressive religious leaders in Uganda, Kenya and South Africa, who gave their insights on how to change minds within religious communities.

The Gay and Lesbian Coalition of Kenya told Amnesty International their opinion about the increase in evangelical churches and the higher levels of explicit hostility towards the coalition:

*“Fifteen or 20 years ago, there were more formal churches, but not so many protestant churches. Many of these protestant churches have emerged since then. They are more lively, but their pastors are the most homophobic.”<sup>122</sup>*

Some activists spoke of tensions between the privately held views of religious leaders, and the views they espouse in public. According to the Coalition in Kampala, Uganda:

*“Many religious leaders have said they would be supportive, but that they were unable to express such support publicly, or that they would provide such support at a later date.”<sup>123</sup>*

The LGBTI Security Committee in Kampala echoed this view:

*“There are so many religious leaders in Uganda who are not against LGBTI people. Those leaders who are in a position of leadership will tell you so privately or off camera, but not in public. Speaking out would risk excommunication. Even though they will not commit support in public, the first step then is to get them not to do the opposite, and preach hate.”<sup>124</sup>*

However, religious leaders who are supportive of LGBTI rights can also become allies, and many organizations have begun to reach out to them. GALCK told Amnesty International:

*“We are currently trying to identify religious leaders we can work with. We have identified some already. We are also seeking audience with Christian and other religious professionals in education, healthcare, law and other sectors because we respect the ideological positions they hold.”<sup>125</sup>*

Some religious leaders have bravely spoken out. In Uganda, Bishop Senyonjo, excommunicated from his church for speaking out against conservative voices and for an

inclusive church, runs the St Paul's Equality Centre in Kampala, where he ministers to all, regardless of sexual orientation or gender identity.

### **CASE STUDY: INCLUSIVE MINISTRIES**

Amnesty International spoke to religious leaders working with Other Sheep Afrika-Kenya, a progressive religious organization in Nairobi:

Reverend Kimindu:

*"Other Sheep was formed in the year 2003 when a friend of mine asked me to preach in his church. The name is from the Book of John, Chapter 10:16, which states, 'I have other sheep, which are not part of this flock.' I started asking myself what that would mean in the time of Jesus – these were, non-Jews, disabled people, and children etc, and what would this mean for the church today – there is no ministry which is focusing on sex workers or to LGBT people, or to HIV positive people. The Clergy are usually excommunicated if they happen to fall into a temptation. By then I was still a chaplain in the military, but on retirement in 2006, I was attached to the Diocese of All Saints -Anglican Church in Kenya. I decided to pay part of my time to the above mentioned groups. After 6 months, there were complaints about me preaching about inclusion of the groups like drug abusers and LGBT people. The Archbishop stopped me from leadership in that Parish church in December 2007. I have never been told what next to do since then although I gave them time to think about what I was doing with the LGBT community. Since 2008, I have been running seminars for the clergy, parents, and counselling the LGBT community to accept themselves, to overcome fear, and become whole again."<sup>126</sup>*

Reverend Makokha:

*"When I was in high school and university, I saw the terrible treatment of LGBT people – committing suicide, losing dreams, and some hooked on drugs. My parents were really religious, and I heard pastors preaching against gays with hatred. When I was doing my course in teaching at university, I encountered the same prejudice – from families, society and institutions. LGBT students received very bad treatment. The Minister for Education at the time said such students should be expelled. I wanted to find out what made people this way. I went to the seminary and came across pastors in training who were gay and lesbian, but who were deeply in the closet.*

*The biggest problem in Africa are the missionaries - the evangelicals. I started at the church in 2004 – the Riruta Methodist church. Reverend Kimindu and I met each other in 2008. In my church, I have been denied resources to run the school, income and freedom of association. The Bishop told me I was promoting 'gayism' and said that it is a 'dirty' church. It is the Bishop who has to approve everything. He started blocking things in 2005. I no longer get invited to meetings, and he said that as far as he is concerned, there is no Riruta Church. My mission is to create a community where there is inclusiveness for all people and my objective is to end suffering on the basis of sexual orientation and gender identity. I have seen people who have been sacked and evicted because they are gay. Many LGBT people I know do not want to attend church because their pastor is homophobic. Pastors who are*

*gay themselves often come to me in their private capacity.*

*One of the tasks of Other Sheep Afrika-Kenya is to create forums and dialogues across the board. We held one seminar in Mombasa with 32 imams. We've held other seminars with Christian leaders and with women Islamic leaders. The biggest problem is ignorance. A lot of people are interested in the scientific aspect of sexuality. We also try to address issues of HIV.*

*We need friendly pastors, landlords and teachers. Other challenges include intersex issues – nobody wants to hear about intersex, and we need to create safe spaces for ageing LGBTI people.*<sup>127</sup>

## ENGAGING WITH THE MEDIA

Getting the support of media outlets is critically important in persuading the broader public that the human rights of LGBTI people need protecting. A first step in some countries is getting the media to stop spreading messages that fuel negative stereotypes about, or incite violence against and hatred towards, LGBTI individuals. Freedom of expression does not protect speech which is incitement to violence.

Running workshops and training journalists to report sensitively on issues of sexual orientation and gender identity can alleviate some of the negative messages propagated through the media. Gender Dynamix, a trans advocacy organization based in Cape Town, told Amnesty International about how much of their work has involved sensitizing and developing positive relationships with media outlets, and in being proactive whenever negative, homophobic or transphobic coverage appears:

*"We have created a tool for media in relation to transgender issues. We did a lot of media sensitization around the Caster Semenya<sup>128</sup> controversy. When the media reported badly, we would jump on them. We have also encouraged television stations to include LGBT characters on the news and in soaps etc. One show recently worked with us to develop a transgender character."*<sup>129</sup>

In Uganda, tabloid papers and talkback radio often seek to spread myths that gay and lesbian people "recruit" children and are paedophiles. In contrast, the Kenyan media's coverage of LGBTI issues is on the whole less sensationalist, but caution is still warranted: ISHTAR told Amnesty International:

*"We have quite a practical way of dealing with the media. We still need to be careful about the kind of language that is used. It really depends on the individual journalists. Many journalists now approach us and ask, 'how do you want us to represent this story?' especially for stories around World AIDS Day."*<sup>130</sup>

A number of organizations told Amnesty International that they had been trying to engage more with local media, and trying to make use of international media to put pressure on their government. Developing a good working relationship with media is one thing, but also important is having trained spokespeople. Some activists told Amnesty International that it is a good idea to make sure that more than one spokesperson is trained for media appearances.

This can help to alleviate the pressure of one person bearing the responsibility, and if one person needs a break for a while, or needs to go into hiding for security reasons, others can take over.

## **ENGAGING WITH REGIONAL MECHANISMS**

The African Commission on Human and Peoples' Rights (the Commission) is the major body charged with protecting and promoting human rights throughout Africa.<sup>131</sup> Its role is to interpret and develop jurisprudence based upon the African Charter on Human and Peoples' Rights (the Charter) and to review the progress of states in implementing their human rights obligations.

The Commission also is mandated to consider individual complaints of violations of the Charter. This can be a useful mechanism whereby the Commission investigates human rights issues facing particular groups and minorities and holds states accountable for violations.

Since 2006, numerous activists have attended the Commission, participated in the NGO Forum and drafted resolutions on human rights abuses on the basis of sexual orientation and gender identity. The Commission has not yet responded formally to these calls,<sup>132</sup> although, in April 2013 the Chair of the Commission made a video address to the International Conference on Human Rights, Sexual Orientation and Gender Identity, in which she noted that the African Commission "denounces violence committed against individuals based on their sexual orientation as part of its mandate to protect individuals from all forms of violence."<sup>133</sup>

So far, however, the African human rights system does not operate with specific resolutions calling, for example, for an end to violence against LGBTI people, or for decriminalization. And even though the Commission has developed jurisprudence in a variety of areas, like women's rights, indigenous rights and disability rights, it has avoided interpreting the Charter as including sexual orientation or gender identity.

However, activists remain hopeful that change will happen, albeit gradually. Activists can engage with the Commission through the following ways:

**THE INDIVIDUAL COMMUNICATIONS PROCEDURE** LGBTI activists can bring to the Commission's attention a violation by a state of a right enshrined in the Charter through this procedure, or can seek special measures.

**REVIEW OF STATES' PROGRESS** LGBTI activists can send the Commission reports on the human rights situation in a state under review, with specific attention to violations suffered by LGBTI individuals.

**USING THE COMMISSION'S JURISPRUDENCE** Activists and their allies can use the Commission's jurisprudence to help achieve legislative reform and determine the regional legality of particular state legislation. As there is not yet any jurisprudence on LGBTI issues, this approach may not be useful at present, but may become more so in future.

**SPECIAL RAPPORTEURS** LGBTI activists can directly communicate with the Commission's

Special Rapporteurs, and seek action through the Commission's special mechanisms.<sup>134</sup>

**ADVISORY OPINIONS** Certain organizations, including African NGOs recognized by the African Union, state parties, and institutions of the African Union, can request the African Commission to interpret the provisions of the Charter.

**OBSERVER STATUS** African and international NGOs working in the field of human rights can apply to the African Commission for observer status. NGOs with observer status may participate in and speak at the public discussions during ordinary sessions of the Commission; however, they are not permitted to vote in these discussions. NGOs that do not have observer status may attend the ordinary sessions but are not allowed to speak. NGOs applying for observer status must have *“objectives and activities in consonance with the fundamental principles and objectives enunciated in the OAU Charter and the ACHPR”*.

**THE NGO FORUM** This takes place in the days preceding the ordinary sessions of the Commission, and draws together NGOs from the region and beyond, Intergovernmental Organizations and African Commission members. This offers an important opportunity to forge collective positions on LGBTI issues, and for LGBTI activists and their allies to directly lobby the Commissioners. Resolutions crafted at the Forum are submitted to the Commission as recommendations. LGBTI-specific resolutions have been adopted by the NGO Forum since 2006. The Commission has not yet adopted any of these. Note that this is not a mechanism of the Commission, but has developed a working relationship with the Commission which has resulted in the resolutions of the NGO Forum having weight before the Commission.

Practically speaking, it is often difficult for LGBTI activists in Africa to attend the sessions of the ACHPR, due to lack of resources and time. Activists told Amnesty International that one way international and mainstream organizations can assist is by supporting country-based and regional activists to attend sessions of the ACHPR. Alternatives Cameroon told Amnesty International about their experiences dealing with the Commission:

*“The right to health is the most acceptable way to approach this issue in Cameroon, at national, regional and international levels. As a director of Alternatives Cameroon, I succeeded in getting observer status at the African Commission on Human and Peoples’ Rights. The first thing we read was a statement about the right to health. We were one of two organizations at the beginning of the Commission, to talk about the rights of those living with HIV and vulnerable populations. We submitted a paper, done by us along with Global Rights, the Centre for Human Rights (Pretoria) and CAL. Up until, and including, the last session, we did not have a response from the Commission on sexual orientation and gender identity. The Commission denied CAL observer status, and still does not yet have a position on sexuality.”<sup>135</sup>*

## ENGAGING WITH INTERNATIONAL MECHANISMS<sup>136</sup>

If there are limited opportunities to influence domestic legislation or politics at a national level, international mechanisms, in addition to regional mechanisms, often provide a good opportunity for activists to engage in advocacy and put pressure on their countries from afar. Treaty bodies and the Special Procedures of the UN Human Rights Council (the Council, the body that replaced the Commission on Human Rights in 2006) can be used to raise concerns

relating to the human rights of LGBTI people in Africa. Accurately documented information from international, national and local NGOs, which is credible, objective and relates to abuses of international human rights laws and standards, can be used by the Treaty Bodies and Special Procedures to monitor the compliance of states with international human rights law and standards and to make recommendations accordingly. The analysis and conclusions of the Special Procedures and Treaty Bodies can lead in turn to changes in national law and practice, as states are urged to bring their laws and policies into line with international standards.<sup>137</sup>

The submission of individual cases and briefings which demonstrate patterns of violations relevant to LGBTI rights can also result in the Treaty Bodies and Special Procedures giving attention to this area of human rights protection, including through the development of jurisprudence. Indeed, the contribution that these submissions have made has already been considerable and has helped to advance the understanding of the relationship of human rights to issues of sexuality and gender identity.<sup>138</sup> The Human Rights Council's Resolution on Sexual Orientation and Gender Identity, adopted in June 2011, the publication of the UN High Commissioner for Human Rights' Report on Discrimination and Violence against People on the Basis of Sexual Orientation and Gender Identity, also in 2011, as well as her more recent report, 'Born Free and Equal', published in September 2012, are a testament to this.

### TREATY BODY REVIEWS

When governments take on the human rights obligations set out in a given treaty, they also take on the obligation to report regularly to the committee that monitors the implementation of that treaty (the Treaty Body). These reports concern the measures governments have taken to implement their human rights obligations under the treaty in question. NGOs can submit their own briefings to this process, in order to provide independent information on how the state is giving effect to its treaty obligations. All NGO briefings are made available on the relevant Treaty Body's website.<sup>139</sup>

There is an opportunity to shape the reviews by the Treaty Bodies by inputting at the preparatory phase to highlight priority concerns. The practices of the committees vary in terms of how and when they organize their pre-session meetings. Some committees draw up lists of issues/themes by way of establishing in advance the main areas that they want to discuss with the state party. Three committees offer a procedure called the List of Issues Prior to Reporting – this is a list of priorities that forms the basis of the state party report, if the state decides to accept this procedure. In all cases, the provision of NGO information can usefully inform the committees.<sup>140</sup>

When preparing a submission for the Treaty Bodies, NGOs are advised to review the text of the relevant treaty in order to determine which Articles correspond to the issues they wish to raise. Briefings should follow the structure of the treaty and be organized Article by Article to facilitate their review by the experts of the Treaty Body. It is important to give context to the briefing so that the Treaty Body's experts are able to understand the broader human rights situation in the country. NGOs should also review the state's own report in order to check the claims being made by the government. As NGO briefings are not official UN documents, consideration should be given to translation in order to make the report as accessible as possible to as many committee members as possible.

If this is not the first occasion that the Treaty Body has considered a report by the government, reference should also be made to the concluding observations of previous reviews by the Treaty Body in order to assess which recommendations are outstanding.<sup>141</sup>

NGOs who attend the consideration of the state party report - usually held in Geneva - are able to make an oral presentation to the Treaty Body to provide complementary or updated information to the written briefing. A meeting with NGOs will be organized either at the beginning of the same week of, or the day before, the review of the state's report, and NGOs may also be able to organize an informal lunchtime meeting with committee members to brief them. Although NGOs are not allowed to intervene in the public discussions between the state representative and the Treaty Body, they have opportunities to establish a direct contact with Treaty Body experts, including in formal meetings between the Treaty Body and NGOs, or in informal encounters outside of the sessions.<sup>142</sup> Accreditation for NGO attendance at the sessions of a Treaty Body needs to be organized with the relevant Treaty Body secretary in advance of the session. The reviews of states parties reports are usually webcast by NGOs. This can be useful for advocates who cannot travel to Geneva but wish to follow the dialogue and use the webcast for advocacy and campaigning purposes.

Activists should also have their safety in mind when leaving and upon return to their own country when participating in or attending these sessions, and have a security plan in place, especially if government representatives are aware of their presence, or if they have engaged in publicity whilst there. Some of the treaty bodies have designated focal points to address reprisals. Contact the focal point or chairperson if you have safety concerns.

As the Treaty Bodies have no enforcement mechanism, NGOs and others can play an important role in holding governments to account for their implementation of both the treaties and the concluding observations of Treaty Bodies. They can play a role in pressuring the government in question to disseminate the concluding observations as widely as possible, including to parliamentarians and national human rights institutions. In particular, if appropriate, NGOs can alert their media contacts to the conclusions of Treaty Body meetings and encourage them to highlight the consideration of the state party report and the concluding observations in order to inform legislators, politicians and the judiciary, as well as the general public.

It may be desirable to form NGO coalitions around Treaty Body work, including for the purpose of following-up on concluding observations. This can be an effective way to pool resources, skills and expertise, and apply maximum pressure on the government. There are also opportunities with some treaty bodies to contribute to their follow-up mechanisms, by providing information on implementation of priority concluding observations.<sup>143</sup>

## UNIVERSAL PERIODIC REVIEW

The Universal Periodic Review (UPR) involves a review of every UN member state once every four and a half years by the UPR Working Group of the Human Rights Council. States submit a National Report describing the situation of human rights and the actions they have taken since the last review to meet their human rights obligations. The UPR can be a useful mechanism to encourage states to introduce greater protections on the basis of sexual orientation and gender identity.

## 54 SPEAKING OUT

### Advocacy experiences and tools of LGBTI activists in sub-Saharan Africa

NGOs can participate in the review by submitting their own information and recommendations as to how the state under review could improve its human rights situation for LGBTI individuals. NGO submissions should also include information on what the state has or has not done to implement the recommendations from the previous review, and should also cover developments in human rights in the state generally.<sup>144</sup> As with the Treaty Monitoring Body reviews, NGOs can attend but not speak in the Working Group, which meets in Geneva.

The review in the UPR Working Group consists of a dialogue between the state under review and other UN member States (whether members of the Human Rights Council or not). NGOs can lobby both the states under review and the reviewing states in advance of a review, through the ministry of foreign affairs (or in some countries the ministry of justice), embassies in the country coming up for review or the UN missions in Geneva. The UPR envisages a process of national consultation, within government as well as with civil society. Ideally such consultations should take place regularly throughout the review process.

Again, the reception for activists can sometimes be hostile. Steave Nemande from Cameroon told Amnesty,

*"I attended one UPR session in Geneva. I met the Cameroonian Ambassador. The meeting was horrible. He said I was betraying Cameroon, and said 'how dare you come here to speak of such embarrassing issues.' During the UPR, the position of the Cameroonian government was clear – that the law will remain in place, and that it is normal for people to be arrested under the law. In response to allegations of police abuse, the Prime Minister says that he is not aware of any. I believe that international pressure works best when it is not public. Once society is aware, press aware of the pressure, the government doesn't have a choice, and will say that society is not ready for any change, or for decriminalization."<sup>145</sup>*

As in all activities, activists must consider carefully the benefits and risks of engaging with the UPR. Engagement with international mechanisms can raise activists' profiles and may lead to reprisals. Activists should have a security plan in place upon return to their own country.

## INDIVIDUAL COMMUNICATIONS

Under certain conditions, seven of the 10 Treaty Bodies<sup>146</sup> are empowered to receive, at any time, a written "communication" ("complaint" or "petition") from an individual, and in some instances groups of individuals, claiming that his or her rights under the corresponding treaty have been violated by a state party. International NGOs (INGOs) may not present a communication on their own initiative, but they can represent a victim who is unable to make the claim, if the NGO has been authorized to act on behalf of the victim or his/her family. NGOs can also raise awareness about the individual communications mechanisms, encourage victims of human rights violations who may be potential complainants to use them, and actively assist a victim or his/her family to file a communication with the appropriate Treaty Body.

The communication should specify the Treaty Body to which it relates, and indicate all the key elements of the case, including a detailed factual statement on the alleged violation. Generally, there is no time limit within which a communication should be submitted, but it is

best to do so as soon as domestic remedies are exhausted. It should be noted that it can take as long as three years for a Treaty Body to consider a case from start to finish.

The individual communication must apply to the state concerned: the state must be a party to the relevant treaty and have accepted the individual communications procedure by ratifying the optional protocol or making a declaration recognizing such a competence to the Treaty Body.<sup>147</sup> In addition, the communication:

- must not be anonymous;
- should be made by an individual who is personally affected by the violation and was under the jurisdiction of the state party at the time of the alleged violation;
- must be submitted directly by the victim or by a duly authorized representative;
- should only be submitted after all available domestic remedies have been exhausted, unless they are ineffective, unavailable or unduly prolonged;
- should not be under examination – or have been examined in the case of the Committee Against Torture (CAT) or the Committee on the Elimination of Discrimination Against Women (CEDAW) – by another procedure of international investigation or settlement at the time the complaint is lodged.

The author of the communication does not have to prove the facts beyond all reasonable doubt, but must make a sufficient case and submit evidence to ensure that the communication is admissible.

## INQUIRY PROCEDURE

The CAT, the CEDAW and the Committee on Enforced Disappearances (CED) may initiate inquiries if they receive “reliable information” containing well-founded indications of systematic violations of their treaties in a state party. An inquiry may begin when there is significant and well-documented evidence to show patterns of violations. NGOs or individuals wishing to submit information under an inquiry procedure are advised to contact the relevant Treaty Body secretary for guidance on how to prepare and transmit their submission. As the inquiry process is confidential, NGOs which have submitted information may not know that their information has been taken up until it is recorded in the Treaty Bodies’ annual report.

Unlike the individual communications procedure, inquiries concern patterns of violations, and can be sought on behalf of groups of people without identifying specific individual victims. Submissions to the inquiry procedures can be made anonymously, although this may cause difficulties when the Treaty Body seeks to verify the reliability of the information. There is no requirement that domestic remedies be exhausted before it can proceed.

Before preparing a submission to an inquiry procedure, NGOs should first check that the state concerned has ratified the Convention Against Torture, Convention to Eliminate All Forms of Discrimination Against Women or Convention for the Protection of All Persons from Enforced Disappearance, and that it has accepted the inquiry mechanism.

The Treaty Bodies designate some of their members to conduct the inquiry which includes seeking a mission to the state to conduct an on-site investigation. The Treaty Bodies may use that opportunity to conduct interviews with individuals, inspect particular sites, and consult with NGOs and government officials.

## SPECIAL PROCEDURES

The Special Procedures are the country and thematic experts appointed by the UN Human Rights Council (and before it, the Commission on Human Rights). They are also referred to as “mechanisms”: the “thematic mechanisms” are mandated to look at specific types of violations wherever they occur in the world, while the “country mechanisms” can consider any human rights violation within a specific state or territory. Individually, they may be called “Special Rapporteur”, “Special Representative of the Secretary-General”, “independent expert”, or be configured as a “working group”.<sup>148</sup>

The compliance by states with international human rights instruments is the main focus of the Special Procedures’ work, although increasingly some mandate-holders are addressing non-state actors such as the international financial institutions and armed groups. However, unlike the Treaty Bodies, the Special Procedures can consider the situation of human rights in a state regardless of whether or not it has ratified the international treaties.

While there are some differences in their working methods, the activities of the Special Procedures generally fall under three main categories.

First, the Special Procedures receive and act upon communications alleging human rights violations in individual cases which are submitted to them by NGOs, individuals, governments, intergovernmental organizations and other UN institutions or offices. The urgent appeals procedure is a preventive mechanism, which is used in response to a situation in which human rights are threatened and likely to be violated imminently (or are continually being violated). In a confidential manner - without media highlight - the Special Procedure can request that government take steps to ensure that the individual(s) concerned will not suffer harm. General letters of allegation are sent periodically and may contain individual cases which are not urgent, as well as information demonstrating patterns or trends of violations.

The second area of activity relates to fact-finding missions. The Special Procedures undertake one or two missions a year to study the situation in a country or territory, provided that the government concerned has extended an invitation for them to do so. Several states have issued a “standing invitation” to all of the thematic Special Procedures, signifying their willingness to host visits whenever the mandate-holders seek them.<sup>149</sup>

The third area of activity for Special Procedures is undertaking studies, through which the Special Procedures may determine which violations are relevant to their mandate, assess their occurrence, the causes and consequences of the violation, and make recommendations accordingly.

If your NGO plans on submitting a case for support and you have not submitted cases to the particular Special Procedure mandate-holder previously, you are advised to provide information about the objectives and working methods of your organization; in particular, how

information is collected and verified. You should also provide contact details of the organization. Note that the source of information is not revealed to the government.

## ART FOR ADVOCACY

Advocacy does not only have to involve letter writing, briefings and meetings. It can take the form of social media, through Twitter or Facebook, or it can be more creative, through drama, art and music, as well as protests and demonstrations. In Kenya, some activists are using creative advocacy – including writing, poetry, acting, film and multimedia – as a platform for empowerment and for building relationships with allies.<sup>150</sup>

ISHTAR, in Kenya, kicked off their advocacy by staging a play about homosexuality in 1997, causing much controversy:

*“We first formed a support group in 1997, initially for male sex workers. A play at the Kenyan National Theatre called Cleopatra, which said that homosexuality exists, made headlines. As the organization developed, it had youth groups, peer educators.”<sup>151</sup>*

Similarly, Youth on the Rock Foundation in Uganda have a drama group, which stages plays and organizes karaoke and pottery groups for their members – combining advocacy with self-empowerment and expression.

## EDUCATION FOR ADVOCACY

One of the most important, and yet sometimes most controversial, elements of advocating for LGBTI rights in Africa, is education and training about human rights that are inclusive of LGBTI people. Education is needed in communities, for officials, legal and health professionals and police, but also in schools and universities. This is often difficult to implement, especially with young people. However, secondary schools are precisely where such education is most necessary in order to achieve the needed social change.

All students should be taught about human rights issues, including those affecting individuals who are LGBTI. This is not “recruitment” – it is not possible to “recruit” anyone, of any age, to change their sexual orientation or gender identity. Schools need to “include modules on equality, non-discrimination and inclusiveness.”<sup>152</sup>

In some countries, activism for LGBTI acceptance in schools is not yet possible. As Humanity First Cameroon told Amnesty International,

*“We are not yet at the stage where we can speak about sexual orientation in schools. But if the public can realize that MSM have the right to health, then this might start to change minds. Change can also occur by empowering local organizations first.”<sup>153</sup>*

Two long-time activists in South Africa told Amnesty International about the tactics and strategies used to educate young people, and to gradually begin to introduce sexual rights education in schools. Nonhlanhla Mkhize told Amnesty International that hate crimes against LGBTI people are “not limited to the politics of South Africa.” She said a focus on educating children in schools is sorely needed, and that her centre has already begun this work:

*“Working with certain Municipal Departments, the National Prosecuting Authority and Civil Society Organizations we facilitate human rights education in secondary and high schools. Role-playing workshops with learners facilitated by the YMCA allowed learners to produce and act out plays on how they understand violations. Our human rights education engages learners on the law and policies that govern us and how to use these. We look into why ‘people cease to be human if they reveal they are LGBT or HIV positive’.”<sup>154</sup>*

Steve, a long time South African activist, told Amnesty International about a pilot project in several secondary schools in Johannesburg incorporating the rights of LGBTI people within a curriculum focusing on the broader context of marginalized populations:

*“I participated in the pilot project in four schools in Johannesburg run by a number of organizations. It was for year ten students [15-16 year olds] to develop a human rights campaign. This sensitized both teachers and students. We came in every day and talked about marginalized groups, including children, foreigners, LGBTI people, women and HIV positive people. Each group of students developed their own exhibitions. After two weeks, they elected two students to talk to other schools, and for three months to be the eyes, ears and mouths of human rights defenders, and to ask students in other schools, ‘what is your role?’ We need more funding for similar education in schools. In 2003, a survey of lesbian and gay students in schools found that 78% of them had been attacked or raped at least once.”<sup>155</sup>*

But education is not needed in schools alone. Civic education is needed across the board, for police, for judges, for lawyers, for medical professionals and for civil servants. Activists in South Africa have highlighted the need to link activism with scholarship, to build effective – rather than simply reactive – campaigns, and to develop progressive forms of and different perspectives on education.<sup>156</sup>

Education initiatives should be targeted specifically towards the groups, organizations and communities they are trying to reach. But there are an increasing number of campaigns to draw from, including the UN’s Free and Equal campaign.<sup>157</sup>

## HOPES AND THANKS

This toolkit is intended to assist individuals and organizations working for the rights of LGBTI people in sub-Saharan Africa. It is not intended to be an exhaustive guide, nor do we expect that all sections will be useful to all activists. LGBTI rights activism in sub-Saharan Africa has a long history, and continues to face new challenges. Amnesty International hopes that this toolkit will help and assist activists, whether new to their work or experienced, and that it will contribute to a future where all individuals are able to claim their human rights and live free of discrimination, harassment and violence, regardless of their sexual orientation or gender identity.

Amnesty International would like to thank the more than 60 individuals and organizations who generously gave their time and shared their experiences with our researchers, and without whom this toolkit could not have been produced. Many are named in the text; still more preferred to remain anonymous for their own safety. We salute their work and stand in solidarity with them.

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## ENDNOTES

<sup>1</sup> For more information about the human rights violations faced by LGBTI people in sub-Saharan Africa, see Amnesty International, 'Making Love a Crime: Criminalization of same-sex conduct in sub-Saharan Africa', April 2013, AFR 01/001/2013, available from: <http://www.amnesty.org/en/library/info/AFR01/001/2013/en>, last accessed 13 November 2013

<sup>2</sup> As of September 2013 these states are: Angola, Botswana, Burundi, Cameroon, Comoros, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Kenya, Liberia, Malawi, Mauritania, Mauritius, Mozambique, Namibia, Nigeria, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Sudan, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia, Zimbabwe. See Lucas Paoli Itaborahy & Jingshu Zhu, ILGA, 'State-sponsored homophobia: a world survey of laws: Criminalization, protection and recognition of same-sex love', 2013, available from [http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2013.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2013.pdf). Last accessed 9 September 2013

<sup>3</sup> Activists who asked to be quoted using a pseudonym or initial are marked with an asterisk.

<sup>4</sup> 'Making Love a Crime: Criminalization of same-sex conduct in sub-Saharan Africa', April 2013

<sup>5</sup> See Kapya Kaoma, 'Globalising the Culture Wars: US conservatives, African churches and homophobia', Political Research Associates, 2009. See <http://www.publiceye.org/publications/globalizing-the-culture-wars/pdf/africa-full-report.pdf>. Last accessed 20 November 2012.

<sup>6</sup> 'Globalising the Culture Wars: US conservatives, African churches and homophobia', Political Research Associates, 2009.

<sup>7</sup> The Anti-Homosexuality Bill 2009 sought to further criminalize consensual same-sex conduct. It contained provisions, amongst others, introducing the death penalty for so called 'aggravated homosexuality', which was defined as an HIV-positive person having consensual same-sex sex, and any person who was caught for same-sex sexual conduct three or more times. It sought to impose criminal penalties for anyone who failed to report violations of the Bill's far-reaching provisions, and also sought to outlaw the 'promotion' of homosexuality.

<sup>8</sup> Scott Lively is the president of Abiding Truth Ministries based in California. He has long been part of the 'ex-gay' movement and an opponent of rights for LGBTI people. He has called for the criminalization of the 'public advocacy' of homosexuality since 2007 in a number of countries.

<sup>9</sup> 'Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law', Office of the High Commissioner for Human Rights, United Nations, September 2012.

<sup>10</sup> For a detailed explanation of these rights and their sources in international human rights law, please refer to the Amnesty International report, 'Making love a crime', AFR 01/001/2013.

<sup>11</sup> Joseph Achille Tiedjou, ADEFHO, Douala, 26 April 2011

<sup>12</sup> Youth on the Rock Foundation, Kampala, 15 April 2011.

<sup>13</sup> Alain (not his real name), Yaounde, 27 April 2011.

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- 15 Steave Nemande, Douala, 27 April 2011.
- 16 Michel Togue, Yaounde, 29 April 2011.
- 17 Alice Nkom, Douala, 26 April 2011.
- 18 Jules Eloundou, Humanity First Cameroon, Yaounde, 29 April 2011.
- 19 A\*, Cameroon, 27 April 2011.
- 20 Anne Gathumbi, OSIEA, Nairobi, 18 April 2011.
- 21 ISHTAR, Nairobi, 19 April 2011.
- 22 Steave Nemande, Douala, 27 April 2011.
- 23 Alice Nkom, Douala, 26 April 2011.
- 24 Jules Eloundou, Humanity First Cameroon, Yaounde, 29 April 2011.
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- 28 FARUG, Kampala, 'Bridging the Gaps: Fostering Access to Health Care and Knowledge on the Sexual and Reproductive Health Rights of LGBTI/WSW Persons', 2013
- 29 AFRA-Kenya, Nairobi, 21 April 2011,
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- 34 Leigh-Ann, Forum for the Empowerment of Women, 11 May 2011.
- 35 For more information on human rights violations experienced by trans people please see Amnesty International's report, 'Making Love a Crime', AFR 01/001/2013.
- 36 W\*, Kenya, 19 April 2011.
- 37 Jay Abang, Programme Director, FARUG, by email, 30 August 2013
- 38 Robert Hamblin, Gender Dynamix, Cape Town, 6 May 2011.
- 39 Robert Hamblin, Gender Dynamix, Cape Town, 6 May 2011.
- 40 Robert Hamblin, Gender Dynamix, Cape Town, 6 May 2011.
- 41 Robert Hamblin, Gender Dynamix, Cape Town, 6 May 2011.
- 42 <http://www.gaystarnews.com/article/south-africa-marks-international-intersex-awareness-day241012>
- 43 FARUG, Kampala, 'Bridging the Gaps: Fostering Access to Health Care and Knowledge on the Sexual and Reproductive Health Rights of LGBTI/WSW Persons', 2013
- 44 <http://www.icj.org/sogicasebook/richard-muasya-v-the-hon-attorney-general-high-court-of-kenya-2-december-2010/>, last accessed 21 September 2013
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- <sup>46</sup> Cherith Sangar, Women's Legal Centre, Cape Town, by email 28 August 2013
- <sup>47</sup> Nonhlanhla Mkhize, by email, 31 August 2013
- <sup>48</sup> See Rebecca Davis, 'Joburg Pride: A tale of two cities', Daily Maverick, 9 October.
- <sup>49</sup> <http://www.frontlinedefenders.org/manuals/protection>, last accessed 30 October 2013
- <sup>50</sup> Available from. A condensed version of their Protection Handbook is also available: <http://www.frontlinedefenders.org/files/en/Front%20Line%20Protection%20Handbook.pdf>, last accessed 30 October 2013
- <sup>51</sup> Available from <http://protectioninternational.org/publication/protection-manual-for-lgbti-defenders-2nd-edition/>, last accessed 30 October 2013
- <sup>52</sup> <http://madikazemi.blogspot.fr/2011/08/in-uganda-suspicious-burglary-at-lgbt.html>
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- <sup>56</sup> Jessica Horn, Movement Building Bootcamp for East African Sexual Rights Activists, Akiki Consulting, Revised version 13 April 2011
- <sup>57</sup> For more examples specific to care work, see <http://www.compassionfatigue.org/pages/symptoms.html>
- <sup>58</sup> Available from <http://files.creaworld.org/files/self-care-brochure.pdf>, last accessed 8 September 2013
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- <sup>60</sup> Available from <http://urgentactionfund.org/wp-content/uploads/downloads/2012/06/WTPR-Final-Book.pdf>, last accessed 9 September 2013
- <sup>61</sup> Available from [http://urgentactionfund.org/wp-content/uploads/downloads/2012/07/integratedsecurity\\_themanual\\_1.pdf](http://urgentactionfund.org/wp-content/uploads/downloads/2012/07/integratedsecurity_themanual_1.pdf), last accessed 9 September
- <sup>62</sup> Denis Nzioka, Nairobi, 20 April 2011.
- <sup>63</sup> Denis Nzioka, then with Gay Kenya, Nairobi, 20 April 2011.
- <sup>64</sup> W\*, Nairobi, 19 April 2011.
- <sup>65</sup> Bishop Senyonjo, Kampala, 15 April 2011.
- <sup>66</sup> Denis Nzioka, Nairobi, 20 April 2011.
- <sup>67</sup> Nairobi, 21 April 2011
- <sup>68</sup> LGBTI Security Committee, Kampala, 13 April 2011.
- <sup>69</sup> Joseph Achille Tiedjou, ADEFHO, Douala, 26 April 2011 and by email 30 October 2013
- <sup>70</sup> Jay Abang, Programme Director, FARUG, by email, 30 August
- <sup>71</sup> Meeting with East and Horn of Africa Human Rights Defenders Project, Kampala, 11 April 2011.
- <sup>72</sup> More information about the Resource Alliance's work in Africa available from <http://www.resource-alliance.org/pages/en/where-we-work-africa-html>, last accessed 9 September 2013
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- <sup>80</sup> Denis Nzioka, Nairobi, 20 April 2011.
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- <sup>85</sup> Dismus Aine Kevin, Rainbow Health Foundation, Mbararra, 15 April 2011.
- <sup>86</sup> Joseph Achille Tiedjou, ADEFHO, Douala, 26 April 2011.
- <sup>87</sup> Steave Nemande, via email, 7 September 2013
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- <sup>89</sup> Professor Vasu Reddy, Pretoria, May 2011
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- <sup>91</sup> Denis Nzioka, Nairobi, 20 April 2011.
- <sup>92</sup> Alice Nkom, ADEFHO, Douala, 26 April 2011.
- <sup>93</sup> Amnesty International, 'Making Love a Crime', April 2013, AFR 01/001/2013, pg 63
- <sup>94</sup> Minority Women in Action, Nairobi, April 2011
- <sup>95</sup> Coalition of African Lesbians (CAL), Boksburg, 13 May 2011.
- <sup>96</sup> Jackson Otieno, GALCK, by email 3 September 2013.
- <sup>97</sup> GALCK, Nairobi, 19 April 2011 and by email 3 September 2013.
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- <sup>99</sup> For more information on campaigning strategies, see AI Campaigning Manual <http://www.amnesty.org/en/library/info/ACT10/002/2001/en>
- <sup>100</sup> Frank Mugisha, Sexual Minorities Uganda, Kampala, 12 April 2011.
- <sup>101</sup> Dennis Wamala, LGBTI Security Committee, Kampala, 13 April 2011 and by email 31 August 2013
- <sup>102</sup> Adrian Jjuuko, then coordinator of the Civil Society Coalition on Human Rights and Constitutional Law, Kampala, 14 April 2011, and via email, 28 August 2013
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- <sup>104</sup> Gay and Lesbian Coalition of Kenya, Nairobi, 19 April 2011.
- <sup>105</sup> Triangle Project, Cape Town, 2011, and via email, 3 September 2013
- <sup>106</sup> Organization based in Boise, Kampala, 15<sup>th</sup> April 2011.
- <sup>107</sup> Joseph Achille Tiedjou, ADEFHO, Douala, 26 April 2011.
- <sup>108</sup> GALCK, Nairobi, 19 April 2011.
- <sup>109</sup> One in Nine Campaign, Johannesburg, 12 May 2011.
- <sup>110</sup> Head of the Civil Society Coalition on the Constitution and Human Rights, Kampala, 14 April 2011.

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- <sup>111</sup> Steave Nemande, Douala, 27 April 2011.
- <sup>112</sup> Jules Eloundou, Humanity First Cameroon, Yaounde, April 2011
- <sup>113</sup> Head of the Civil Society Coalition on the Constitution and Human Rights, Kampala, 14 April 2011.
- <sup>114</sup> Head of the Civil Society Coalition on the Constitution and Human Rights, Kampala, 14 April 2011.
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- <sup>116</sup> Dennis Wamala, LGBTI Security Committee, Kampala, 13 April 2011.
- <sup>117</sup> Steve, Johannesburg, 11 May 2011.
- <sup>118</sup> See section entitled 'Engaging with international mechanisms' for more information on the Universal Periodic Review and the Human Rights Council.
- <sup>119</sup> Kenya, April 2011
- <sup>120</sup> 'OUT Wellbeing sets ground-breaking precedent in the hate crime case of S Madubaduba and 2 others', ILGA, 13 December 2012. <http://ilga.org/ilga/en/article/nj0P16c19G>.
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- <sup>124</sup> Dennis Wamala, LGBTI Security Committee, Kampala, 13 April 2011.
- <sup>125</sup> Jackson Otieno, GALCK, by email 3 September 2013
- <sup>126</sup> Reverend Kimindu, Other Sheep, Nairobi, by email 31 October 2013
- <sup>127</sup> Reverend Makokha, Other Sheep, Nairobi, 20 April 2011.
- <sup>128</sup> Caster Semenya is a South African world champion runner. After she won gold in the 800m race at the 2009 World Championships in Berlin, she was subjected to an 11-months investigation into her gender by the International Association of Athletics Federations, as well as protracted speculation in the press about her gender. For more information, see <http://www.guardian.co.uk/sport/2010/jul/06/caster-semenya-iaaf-clearance>. Accessed 20 November 2012.
- <sup>129</sup> Robert Hamblin, Gender Dynamix, Cape Town, 6 May 2011.
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- <sup>131</sup> For more information on the Commission and on the Charter itself, please see Amnesty International's guide to the ACHPR (IOR 63/005/2007, <http://www.amnesty.org/fr/library/info/IO63/005/2007/en>) and to the African Charter: <http://www.amnesty.org/en/library/info/IO63/005/2006/en>
- <sup>132</sup> <http://www.ishr.ch/general-news/1497-progress-at-the-53rd-ordinary-session-of-the-african-commission-is-hindered-by-a-lack-of-state-reporting>
- <sup>133</sup> See video at <http://gyroconference.event123.no/MFA/HRSOGI/cathrerineatoki.cfm?FuseAction=GenPage&pWebprofilfunkid=76534>
- <sup>134</sup> Full list of special rapporteurs and mechanisms available here: <http://www.achpr.org/mechanisms/>
- <sup>135</sup> Steave Nemande, Douala, 27 April 2011.
- <sup>136</sup> This section uses material from Amnesty International's 'The human rights of lesbian, gay, bisexual and transgender people: A primer to working with the United Nations Treaty Monitoring bodies and the Special Procedures of the United Nations Commission on Human Rights', March 2005. Index: 40/004/2005. Since this paper was published, several new thematic Special Procedure mechanisms have been created and new treaties and protocols have entered into force.

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New Special Procedure mandates have been created to cover the following themes: cultural rights; democratic and equitable international order; the enjoyment of a safe, clean healthy and sustainable environment; freedom of peaceful assembly and association; the promotion of truth, justice, reparation and guarantees of non-recurrence; contemporary forms of slavery; international solidarity; the promotion and protection of human rights while countering terrorism; human rights and transnational corporations and other business enterprises; safe drinking water and sanitation; and discrimination against women in law and in practice. In addition, there are now Special Procedure mandates covering Belarus, Cote d'Ivoire, Eritrea, Iran, Mali, Sudan and Syria in addition to those created before 2005. The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities and its Optional Protocol and the International Convention for the Protection of All Persons from Enforced Disappearance have all entered into force.

However, the means by which advocates can engage is unchanged, even if there have been modifications to the expert bodies' working methods.

<sup>137</sup> Amnesty International, 'The human rights of lesbian, gay, bisexual and transgender people: A primer to working with the United Nations Treaty Monitoring bodies and the Special Procedures of the United Nations Commission on Human Rights', March 2005. Index: 40/004/2005.

<sup>138</sup> Amnesty International, 'The human rights of lesbian, gay, bisexual and transgender people: A primer to working with the United Nations Treaty Monitoring bodies and the Special Procedures of the United Nations Commission on Human Rights', March 2005. Index: 40/004/2005.

<sup>139</sup> NGOs may request that the information be kept confidential and made available only to the committee if there are exceptional reasons for doing so. Please check with the relevant secretariat in advance.

<sup>140</sup> Please refer to the individual committee webpages for further information on these opportunities.

<sup>141</sup> The state's initial or periodic report and concluding observation are all made available on the relevant treaty body's website: <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

<sup>142</sup> In this regard, it is worth noting that the Treaty Bodies usually select from among their members a "rapporteur" or members of a working group to lead discussions on a state party report.

<sup>143</sup> Please refer to the respective websites of the committees for further information.

<sup>144</sup> For further information on how NGOs can participate in the UPR process, see ARC International, 'Universal Periodic Review: a guide for sexual orientation and gender identity advocates', [http://arc-international.net/global-advocacy/universal-periodic-review/upr-guide\\_en](http://arc-international.net/global-advocacy/universal-periodic-review/upr-guide_en) .

<sup>145</sup> Steave Nemande, Douala, 27 April 2011.

<sup>146</sup> These treaty bodies are: the Human Rights Committee (HRC) which monitors the International Covenant on Civil and Political Rights, the Committee on Economic, Social and Cultural Rights (CESCR), the Committee Against Torture (CAT), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee on the Rights of Persons with Disabilities (CRPD), and the Committee on Enforced Disappearance (CED).

Additionally, the Committee on the Rights of the Child will also have this competence once the third Optional Protocol enters into force.

<sup>147</sup> Check also that the state party has not made a procedural reservation limiting the use of the individual complaints mechanism.

<sup>148</sup> Information about mandates, mandate-holders and contact information is available at the OHCHR webpage at: <https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

<sup>149</sup> As of June 2012, these states are: Albania, Argentina, Australia, Austria, Andorra, Armenia, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chad, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany,

Ghana, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, India, Iraq, Ireland, Iran, Italy, Japan, Jordan, Kazakhstan, Kuwait, Lebanon, Liechtenstein, Latvia, Lithuania, Luxembourg, Madagascar, Maldives, Malta, Mexico, Moldova, Monaco, Mongolia, Montenegro, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Rwanda, San Marino, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Turkey, Tunisia, Ukraine, United Kingdom, Uruguay, Vanuatu and Zambia.

<sup>150</sup> Nairobi, 21 April 2011

<sup>151</sup> ISHTAR, Nairobi, 19 April 2011.

<sup>152</sup> Nonhlanhla Mkhize, Durban Lesbian and Gay Community and Health Centre, May 2011

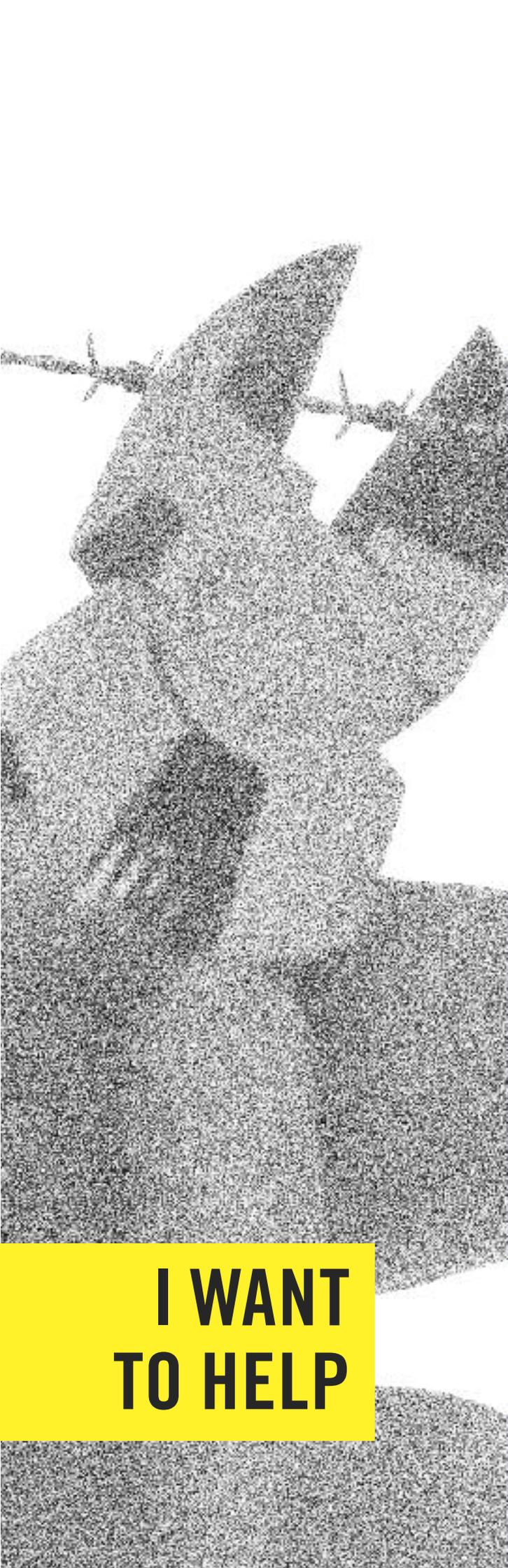
<sup>153</sup> Jules Eloundou, Humanity First Cameroon, Yaounde, 29 April 2011.

<sup>154</sup> Nonhlanhla Mkhize, by email, 31 August 2013

<sup>155</sup> Steve, Johannesburg, May 2011

<sup>156</sup> Johannesburg, May 2011

<sup>157</sup> Launched in July 2013 by the United Nations Human Rights Office: more information available from <https://www.unfe.org/>, last accessed 9 September 2013.



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## **SPEAKING OUT**

### **ADVOCACY EXPERIENCES AND TOOLS OF LGBTI ACTIVISTS IN SUB-SAHARAN AFRICA**

The last decade has seen an unprecedented rise in the levels of discrimination, harassment and violence directed towards lesbian, gay, bisexual, transgender and intersex (LGBTI) people in sub-Saharan Africa. Thirty-one states in the region continue to criminalize consensual same-sex sexual conduct. The human rights abuses faced by LGBTI people are by no means unique to sub-Saharan Africa; but in recent years and in many countries in the region, hostility towards LGBTI people has become particularly acute.

Yet throughout sub-Saharan Africa, there are countless brave activists speaking out against oppression and persecution on the basis of sexual orientation and gender identity, despite the risks that this activism often entails to their own livelihoods and lives. They have led and continue to lead the way in the struggle towards the recognition that LGBTI people are entitled to the same dignity, respect, acceptance and protection of human rights as every other African. This toolkit is the outcome of more than 60 activists, organizations and individuals sharing their experiences of building a strong and sustainable movement – through public campaigning, awareness-raising, lobbying political and public figures, and human rights mechanisms - to help advocate for LGBTI rights across sub-Saharan Africa.

[amnesty.org](http://amnesty.org)

Index: AFR 01/001/2014  
February 2014

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