

LGBT Activism in Eastern Africa

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Lesbian, gay, bisexual, and transgender (LGBT) activism in Eastern Africa operates in a heavily constrained and oppressive environment. Despite these obstacles, activists continue to mobilize on behalf of LGBT rights and create safe spaces for same-sex practicing individuals. This entry looks at the laws that shape Eastern African LGBT activism, the role of the West in both helping and hindering LGBT activism, how different LGBT organizations function with respect to the limitations they face, the relationship of LGBT activism to women's movements, and the impact of HIV/AIDS on LGBT individuals and activism. Recent successes are described as well.

Importantly, it is impossible to consider the status of lesbian, gay, bisexual, and transgender (LGBT) rights in Eastern Africa with any presumption of homogeneity. As a result, this entry looks at general patterns across countries while simultaneously recognizing that all countries have different governing structures, laws, and even different levels of institutional stability that secures the status of government and law, affecting how LGBT activism operates. Likewise, concepts such as lesbian, gay, bisexual, transexual, transgender, and queer, carry specific social meanings in different contexts. As Adam, Dyvendak, and Krouwel explain (1999, 2), "the context and meaning of 'gay' or 'lesbian' are contested terrain, varying within and among societies. How homosexually interested people come together, organize, and identify group

objectives, then, differs immensely from place to place." Furthermore, Tamale (2011, 2) writes, "The notion of a homogenous, unchanging sexuality for all Africans is out of touch not only with the realities of lives, experiences, identities and relationships but also with current activism and scholarship." Eastern African sexualities have been shaped by each country's unique past and present, including, but not limited to, experiences of colonialism and globalization, and dynamics of gender, class, religion, ethnicity, and race. Finally, there is an enormous diversity of sexualities in Eastern Africa. This entry provides merely the contours of major dimensions of research on LGBT activism in this region.

To varying degrees, homosexuality is illegal in Kenya, Burundi, Tanzania, and Uganda, and there are also no laws in any of these countries to prohibit discrimination on the basis of sexual identity. In Rwanda, same-sex behaviors and relationships are legal, yet there are no laws to prevent same-sex discrimination. In many of the countries across Eastern Africa, existing laws that criminalize same-sex behaviors are remnants of colonialism and the legal systems they introduced (this was notably more common in British than French or other colonies). Of all the laws dealing with homosexuality in the region, Uganda's Anti-Homosexuality Act, which sought to revise an earlier act criminalizing homosexuality which was a remnant of British colonialism, is perhaps best known.

In 2013, Uganda's anti-homosexuality bill was revised to consider the death penalty for "repeat offenders" and even punishment for non-LGBT people who know of homosexual people and fail to report them to the authorities. Businesses that promote LGBT rights could be fined as well. The law ultimately passed in 2014 but with the

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provision that people convicted of same-sex acts be punished with life in prison as opposed to the death penalty originally proposed. A few months later, the Constitutional Court of Uganda ruled the law as invalid because it was not passed with the required quorum. It is expected to be referred to the Supreme Court of Uganda for a hearing.

As in Uganda, sex acts between men are illegal in Tanzania and also carry the maximum penalty of life imprisonment. No law concerning sex acts between women is mentioned specifically in mainland Tanzanian law; however, the semi-autonomous region of Zanzibar outlaws same-sex acts between women with a maximum penalty of 5 years' imprisonment, as well as a 500,000 shilling fine.

Kenya also criminalizes homosexuality and in 2014 the Kenyan government introduced a law that would include the death penalty for "aggravated homosexuality," while a foreigner who commits a homosexual act would be stoned in public. At the same time, female same-sex marriage is practiced among some minority groups within the country (the Gikuyu, Nandi, Kamba, and Kipsigis). This is not understood in Kenya as homosexual behavior but rather as a way for women without sons to maintain their inheritance and keep it within the family. Sometimes, these marriages are also polygamous; however, only polygamy among men married to women is legal as of 2014.

These three examples point to a complicated relationship between state law and actual practices related to same-sex behaviors in Eastern Africa. As Epprecht notes:

[M]any countries in Africa appear to have a *de facto* culture of tolerance (or indifference) to same-sex sexuality that amounts to freedom from discrimination, notwithstanding sometimes harsh laws and elite homophobic rhetoric ... The key proviso is that non-normative sexuality not be named as such, but take place under

the umbrella of heteropatriarchal constructions of family, faith, and African identity. (Epprecht 2012, 226)

This statement is not meant to diminish the severity of laws regulating against same-sex behaviors and relationships in Eastern Africa, but rather to demonstrate that there is significant variation in how civilians understand and respond to these laws.

Partly resulting from the recent discourse surrounding LGBT rights in Eastern Africa, there has been renewed attention to questions of sexuality as well as to the laws criminalizing same-sex behaviors. This attention has resulted in a severe backlash towards many individuals who try to practice living openly as LGBT in Eastern Africa. In many places, the results of identifying as LGBT are severe: people are often disowned or evicted; they frequently lose their jobs; and they are subject to hostility, ridicule, and discrimination, which is occasionally even encouraged by political and religious authorities. Likewise, many LGBT individuals lack access to adequate medical care and sometimes have their confidentiality breached by health providers. When LGBT individuals have been assaulted by organized mobs, police have failed to come to their rescue. Such individuals are also often subject to arbitrary arrest. During these arrests, the police assault and harass them, and even sexually abuse them in some cases.

Sexual rights activists in Eastern Africa are often at risk of losing their jobs, being disowned by their families, and killed for their activism. According to Monica Tabengwa, an LGBT activist with Human Rights Watch in Kenya, it is impossible for individuals, especially women, to be lesbian, bisexual, or queer without it becoming political. Women who practice same-sex or have same-sex relationships in many Eastern African countries are often subject to what is called "corrective"

or “curative” rape, sometimes even organized by their families, to make them “real women.” In Tanzania and Uganda, well-known LGBT rights campaigners Maurice Mjomba and David Kato were murdered. Other activists are frequently derided with slurs such as *pédé* (“faggot”) and sometimes described as “whore[s] to the West” (Epprecht 2012, 229).

Laws criminalizing homosexual behavior were first introduced by colonialist governments who imposed their own legal systems on Eastern African countries. Likewise, the introduction of Christianity or Islam by many of these governments led to the criminalization of same-sex practices and relationships as well as the negative stigma often associated with them. In recent years, there has been a significant influence on the extreme homophobic agendas of various Eastern African countries from American Christian Fundamentalist proselytizers and “ex-gay” missionaries. This especially has been the case in Uganda, where in March 2009, a workshop opposing homosexuality took place in Kampala that featured three American evangelicals: Caleb Lee Brundige, a man who claims to heal homosexuality; Scott Lively, an author of several books against homosexuality; and Don Schmierer, a board member of Exodus International, an organization that claims to promote “freedom from homosexuality through the power of Jesus Christ.” It was during this conference that a Ugandan attendant first announced the parliament’s intention to restructure the bill criminalizing homosexuality.

Despite this, there is a widespread perception among opponents of LGBT activism that these movements are a form of Western neoimperialism. Recent controversies have only heightened this belief. For example, in 2011, UK prime minister David Cameron suggested that the UK may withhold or reduce aid to governments that do not reform

their laws criminalizing homosexuality. In response, Bernard Membe, Tanzania’s minister for foreign affairs and international cooperation, replied:

Tanzania will never accept Cameron’s proposal because we have our own moral values. Homosexuality is not part of our culture and we will never legalise it... We are not ready to allow any rich nation to give us aid based on unacceptable conditions simply because we are poor. If we are denied aid by one country, it will not affect the economic status of this nation and we can do without UK aid.

This backlash has led to a difficult situation for LGBT activists who not only are subject to harm, but also because threats made by donors to cut off aid has damaged LGBT organizations’ relationships with other civil society movements. International sanctions to cut off aid in an attempt to assist LGBT organizations gain strength in their respective countries often have had the opposite effect. In many places, these organizations have become ostracized. As the “African statement to British government on aid conditionality” explains:

A vibrant social justice movement within African civil society is working to ensure the visibility of – and enjoyment of rights by – LGBTI people ... It has been working through a number of strategies to entrench LGBTI issues into broader civil society issues, to shift the same-sex sexuality discourse from the morality debate to a human rights debate, and to build relationships with governments for greater protection of LGBTI people. These objectives cannot be met when donor countries threaten to withhold aid. (African Social Justice Activists 2013, 92)

Additionally, and perhaps also because of the unique difficulties that many of these organizations face, there has been a backlash against attempts by Western organizations seen by some Eastern African activists as trying to co-opt local movements for their

own purposes. For example, at the 2007 Nairobi Social Forum, the representatives of 20 LGBT groups across Africa signed a public statement against attempts by OutRage! to press the Nigerian government not to pass a same-sex marriage prohibition act. The signatories explained that OutRage!'s actions might create a backlash. They added:

As African LGBTI Human Rights Defenders, we are working toward the recognition of our rights by our governments in Africa. We do not appreciate or accept the efforts of Western-based individuals or organizations who try to make our work for liberation into an ego-boosting publicity campaign for themselves. (African LGBTI 2007)

The signatories further described the behavior of OutRage! as a form of neo-colonialism. This is part of a more general shift towards questioning the purpose and usefulness of Western based and funded non-governmental organizations (NGOs). As Kenyan queer academic Keguro Macharia explains, "I want to resist the 'African homosexual' as an empirical figure waiting to be discovered or, through NGO and international interventions, to be created and saved" (in Ekine, *New Internationalist Blog*).

The oppressive nature of states' laws and cultural attitudes towards LGBT individuals means that most organizations take the form of house gatherings and small networks of friends. Very rarely are activists able to meet in public spaces like restaurants or bars, and the ability for LGBT organizations to obtain formal meeting spaces is nearly impossible. Many organizations that exist to promote LGBT rights use coded language or neutral terms to label themselves, such as the Horizon Community Association in Rwanda, Minority Women in Action in Kenya, and the Uganda Health and Science Press Organization. However, not all organizations follow this trend and some, like the

Coalition of African Lesbians, remain explicit about their intentions through their titles. It is important to note that the discreet names of LGBT organizations are not always due to the private interests of organizers. At times, organizations have changed their names in order to receive official accreditation as an NGO in their respective countries. For example, the former Burundian organization Groupe de Réflexion des Homosexuelles du Burundi (Group for the Reflection of Homosexuals in Burundi) recently changed its name to Humure ("Do not be afraid") for this purpose.

Despite widespread oppression, LGBT organizations in Eastern Africa continue to mobilize, in some cases increasing their efforts in the wake of violence against them. The main LGBT rights organization in Uganda is Sexual Minorities Uganda, which was founded in 2004 by Victor Mukasa. The current executive director and winner of several human rights awards is Frank Mugisha. Though increasingly severe measures against LGBT individuals have been introduced in Uganda, new forms of media have appeared such as the LGBT magazine, *Bombastic*, and the launch of an online platform, *Kuchu Times*. These publications are part of a campaign to reclaim the media, initiated by activist Kasha Jacqueline Nabagesera, who was awarded the Martin Ennals Award for Human Rights Defenders in 2011. Similarly, in Rwanda, members of the Horizons Community Association have experienced government harassment and been evicted from their offices, causing many staff to leave. Still, the organization continues to engage in public advocacy efforts on behalf of LGBT people. Executive director James Wandera Ouma of LGBT Voice Tanzania (formerly WEZESHA) was arrested by police in 2011 and ordered to stop his activism, but he and the organization continue their work to promote, protect, and support the interests

of LGBT people in the country. Local organizations that take the risk of engaging in public activism have been instrumental in the movement to destigmatize LGBT individuals as they are started and run by Africans contributes to dismantling the notion that same-sex relationships are “un-African.”

In addition to these organizations, some activism has been driven by academic initiatives, specifically African feminist scholarship and research. For example, since 2006, the African Regional Sexuality Resource Center has produced the magazine, *Sexuality in Africa*, whereas local publications, such as *Bombastic* in Uganda, have emerged in recent years. Academics have also organized seminars and intellectual forums around discussions of sex and sexuality, and there has been a move to create safe spaces for LGBT in Eastern Africa that are non-political in intention, such as gay-friendly faith groups and soccer clubs like Other Sheep East Africa in Kenya. The Internet has also provided a critical platform for the voices of LGBT activists. It has created a space for social networking that allows activists to create connections, communicate news and strategies, and share successes, helping to foster solidarity.

A number of global actors have had critical roles in funding new research and supporting LGBT movements in Eastern Africa. For example, the International Gay and Lesbian Human Rights Commission published a report in 2005 on how African countries were failing to help men who have sex with men (MSM) protect themselves against HIV. In 2008, the US-based Population Council sponsored a workshop in Nairobi on MSM and HIV/AIDS in Africa and the subsequent report urged governments to recognize the existence of MSM and promote their rights to health. In response to the recent attempts (and successes) of Eastern African governments to increase the severity of punishment for LGBT behaviors and relationships, many

international donors have strengthened their solidarity with local organizations and increased their funding, though this tactic is not without contestation on the parts of governments and local activists.

Many LGBT organizations in Eastern Africa draw heavily from lessons of African women’s movements and aim to promote an intersectional approach in their work that links homophobia and transphobia to sexism and patriarchy. This is not to say that women’s movements have responded. Some LGBT women have reported experiencing harassment from women’s movements that they belong to when they have suggested including same-sex practicing individuals as a “marginalized group” (Tamale 2003). Others report that individuals in the feminist movement struggle with responding to LGBT concerns (Kiragy and Nyong’o 2005). This is not only the result of homophobia, but also reflects tensions related to resource allocation and constraints within feminist movements and, occasionally, a lack of knowledge or capacity (Guma 2015). The result is that in many cases lesbian concerns are marginalized within broader feminist movements.

Finally, any review of LGBT activism in Eastern Africa is incomplete without a discussion of the high rates of HIV/AIDS in the region. Beginning in the late 1990s, it was found that men’s secretive same-sex practices were a much greater factor in the spread of HIV in Africa than was previously assumed. In Kenya, a study found that over two thirds of MSM had unprotected sex with a woman in the previous year, whereas in Uganda 90 percent of MSM had female wives. The Kenyan government has estimated that at least 15 percent of all new HIV infections in the country occurred as a result of male–male sex. In turn, many organizations have fought for the decriminalization of same-sex behaviors and relationships particularly because they encourage many

same-sex practicing people to remain private about their sexual identities and practices. The majority of same-sex practicing people in Eastern Africa keep a low profile and adhere to heteronormative social norms while using the Internet for private connections or secretly finding same-sex partners. In the context of the HIV/AIDS crisis in sub-Saharan Africa, this is dangerous. As a result, a number of LGBT organizations in Eastern Africa are motivated both by the desire to encourage political activism and support for LGBT people, and by the desire to organize for LGBT health rights. The challenges of the political context means that many of these organizations promote sexual rights and sexual health advocacy in a coded way, often embedding their agenda through the use of euphemisms or implicit language within the larger, and most often heterosexual-focused, public health campaigns in Eastern Africa.

Despite the severe repression of LGBT activists and same-sex practicing individuals, there are a few Eastern African political leaders who have vocalized their support for legal reform that would protect the rights of LGBT people. For example, Dr. Willy Mutunga, Chief Justice of the Kenyan Supreme Court, has expressed that “gay rights are human rights,” and Health Secretary James Macharia has declared that “the Ministry... has a constitutional obligation to provide health services to all who face discrimination.” Likewise, in Uganda, former vice-president and UN special envoy for HIVA-AIDS in Africa has proclaimed, “I am in full solidarity with the LGBT community and I will defend their rights in Uganda and across Africa” (Human Rights First, *Report: The State of Human Rights for LGBT People in Africa*). In Rwanda, the government has signed the UN Human Rights Council statement towards “Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity.” LGBT activism in Eastern

Africa is heavily impeded by the national environments of their respective countries, but small gains continue to be made in the fight for equality.

SEE ALSO: Colonialism and Sexuality; Cross-Cultural Gender Roles; Gay and Lesbian Pride Day; Health, Healthcare, and Sexual Minorities; Human Rights, International Laws and Policies on; Lesbian and Gay Movements; Regulation of Queer Sexualities; Women’s and Feminist Activism in Eastern Africa

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