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**SEXUAL DIVERSITY IN AFRICA:
AN ARGUMENT FOR THE
INCLUSION OF SEXUAL MINORITIES
IN AFRICAN DEVELOPMENT POLICY**

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Holding Leaders Accountable



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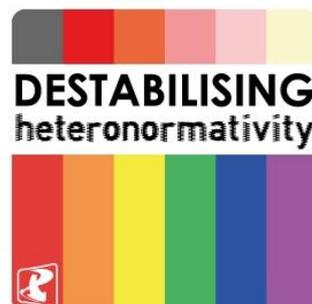
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Feedback

Lucinda van den Heever, Senior Researcher at AIDS Accountability International is the principal author of this report. Every attempt has been made to ensure the accuracy of this report but any errors or omissions are our own. The author and AAI welcome any feedback, comments, and/or corrections on the content. Contact details: lucinda@ aidsaccountability.org

This paper forms part of the Destabilising Heteronormativity Project. Find out more on www.aidsaccountability.org



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Glossary

Ally

Typically any non-LGBT person who supports and stands up for the rights of LGBT people; though LGBT people can be allies too, such as a lesbian who is an ally to a transgender person. These people are willing to confront heterosexism, homophobia, transphobia and lesbophobia and believe that these are social justice issues.

Androgynous

A person who may appear as and exhibit traits traditionally associated as both male and female, or as neither male nor female, or as in between male and female.

Asexual

A sexual orientation where a person does not experience sexual attraction or desire to partner for the purposes of sexual stimulation; 2) a spectrum of sexual orientations where a person may be disinclined towards sexual behaviour or sexual partnering.

Biological Sex

Is defined by primary and secondary sex characteristics identified at birth. 'Sex' refers to the biological and physiological characteristics that define men and women.

Bisexual

A bisexual is defined as a person who is attracted to and/or has sex with both men and women and who identifies with this as a cultural identity.

Cisgender/Cismen/Ciswomen

People whose gender identity matches their sex at birth. This has a more positive connotation than 'normal' or 'non-transgender'.

Discrimination

Prejudice and power. It occurs when members of a more powerful social group behave unjustly or cruelly to members of a less powerful social group. Discrimination can take many forms, including both individual acts of hatred or injustice and institutional denials of privileges normally accorded to other groups. Ongoing discrimination creates a climate of oppression for the affected group.

Gay

The term 'gay' can refer to same-sex sexual attraction, same-sex sexual behaviour, and same-sex cultural identity.

Gender

Refers to the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for men and women. To put it in another way – male and female are sex categories, while masculine and feminine are gender categories.

Gender and sex

The term ‘sex’ refers to biologically determined differences, whereas ‘gender’ refers to differences in social roles and relations. Gender roles are learned through socialization and vary widely within and between cultures. Gender roles are also affected by age, class, race, ethnicity, and religion, as well as by geographical, economic, and political environments.

Gender diversity

The range of different gender expressions that spans across the historically imposed male-female binary. Referring to “gender diversity” is generally preferred to “gender variance” as “variance” implies an investment in a norm from which some individuals deviate, thereby reinforcing a pathologising treatment of differences among individuals.

Gender expression

Is how you demonstrate your gender (based on traditional gender roles) through the ways you act, dress, behave and interact.

Gender non-conforming

Behaviour or gender expression by an individual which does not match masculine or feminine gender norms.

Hate Crime

Any incident, which may or may not constitute a criminal offence, perceived as being motivated by prejudice and hate. The perpetrators seek to demean and dehumanise their victims, whom they consider different from themselves based on their actual or perceived race, ethnicity, gender, age, sexual orientation, disability, health status, nationality, social origin, religious convictions, culture, language or other characteristic.

Hegemony

An ideology which dominates in a society and exerts power over rival ideologies. Central to the notion of hegemony is that it dominates in taken-for-granted ways (institutionalised ways), where the dominant ideology elicits the support of the oppressed by seeming legitimate and accepted. In this manner the power relations stipulated by the hegemonic ideology are regarded as normal, inevitable and beneficial to everyone.

Heteronormativity

Related to “heterosexism”, it refers to the privileged position associated with heterosexuality based on the normative assumptions that there are only two genders, that gender always reflects the person’s biological sex as assigned at birth, and that only sexual attraction between these opposite genders is considered

“normal” and “natural”. The influence of heteronormativity extends beyond sexuality to also determine what is regarded as viable or socially valued masculine and feminine identities, i.e. it serves to regulate not only sexuality but also gender roles/identity.

Heterosexism

A system of beliefs that privileges heterosexuality and discriminates against other sexual orientations. It assumes that heterosexuality is the only normal and natural option for human relationships and posits that all other sexual relationships are either subordinate to or perversions of heterosexual relationships. In everyday life, this manifests as the assumption that everyone is heterosexual until proven otherwise.

Heterosexual/heterosexuality

The term ‘heterosexual’ is used to refer to people who have sex with and/or are attracted to people of the opposite sex. (UNAIDS, 2011)

Homosexual/homosexuality

The word homosexual refers to people who have sex with and/or sexual attraction to or desires for people of the same sex. (UNAIDS, 2011) Alternative terms are same-sex, sexual diversity and lesbian, gay and bisexual (LGB).

Homonormativity

The system of regulatory norms and practices that emerges within homosexual communities and that plays a normative and disciplining function. These regulatory norms and practices need not necessarily be modelled on heteronormative assumptions, but they often are.

Intersectionality

The interaction of different axes of identity, such as gender, race, sexual orientation, ability and socio-economic status in multiple and intersecting ways, resulting in different forms of oppression impacting on a person in interrelated ways.

Intersex

A term referring to a variety of conditions (genetic, physiological or anatomical) in which a person’s sexual and/or reproductive features and organs do not conform to dominant and typical definitions of “female” or “male”. Such diversity in sex characteristics is also referred to as biological “variance” a term which risks reinforcing pathologising treatment of differences among individuals.

Lesbian

A woman who has sexual, romantic, and intimate feelings for or a love relationship with another woman or women.

LGBTI

An abbreviation referring to lesbian, gay, bisexual, transgender and intersex persons. LGB are sexual orientations, while the “T” is a gender identity and “I” is a biological variant. They are clustered together in one abbreviation due to similarities in experiences of marginalisation, exclusion, discrimination and victimisation in a heteronormative and heterosexist society, in an effort to ensure equality before the law and equal protection by the law. It is important to recognise that LGBTI persons are not a homogenous group and that their issues, experiences and needs may differ significantly in several respects.

Men who have sex with men (MSM)

MSM is an abbreviation referring to ‘men who have sex with men’ or ‘males who have sex with males’, regardless of whether or not they have sex with women or have a personal or social gay or bisexual identity. It also includes men who self-identify as heterosexual but have sex with other men.

Oppression

The systematic subjugation of a group of people by another group with access to social power, the result of which benefits one group over the other and is maintained by social beliefs and practices.

Queer

An inclusive term that refers not only to lesbian and gay persons, but also to any person who feels marginalised because of her or his sexual practices, or who resists the heteronormative sex/gender/sexual identity system.

Same Gender Loving

A term to express an alternative sexual orientation without relying on terms and symbols of European descent. The term emerged in the early 1990's with the intention of offering a voice to black women who love women and black men who love men, a way of identifying and being that resonated with the uniqueness of black culture in life.

Sexuality

Refers to a human’s capacity for sexual feelings and includes sexual orientation, sexual identity, social gender roles and sexual activity. Sexuality is an integral part of all persons, a basic need, and an aspect of being human. Sexuality includes eroticism, pleasure, intimacy and reproduction.

Sexual behaviour

Sexual behaviour is distinguished from sexual orientation because the former refers to acts, while the latter refers to feelings and self-concept. People may or may not express their sexual orientation in their behaviour.

Sexual Diversity

The range of different expressions of sexual orientation and sexual behaviour that spans across the historical imposed heterosexual-homosexual binary.

Sexual Orientation

A person's lasting emotional, romantic, sexual or affectional attraction to others (heterosexual, homosexual, same-sex sexual orientation, bisexual or asexual).

Sex worker

The term 'sex worker' is non-judgmental and focuses on the working conditions under which sexual services are sold. Sex workers include consenting female, male, and transgender adults and young people over the age of 18 who receive money or goods in exchange for sexual services, either regularly or occasionally. (UNAIDS, 2011)

Significant other

Person(s) who have an important influence on an individual's life and well-being. These could include romantic partner(s), friends and biological or social family.

SOGI

Refers to sexual orientation and gender identity. It is a fairly recent term which is used as opposed to LGBTI.

Stigma and discrimination

LGBTIQ individuals frequently experience stigma and discrimination; however there is a difference between the two concepts. Stigma is the feeling experienced by a sexually diverse person based on what others think and affects the way they view themselves. It is the "holding of derogatory social attitudes or cognitive beliefs, a powerful and discrediting social label that radically changes the way individuals view themselves or the way they are viewed by others." (Smart)

Discrimination is "an action based on a pre-existing stigma; a display of hostile or discriminatory behavior towards members of a group, on account of their membership to that group" (Smart) Name-calling or refusing to hire a person based on their sexual orientation or gender identity are examples of discrimination.

Trans*

The word "trans" with an asterisk is increasingly used to replace "transgender" and indicates rejection of the hegemony of the global North in providing the language used to describe the identities and experiences of transgender people.

Transgender

A term for people who have a gender identity, and often a gender expression, that is different to the sex they were assigned at birth by default of their primary sexual characteristics. It is also used to refer to people who challenge society's view of gender as fixed, unmoving, dichotomous, and inextricably linked to one's biological sex. Gender is more accurately viewed as a spectrum, rather than a polarised, dichotomous construct. The broad term encompasses crossdressers, gender benders, transsexuals, genderqueers, people

who are androgynous, and those who defy what society tells them is appropriate for their gender. Transgender people can be heterosexual, homosexual, bisexual or asexual.

Transgender man

A person who was assigned 'female' at birth, but identifies as male. Such a person is also referred to as "female-to-male" (FtM) trans person. Male pronouns should always be used in reference.

Transgender woman

A person who was assigned "male" at birth, but identifies as female. Such a person is referred to as a "male-to-female (MtF) trans person. Female pronouns should always be used in reference.

Transphobia, lesbophobia and homophobia

These terms refer to the fear of, rejection of, or aversion to, transsexuals, transgender people, transvestites, lesbians and women who have sex with women and/or gay men or other men who have sex with men. These phobias are often expressed as stigmatizing attitudes or discriminatory behaviour

Transsexual

A transgender person in the process of seeking or undergoing some form of medical treatment to bring their body and gender identity into closer alignment. Not all transgender people undergo reassignment surgery. (Smart)

Women who have sex with women (WSW)

The term 'women who have sex with women' includes women who self-identify as lesbian or homosexual and have sex only with other women, bisexual women and women who self-identify as heterosexual but have sex with other women. (UNAIDS, 2011)

Introduction: The state of sexual diversity in Africa

This paper seeks to provide information, evidence and a deeper analysis and critical thinking around African sexualities particularly related to sexual orientation and gender identity (SOGI) or sexual diversity.

Sexually diverse Africans have been deemed non-existent in Africa. Often African leaders have claimed that same sex relations are not African and those who claim to be gay or lesbian have been ‘corrupted’ by a white foreign agenda which needs to be extricated from African society. These sentiments run strongly throughout the continent.

Over the last few years there has been increased pressure from African LGBTI activists to recognise same sex relations, human rights, dignity and respect for Africans who are sexually diverse. This has met with opposition from leaders who view sexual diversity as not indigenous to Africa or as foreign and is often accompanied with brutal verbal assaults, threats and attacks. Africa’s sexual minorities have often been demonised and mislabelled criminals and paedophiles. To further discredit them, sexually diverse Africans have been labelled ‘unAfrican’ and sexual diversity is often described as a ‘white man’s’ disease which comes from the West. Some African presidents such as Yahya Jammeh from the Gambia has threatened to slit the throats of gay men if they wanted to get married and in 2008 he said he would “cut off the heads” of gays in his country. He described sexual diversity as anti-god, anti-civilization and anti-human. Sadly, these kinds of comments lead to discrimination and hate crimes against sexual minorities placing them at immense risk. (Tharoor, 2015)

Uganda and Nigeria have gone as far as to introduce new discriminatory laws with heavier and more inhumane legislation that criminalises any one or any behaviour that is not heterosexual. These laws also prescribe prison sentences for any person who does not report same sex relations and any NGO worker, including healthcare workers, who work to support LGBTI persons. In this way states are able to hold an entire society to ransom if they do not report anyone who is gay or suspected of being gay. These attempts to pass laws that criminalise being LGBT have resulted in international pressure. (Bowcott, 2014)

There was also a big outcry when Tiwonge Chimbalanga and Steven Monjeza from Malawi were arrested and sentenced for publicly celebrating their engagement to each other. (Smith, 2010) This foreign pressure has further increased the tensions and only encouraged African leaders to hold firmly to their stance that sexual diversity is indeed an imposition from the West. However there is a growing number of African LGBTI human rights activists who are challenging governments and refusing to have their existence as Africans who have same-sex relationships erased. They are calling to be recognised as African LGBTI and same sex loving people who are equal citizens to their heterosexual counterparts and who are entitled to the same rights.

Robert Mugabe has been the most infamous in 1995 when he described gays and lesbians as “worse than dogs and pigs”. In 1999, he termed gays and lesbians as “gangsters”. A year later he described sexual diversity as an “abomination and rottenness of culture which Britain was trying to shove down on Africans”.

“Zimbabwean patriots were urged to protect Zimbabwe from Western Imperialism which came in the form of homosexuality. This was taken up in state controlled media as well as elsewhere in Africa.” (Epprecht, 2004) Some other African leaders such as Presidents Arap Moi of Kenya, Sam Nujoma of Namibia, Bingu wa Mutharika of Malawi, Olusegun Obasanjo of Nigeria and Abdoulaye Wade of Senegal have followed Robert Mugabe and backed the “sexual diversity is unAfrican” debate. All of these presidents are on record for making stigmatising and discriminatory statements. (Tamale, *Exploring the contours of African sexualities: Religion, law and power*, 2014)

Talking about LGBTI human rights on the African continent stirs up a lot of negativity and anxiety. This fear and anxiety is further driven and kept going through the media and through prominent African religious leaders infusing this fear with myths and untruths about sexual diversity. A popular tactic by media is to release the names, photographs and sometimes addresses of prominent LGBTI activists calling for them to be hanged. (Rice, 2010) The media with the support of some religious and prominent political leaders play on people’s fears that homosexuals will convert their children. In this way sexual diversity is not only heavily policed by society, but also criminalized.

There are still 38 countries in Africa which criminalize sexual diversity, most of these laws dating back to the colonial era. Many of these old sodomy laws have been removed from European laws but still remain firmly intact in most African countries. These old laws were not removed when the process of decolonialization took place in most African countries.

This policing of sexuality through criminalization and legislation seeks to aggressively reinforce heterosexuality and force heterosexuality upon all its citizens. This has led to increased harassment, violations on every level and extreme violence, sometimes mob justice, against anyone who is perceived to be or is lesbian, gay, bisexual, transgender and intersex.

Sexually diverse people fall into the Most at Risk Populations (MARPs) or Key Affected Populations (KAPs) groups because they like others in this group are marginalised on the basis of something they do or something they are. These groups include prisoners, sex workers, injecting drug users, young women living with HIV and adolescent girls, truck drivers etc. These minority groups all have different needs and face varying levels of exclusion, harrassment, violence and are often left out of health programming and HIV treatment, care and support services. A 2014, UNAIDS Gap Report confirms in its findings that 12 populations have been left behind by the AIDS response. The report states that in order to end the epidemic there is an urgent need to close the gap and provide access to HIV treatment care and support and TB services. Often these 12 populations which have been identified also face issues around criminalization and discriminatory laws which denies their access to critical health services. Sexual minorities, like IDUs, sex workers and young girls in Africa need leaders to be increasingly accountable to them for their health and human rights.

A note on language

Many civil organizations currently use ‘sexual orientation and gender identity’ (SOGI) as the term to collectively identify the following people:

- Bisexuals
- Gays
- Lesbians
- Intersex people
- Men who have sex with men
- Transgender people
- Queer (a previously derogatory term, now being re-defined by self-identifying individuals as a means to counter hetero-normativity)
- Women who have sex with women

The International Planned Parenthood Federation (IPPF) describes sexual diversity as a ‘term (that) refers to the full range of sexuality which includes all aspects of sexual attraction, behavior, identity, expression, orientation, relationships and response. It refers to all aspects of humans as sexual beings.’ (IPPF, 2010)

The concept of sexual diversity does not position some groups as ‘normal’ and others as ‘abnormal’ or ‘other’, but rather reflects the reality that people have a variety of different kinds of sex, thus challenging the idea of heteronormativity.

Similarly the following are seldom considered when SOGI is used.

1. Situational sexual behavior, when individuals only engage in particular sexual activities in particular circumstances or places, for example
 - Individuals who can only engage in same-sex relationships outside of their country because it is illegal or dangerous to do so in their own country due to the criminalization of same sex relations.
 - Gender-segregated communities such as in prison or the military.
 - Sexual tourism, where people travel to countries to more easily access same-sex sex workers.
2. Pomosexuality, when individuals either refuse to take on or be given an identity or behavior.
3. Third sex individuals (for example the Hijras in South Asia and the Fa’afafine in Samoa).
4. Pre-transition transgender individuals who have a sexual preference based on their gender identity and not on their physiological sex. This means transgender women who might still possess male genitals who partner with women and identity as WSW are completely invisibilized by current understanding of SOGI. The same applies to pre-op transgender women who have sex with men who are currently invisibilized by MSM statistics.

Marc Epprecht, in Heterosexual Africa? The History of an Idea from the Age of Exploration to the Age of AIDS, discusses how Western terms do not necessarily apply, or are not necessarily useful, in the context of Africa where “The language Africans have used to describe such relationships is in fact commonly euphemistic or coy almost to the point of incomprehensibility beyond those in the know.” “The language by which same sex relationships are described [...] is often Eurocentric – the word homosexuality, notably, suggests a clarity arising from a specific history of scientific enquiry, social relations, and political struggle that did not historically exist in Africa and still does not very accurately describe the majority of men who have sex with men or woman who have sex with women in Africa.” (Epprecht, 2001)

For this reason this report, whilst acknowledging that the research cannot statistically always speak to all sexual minorities due to lack of data, prefers to use the term sexual diversity as an all-encompassing term. As an international evaluation of government responses to HIV and AIDS this more global term seems fitting. We therefore use sexually diverse, sexual minorities and same-sex inter-changeably.

Why we need to recognize sexual and gender diversity

One of the biggest challenges that we face in trying to understand how to provide full human rights access to sexual minorities are the limitations of terms and a failure to understand human sexuality. We have only been taught to think of sexuality in terms of sexual relations between a biological man and a biological woman. We have not been taught about the human diversities of sexuality and gender. This has robbed society of the opportunity to fully understand human sexuality. The terms MSM and WSW have given some indication that sexuality and sexual acts do not happen according to your sexual identity however this is still a difficult concept to understand. Many people tend to think that MSM is synonymous with being gay, when in fact it is not. MSM and WSW is the term which comes the closest to describing sexual diversity and sexual desire.

The International Planned Parenthood Association Federation (IPPF) describes sexual diversity as a term that refers to the full range of sexuality which includes all aspects of sexual attraction, behaviour, identity, expression, orientation, relationships and response. It refers to all aspects of humans as sexual beings. (International A. A., 2011)

In a recent 2015 report by the Academy of Science in South Africa which looks at human sexual diversity and its implications for policy in Africa, it finds that “variations in sexual identities and orientations has always been a part of normal society [and] there can be no attempts to ‘eliminate’ LGBTI from society. Efforts should rather be focused on countering the belief systems that create hostile and sometimes violent environments for those who are made to feel alienated in society that privilege male power over across political, social and family domains. (Africa, 2015)

The report also states that contemporary science does not support thinking about sexuality in a “binary opposition” of hetero/homosexual and normal/abnormal. Rather it favours thinking about a wide range of variations in human sexuality. (Africa, 2015)

In a binary opposition society tends to divide and create hierarchies for sexualities and classify some as “abnormal” and “deviant” and others as “natural” and “normal”. Sexual diversity and the variations in human sexuality cannot position some groups as “normal” and others as “abnormal” but instead reflects the reality that people have a variety of different kinds of sex, thus challenging a dominant heteronormative society. (Africa, 2015)

The same for gender diversity, the world sets up gender in a binary opposition i.e. male and female, however there are different variations of gender. Not all human beings identify with the body that they are born in or identity with the gender roles they have been socialized into and prescribed by society. There are a variety of gender expressions and gender diversity which exists beyond the male/female binary and which does not fit into this rigid binary.

There are 3 key definitions in the Psychological Society of South Africa's Position statement which is important when thinking about sexual diversity. The Psychological Society of South Africa's position statement aimed to put together an affirmative position statement on sexual diversity and gender diversity, including LGBTI, queer and asexual concerns. This position paper was aimed for psychological professionals in South Africa but can be used across the continent for all mental health practitioners. This statement is meant to provide an affirmative and supportive stance in terms of psychological research and practice with regards to sexual and gender diversity. It notes that regardless of sexual or gender identity individuals seeking services may experience difficulties in life including the negative impact from stigma, prejudice and victimization in a patriarchal and heteronormative world. (Nel, 2014)

The 3 key definitions that are important for this paper as well as understanding sexual diversity as follows:

1. Sexual Orientation – A person's lasting emotional, romantic, psychological, sexual or affectional attraction to others (heterosexual/homosexual/same sexual orientation, bisexual or asexual).
2. Gender Identity – A person's private sense of being male, female or another gender. This may or may not match the biological sex a person was assigned at birth.
3. Sexual Diversity – The range of different expressions of sexual orientation and sexual behaviour that spans across the historically imposed heterosexual-homosexual binary
4. Gender Diversity – The range of different gender expressions that spans across the historically imposed male-female binary.

In understanding the diverse range of sexualities and gender diversities, it is also worth mentioning other key affected populations and most at risk populations who face stigmatization because of different sexual practices and/or because of age. Often moral and religious values affect the way health care providers, policy makers, traditional and religious leaders respond to the sexual health needs of adolescents. Adolescents face a myriad of challenges in society which includes teenage pregnancy, first sexual debut, negotiating condom usage, understanding changes in their bodies, dealing with violence, contracting HIV and STIs and dealing with normal and natural feelings of sexual desire as they are coming into age. Often supportive, non judgemental information and knowledge are denied to adolescents which sometimes takes the form of restrictive legislation which does not allow for comprehensive sexuality education. Young adolescent girls are most at risk of contracting HIV and yet their sexual health needs are denied.

Injecting drug users, prisoners and sex workers are another most at risk group which faces stigmatization and discrimination such as LGBTI persons and very often through criminalization and restrictive laws. IDUs, sex workers, prisoners and LGBTI persons often face violence, rape, harassment and bribery by police officers and correctional service staff and are further ill treated at health care centres because they are highly stigmatized through moral judgements and values. Although many people condemn these groups the epidemiological evidence is available to show that it is an urgent matter to address the health needs of these populations and it is key in ending the HIV epidemic. HIV prevalence is often far higher amongst injecting drug users, sex workers, prisoners, MSM and gay men than in the general population. We have reached a point in society where it has become far too dangerous to ignore the needs of most at risk populations and addressing stigma and discrimination is a key area to overcome this barrier. (UNAIDS, 2014)

Local terms describing sexual diversity

It is mostly accepted without question that sexual diversity is something which can be passed on or transferred from a white foreign person to a black African to further a Western Imperialist agenda. This failure to critically question and to open up a conversation to unpack whether this is actually true has had dangerous consequences for the lives of many sexually diverse Africans. This section interrogates whether sexual diversity is truly un-African by means of analysing language which has been in use prior to Western influence in Africa.

Various researchers, archaeologists and anthropologists have examined what evidence there is of sexual diversity in Africa. This research gives us a clue into what existed in African societies prior to colonisation and what human relations existed between people on our continent. In this section we look at local words that describe sexual diversity in African societies. This becomes critically important to exposing the myth that sexual diversity never existed in Africa before colonisation.

It is important to highlight two major studies which trace the histories and traditions of sexual diversity in Africa from the pre-colonial era to present day. Marc Epprecht's book *Hungochani, The History of a Dissident Sexuality in Southern Africa* is about the history of sexuality in Southern Africa and how this has been impacted by colonialism. This is a critical piece of research in the argument that sexual diversity is un-African.

Other scholars have also written about sexual diversity in Africa across time. In *Boy Wives and Female Husbands: Studies in African Homosexualities (2001)*, the authors provide evidence for the existence of sexual minorities in historic African cultures. This book gives a historical and anthropological overview of sexual diversity across Africa by examining four regions in Sub Saharan Africa: Sudan, the Horn of Africa, East Africa and West Africa.

These research books both use the examination of local language as one means to determine the existence and status of sexual diversity in pre-colonial Africa. Marc Epprecht and other scholars have convincing evidence that same sex desire exists in Africa and predates back to the arrival of the missionaries and colonialists in Africa. (Msibi T. , 2014)

There are many local terms ranging across many different indigenous languages from Zulu, chiShona, Sesotho, Swahili and many more. The name of Epprechts book, *Hungochani* is a chiShona name which means same sex. ChiShona is one of the main indigenous languages in Zimbabwe.

In South Africa, one of the main African languages Zulu, the word *nkoshana* is defined as 'copulation between male persons'. Tsonga informants from southern Mozambique and the lowveld define *tintoncana* or *bukhonxana* as 'boy wives' or 'mine marriages'. A Sesotho version of the word (*boukonchana*) appears in Henri Junod's novel *Zidji* (1911, 260) and again in Hamel's dictionary, compiled in the 1950s (1965, 258). The

same word comes up in present-day Southern Malawi, Zambia and Central Mozambique. ‘An ingotshana’ according to a Ndebele police constable in 1907, is a man who has sex with men (Epprecht, 2004).

The older meaning of the word *ngochani* and *matanyera* is a very derogatory and shameful term. In 1995 in Zimbabwe in a high profile case a Zimbabwean police inspector shot dead a fellow police officer after the man called him *ngochani mukadzi* or ‘homosexual wife.’ The police officer however did not deny that he was indeed a participant in gay sexual relations, however the judge felt that it was too humiliating to mention this relationship in public and so the police officer was not charged for the murder of his colleague. (Epprecht, 2004)

In *Boy-Wives and Female Husbands*, edited by Murray and Roscoe there is no shortage of local African terms describing same sex relations. Evidence of same sex patterns have been reported here in 50 African societies. The next chapter will go into detail about the evidence of same sex relations in African culture. Here follows some African terms for same sex patterns.

African terms for same sex patterns	Language names
Kimbanda, diviners, esenge, man possessed by female spirt, eshenge – ‘ <i>he was approached from behind</i> ’	Amba/Ovambo (Wanyama)
Wandarwarad, ‘ <i>male-female</i> ’, Wandawande, ‘ <i>mannish woman</i> ’	(Amhara, Amharic)
Onek – ‘ <i>active male</i> ’	Gikuyu/Kikuyu
Okutunduka vanena, ‘ <i>anal intercourse</i> ’, epanga, ‘ <i>lover</i> ’, oupanga, ‘ <i>erotic friendship</i> ’	Herero, Damara
Jigele, keton, ‘ <i>reciprocal anal intercourse</i> ’	Bafia (Fia)
Kitesha (pl bitesha), ‘ <i>male and female</i> ’	Bala, Basongye, Basongye/Songe
Tubele – ‘ <i>non masculine males</i> ’	Mesakin (Ngile)
Mke-si-mume, ‘ <i>woman, not man</i> ’, ‘ <i>male and female homosexuals</i> ’; mashonga (sing. Shoga), male, basha, <i>partner of mashoga</i> , msagaji, msago ‘ <i>grinders, lesbians</i> ’	Mombassa (Swahili)
Umuswezi, Umukonotsi, ‘ <i>sodomite</i> ’, kuswerana nk’imbwa, kunonoka, kwitomba, kuranana ivuma, ku’nyo, ‘ <i>male same sex</i> ’, ikihindu and ikimaze (Mirundi), ‘ <i>hermaphrodite priests-</i>	Rwanda/Ruanda (spoken by Hutus and Tutsis)
Inkosi Ygbatfazi, ‘ <i>chief of the women</i> ’ (diviners); amankotshane, izinkotshane, inkotshane, ‘ <i>boy wife</i> ’, skesana, <i>cross gender males</i> , iggenge, ‘ <i>masculine partners</i> ’	Zulu

In trying to understand the language around sexual diversity it is important to understand the history of this language. None of these local terms refer to any identity such as lesbian, gay, bisexual, transgender and intersex but rather to appearances which does not fit the “heterosexual norm” and behaviour and desire related to same sex.

The word “homosexuality” is not an African word, it is not a word which has existed in African languages, nor has the words lesbian, gay, bisexual, transgender and intersex. However just because the words homosexuality and lesbian, gay, bisexual, transgender and intersex were not used in Africa, this does not mean that same sex desire and same-sex practices and sexual diversity were not present or did not occur.

The word “homosexuality” has a particular history which was developed around the 19th century in the West to describe a kind of “sickness” for those attracted to the same sex. “Homosexuality” was therefore a term which was developed in the West to control social relations, while labelling those engaged in same sex relations as deviants. (Msibi, 2011) We can therefore say that the idea that “homosexuality” is sick and deviant comes from the West. It is also important to note that “homosexuality” has been declassified as a mental disorder. The American Psychiatric Association (APA) removed “homosexuality” from its official Diagnostic and Statistical Manual of Mental Disorders (DSM) in 1973. This decision came at a time of the social protest movements in 1950s and 1970s beginning with the civil rights movement, then evolving to the women’s and gay rights movement. (GAP, 2012)

The term gay and lesbian also comes from a particular time in history in the West and Europe which had its own politics and struggles. Gay and lesbian is a political identity which comes from Western struggles in 1960s (Msibi, 2011). The gay and lesbian identity focuses specifically on an individual who engages in same-sex relations. ‘Even in the West the gay and lesbian identity has not always existed, it is a product of history and has come to existence in a specific historical era.’ (D’Emilio 1983:102). It is important to understand this history to be able to understand the force with which African leaders express that “homosexuality” comes from the West.

It is important to remember that the context and the conditions on the African continent are very different to the context in Europe or in the West. Africa is still haunted by a powerful history of colonialism and imperialism which tended to erase the issues of truth about sexual diversity in Africa. The colonising powers aimed to control and criminalize the sexual relations of everyone through laws, heterosexual, women, men, and sexually diverse. Their fear and discrimination of Africans and African sexuality did not extend only to sexually diverse people but to all Africans, and is still being corrected by African academics, activists and leaders on the continent today.

Pre-colonial existence of sexual diversity in Africa

Today there is extensive evidence and documentation that sexual diversity is indigenous to Africa as in any other part of the world. There have been several anthropologists, historians and some archaeologists that have documented very thoroughly indigenous homosexual relations in Africa. This evidence dates back to the pre-colonial era. However despite this evidence there still remains a very strong resistance to sexual diversity in Africa.

This section will mostly draw on the works of Epprecht and Murray and Roscoe who have conducted rigorous anthropological studies on the existence of same-sex practicing Africans dated back to the pre-colonial era. Marc Epprecht studies focused mainly on Southern Africa and Murray and Roscoe concentrated on four regions in Sub-Saharan Africa, Sudan, Horn of Africa, East Africa and West Africa. Other scholars who have also documented same sex practices in Africa pre-colonization is Thabo Msibi from University of Kwazulu Natal in South Africa.

Stephan Murray and Will Roscoe 1998, have said "African [sexual diversity] is neither random nor incidental but it is a consistent and logical feature of African societies and belief systems. In fact it was first European, ethnographers who first declared [sexual minorities] as un-African.'

*"Amongst the ancient *zvidoma*, who were the first inhabitants of Zimbabwe 'Sexual intimate relations can be dated back to one explicit Bushmen painting. The *zvidoma*'s had a rich history of cave paintings which showed their ancient way of life and spiritual beliefs. 'One rock painting dating back two thousand years ago shows three males engaging in anal sex and two other male couples, one embracing face to face and the other partner guiding an erect penis to his behind.' (Garlake 1995, 28 in (Epprecht, 2004).*

*"As early as 1907 there were pederastic 'marriages' amongst same sex called *ngotshana* which were common in developing cities and labour camps. Other male-male sexuality which was known in the first decades of colonial rule included affectionate, reciprocal love affairs, prostitution, rape blackmail attempts and sexual assault while the victim slept. These were not frowned up and no one blamed the whites for this behaviour. It also was not deemed 'unnatural', however homosexual behaviour among black African men remained deep in the closet until the 1980s." (Epprecht M. , The 'Unsayings' of Indigenous Homosexualities in Zimbabwe: Mapping a blindspot in an African Masculinity, 1998)*

There is also overwhelming evidence that African men were having sex with each other in Southern African mines and younger men were married to older men through marriages known as *inkotsane* and would be expected to perform wifely duties. These marriages were common and the state were well aware of these 'marriages' but chose not to intervene as these 'marriages' protected the nations economic needs (Epprecht 1998a.)

In Nigeria, prior to colonialism, Igbo people and Yorubaland lived without restrictions of Western gender norms. Amongst women the gender roles were fairly flexible and some women were titled as men called *ozo*, and titled women, known as *ekwe* who were central in running the economic and political affairs. Women were chosen involuntarily by the goddess Idemili and were chosen for their economic autonomy. Women took on many wives to secure this autonomy. There was a separation between gender and sex in the Igbo culture which meant that women could be male and male could be women. The economically independent women were therefore “female husbands”, allowing for same sex marriages among women. (Msibi, 2011)

Uganda where the anti-same sex laws has been raging on, has a long pre-colonial history of same sex relations. It is no secret that King Mwanga II, the Baganda monarch engaged in sexual relations with other men. He made sexual demands on his male servants and was enraged when they started to decline his advances because of their Christianity. Among the Nilotic Lango, an agriculturalist community had men who could have an alternative gender status, called *mukodo dako*, these men were treated as women and could marry other men (Murray and Roscoe 1998). The Iteso who lived in communities in northwest Uganda and Kenya, same sex relations existed among who felt like women and become women in dress, mannerisms, speech, walking. (Msibi, 2011)

Malawi is no different, Adamson Muula, head of the Department of Community Health at the University of Malawi declares ‘homosexuality happens in Malawi – deal with it’. Senegal is another case with overwhelming ethnographic and historical evidence of the existence of sexual minorities. There are many examples of men with feminine demeanour who dressed like women and who made a living from prostitution. In Dakar these men were well known over the city and had their own language. These men referred to themselves as *gordjiguene* which means ‘manwoman’. There were two types of *gordjiguene*, *oubis* (open) and *yauss* (the fallen or bad women). The *oubis* were effeminate and often spoke to each other in feminine pronouns, while the *yauss* were men who penetrated during sexual intercourse. The *yauss* were mostly married or had girlfriends, and presented masculine mannerisms. (Msibi, 2011)

Female same sex sexualities have not been that extensively covered through major research studies however there is a body of evidence from some researchers and ethnographers which points to the different ways in which woman navigated same sex love, affection and sexuality.

In *Tommy Boys, Lesbian Men and Ancestral Wives*, this evidence has been documented through girls erotic play, female bond friendships and women marriages. There have been recordings in the Kung society where girls engaged in genital manipulation in practice of labia elongation which was either done alone or in groups of girls and this may or may not involve homo-erotic attraction. This practice was not seen as sexual, however at times serious relationships would develop among the girls. However if they were discovered they could be severely punished.

Bangol quotes a traditional female healer “*With the passage of time they get excited and end up seducing each other and having sexual relations. This phenomenon is known as ocelana. They do this clandestinely, without their parents knowing.*”

Before initiation rites of passage for girls were abolished under colonial missionaries, preparing girls for marriage and sexual intercourse was an important step between girlhood and womanhood. Labia elongation was a common practice and girls were allowed to act as boys during initiation.

Various bond friendships also existed among women where they were able to express their affection and love for each other. These bond friendships were long lasting friendships and was solidified sometimes through rituals. However at the same time of these bond friendships women were expected to have heterosexual relationships. An example of a bond friendship is called *oumapanga*. (Wieringa, 2004)

“When a man enters into such a relationship they possess their wives collectively, but if female persons are each other’s oumapanga, it means that they have sexual relations with each other, something their elders are fully aware.” (Wieringa, 2004)

Evans-Pritchard described a bond friendship of the Azande where they conducted a ritual called *bagburu*, after having received permission for their husbands. *“The bagburu relationship is entered into out of deep affection, and involves sexual pleasure. It is contracted in an institutionalized way, through the exchange of gifts. The relationship exists besides a heterosexual relationship. The purpose of this relationship is to express the feelings of attraction both women partners share.”*

Women marriages have been recorded in some forty societies in Africa. They were concentrated in four major regions, Southern Sudan, Kenya, Southern Africa and Nigeria. Women marriages were fully embedded in the social structure within the ethnic group of the women. “However during pre-colonial and colonial times, the colonial administrators, postcolonial politicians and policy makers expressed great reservations and women marriages were not recognised in contemporary laws.” (Wieringa, 2004)

There are various types of “women marriages”, one being ghost marriages among the Nuer in the case of a deceased male, a woman would pay the bride price of the wife of the deceased male. The Lovedu, the Gikuyu and the Nandi also knew of ghost marriages (Tietmeyer 1985 and Krige 1974)

In other cases an infertile women of a woman who had no sons would marry a younger woman who would then bear sons for husbands in the name of the female husband. There are also other forms of marriages in which women paid the bride-price for another woman because she wanted to find a compound of her own. This practice was found amongst the Fon, the Nuer, the Nandi and the Igbo. (Wieringa, 2004)

In Africa there has been at least 21 different varieties of sexual diversity which exists. In response to the Anti-Homosexuality Law in Uganda and to provide some evidence that sexual diversity does exist in Africa, Sexual Minorities Uganda developed a report which drew on anthropological studies in pre-colonial and post-colonial Africa and came up with a list of the sexual diversities.

1. In the late 1640s, a Dutch military attache documented Nzinga, a warrior woman in the Ndongo kingdom of the Mbundu, who ruled as 'king' rather than 'queen' dressed as man and surrounded herself with a harem of young men who dressed as a women and who were her 'wives.'
2. Eighteenth century anthropologist, Father J-B. Labat, documented the Ganga-Ya-Chibanda, presiding priest of the Giagues, a group within the Congo kingdom, who routinely cross-dressed and was referred to as "grandmother".
3. In traditional, monarchical Zande culture, anthropological records described sexual diversity as "indigenous". The Azande of the Northern Congo "routinely married" younger men who functioned as temporary wives – a practise that was institutionalised to such an extent that warriors would pay "brideprice" to the young man"s parents.
4. Amongst Bantu-speaking Pouhain farmers (Bene, Bulu, Fang, Jaunde, Mokuk, Mwele, Ntum and Pangwe) in present-day Gabon and Cameroon, homosexual intercourse was known as bian nkû"ma– a medicine for wealth which was transmitted through sexual activity between men.
5. A Jesuit working in Southern Africa in 1606 described finding "Chibadi, which are Men attired like Women, and behave themselves womanly, ashamed to be called men".
6. In the early 17th century in present-day Angola, Portuguese priests Gaspar Azevedo and Antonius Sequerius encountered men who spoke, sat and dressed like women, and who entered into marriage with men. Such marriages were "honored and even prized".
7. Same-sex practices were also recorded among the Banyoro and the Langi. In pre-colonial Benin, gay male sex was seen as a phase that boys passed through and grew out of.
8. Among Cape Bantu, lesbianism was ascribed to women who were in the process of becoming chief diviners, known as isanuses.

All of the examples above provides ample evidence that sexual diversity for both men and women existed in Africa long before the colonialists set foot in Africa. The above examples show how some of the homosexual relationships were part of traditions and cultural practices and were known. These examples cannot be ignored and the fact that some African leaders are calling sexual diversity unAfrican is certainly not true and justified.

If sexual diversity is indeed indigenous to African Culture where did this all go wrong and how have postcolonial African leaders come to the conclusion that sexual diversity is unAfrican?

Colonialism and sexual diversity

It is well documented and known that it was not sexual diversity that was imported to Africa from the West but that it was homophobia, transphobia and les-phobia that came along with colonialism which demonised sexual diversity. The laws which are used to criminalize sexual diversity are in fact old colonial laws which date back to the Victorian ages. It is therefore mind boggling that African Presidents such as Mugabe, Museveni and Goodluck Jonathan who vehemently oppose intrusion from the West would fully embrace colonial laws which were left by the British colonialists and go as far as to imprison their own African people based on their sexual preference.

More than 80 countries in the world still criminalize same sex behaviour and 36 countries in Africa still criminalize consensual same sex conduct between adult men and, often between adult women too. Very few countries have laws in place that criminalise gender-non conforming identity. IN fact many police confuse sexual orientation laws for gender identity laws as they do not understand the difference, and thus use same sex behaviour laws to arrest transgender people (who may never even have ever had sex).

“These laws invade privacy and create inequality. They relegate people to inferior status because of how they look and who they love. They degrade people’s dignity by declaring their most intimate feelings “unnatural” or illegal. They can be used to discredit enemies and destroy careers and lives. They promote violence and give it impunity. They hand police the power to arrest, blackmail and abuse. They drive people underground to live in invisibility and fear.” (Human Rights Watch, 2008)

Most of these countries have these laws because they were once British colonies. During the colonial period and imperial expansion African bodies and sexualities became the focus point to “civilise” the barbarian and savage native of the “dark continent” “Texts from the 19th century reports which were authored by white explorers and missionaries clearly reveals a pattern of the ethnocentric and racist construction of African sexualities. Western imperialists equated African sexualities as primitive, exotic, bordering on nymphomania but it was also perceived as immoral, bestial and lascivious. Africans were constructed with having lustful dispositions. The imperialists executed this mission through force, brutality, paternalism, arrogance and humiliation.” (Tamale, 2015)

It were the British colonialists who saw African sexuality as perverse and one of the ways they could control this perversity were through implementing sodomy laws. The aim was to bring about European morality within the heathen Africans, they brought in these laws because they thought that Africans did not punish “perverse” sex enough. “The colonised needed compulsory re-education in sexual mores.” (Watch, 2008)

“In United Kingdom, anti-homosexuality laws were originally incorporated into English Common law in medieval times to protect the “Christian” principles of the country. These laws only associated sex with procreation and any non procreative sex were seen as non-Christian. “Carnal activities against the order of

nature” where not only seen as harmful to the individual but it was seen as harmful to the society as a whole.” (Amnesty International, 2013)

The famous Wolfenden Report 1957 urged that “homosexual behaviour between consenting adults in private should no longer be a criminal offence.” “England and Wales decriminalised most consensual homosexual conduct in 1967.” However when the colonies won independence in 1950s and 1960s, they did so with the sodomy laws still in place. France decriminalized same sex relations in 1791, but imposed anti-sodomy laws on its colonies including Cameroon, as a form of social control. The Netherlands imposed Roman Dutch Law in South Africa, in 17th century, criminalizing consensual same-sex conduct. This law was retained even after the British took over in 1806. (International A. , 2013)

Very few of these independent states have actually repealed the laws even with international human rights law saying they should. They disregard states such as Fiji, Ecuador and South Africa who have all enshrined protection for equality on the basis of sexual orientation. (Watch, 2008)

Despite all the hate that has been thrown at African LGBTI there have been a few reasoned voices who have spoken up in defence. Nelson Mandela told a gathering of Southern African Leaders that sexual diversity is not “un-African” but just another form of sexuality that has been suppressed for years. (Watch, 2008)

“Sodomy laws throughout Asia and sub-Saharan Africa have consistently been colonial impositions.” No “native” ever participated in making these laws. Colonizers saw indigenous cultures as sexually corrupt. Sodomy laws would cure the “natives” and defend their new white masters against moral contagion. (Watch, 2008)

When HIV was first identified in Africa in the mid-1980s HIV infection equally affected both heterosexual men and women. In Europe and North America the epidemic was different. It mostly affected gay and bisexual men. When European and Western scientists came to Africa to ‘study’ this epidemic, HIV in Africa was described as a heterosexual epidemic. There was no mention or proper investigation into the possibility of presence of same-sex intercourse between men. Same sex intercourse and relations were definitely present when HIV was first identified in Africa. (Epprecht M. , Heterosexual Africa? The History of an Idea from the Age of Exploration to the Age of AIDS, 2008)

It was only in 2009, when the Lancet, the worlds most respected medical journal, published a literature review that suggested that men who have sex with men (MSM) were a more significant at-risk population for HIV in Africa, accounting for at least 20% of all new infections. This was then backed World Bank that argued that for programs which specifically targetd MSM. This only came 25 years after HIV/AIDS was first recognised as an epidemic in the region. (Epprecht M. , Slim Disease and the Science of Silence: The Erasure of Same-Sex sexuality in 'African AIDS' Discourse, 1983-1988, 2013)

‘However many African leaders accepted and even amplified the stereotype that sexual diversity was exotic to Africa and sometimes baldly asserted that male-male sexual transmission was very rare and that it will not

and should not be discussed. Important scholarly texts which were aimed at health care professionals went so far as to say that there are only three modes of HIV transmission in Africa, that is heterosexual intercourse, intravenous drug use and mother to child transmission, therefore there is no transmission through same sex intercourse and it is not worth mentioning or a real issue.’ (Eprecht M. , 2008)

Understanding human sexuality in all its diversities is complex particularly because it comes with a complicated political agenda and because sexuality has always been controlled. For decades the development industry when talking about HIV has only spoken about African people as heterosexuals and can only ever be heterosexual. The AIDS epidemic has been referred to as a ‘heterosexual’ epidemic compared to other parts of the world which has left out other groups of sexual minorities. During this time, there was no acknowledgement of the possibility of same sex transmission. There is a myth which exists that Africa is exclusively heterosexual and no other sexuality can exist. This myth has been further exacerbated by the dearth of research on same sex sexualities in Africa by Africans themselves.

Post-colonial - The new African sexual diversity movement

A vibrant, outspoken and indigenous African SOGI movement has emerged in Africa over the last few years which have strong African human rights activists at the forefront and leading the way on sexual rights in Africa. The more visible and outspoken sexual diversity activists are; the more they run into severe state repression and reprisals from the law and religious institutions. Many people are asking where and why are sexual minorities suddenly emerging from and what is this new fashion of wanting to be gay? However being gay or lesbian is not a western fashion, it is about people's real lives and how they are affected.

This is a strong and vibrant movement calling to be treated equally and fairly as human beings and demanding to be seen as any other African citizen. The sexual minorities and sexual rights movement are also joining hands with other minority groups namely sex workers, young and older women living with HIV and with women's rights and gender organisations. A vibrant and strong voice of young African people who are also sexually diverse is also emerging on the continent, calling for and demanding their right to be included as part of African society.

There is a fierceness of no longer wanting to hide who they are as human beings and as Africans. There is a refusal to accept violence, discrimination, exclusion, rape, murder and any other human rights violations which is meted out on the basis of their sexual orientation and gender identity. There are striking similarities with apartheid South Africa and the anti-apartheid movement and the SOGI movement. This is about human rights, dignity and respect.

Sexual and gender minority groups are taking up human rights violations of LGBTI persons more actively, bravely challenging governments through lawsuit action and publicly condemning violence and discrimination towards LGBTI persons. (Mgbako, 2011)

Sexual minorities seek to debunk the myths based on the essentialist view that Africans can only be one strand of sexuality which is heterosexuality. This is to deny African's the diversity of who they are as sexual and gender diverse human beings. There are many individual activists and local activist networks which are demanding for justice, inclusion and dignity. For example INCREASE in Nigeria, Sister Namiba and Sexual Minorities Uganda. These are fierce activists who refuse to lie down and who are boldly changing the tide of how sexual minorities are viewed. (Tamale, Exploring the contours of African sexualities: Religion, law and power, 2014)

Due to the tenacity of these activists there have been small victories which goes a long way in the equality for LGBT people on the continent. Most recently Kenya granted an indigenous LGBT organisation the right to register their organisation with the government. Previously they were not allowed to register their organisation on the grounds that the Kenyan Law criminalizes same sex relations. The Judges of the Constitutional Court in Nairobi expressed general scepticism about the archaic anti-buggery law on modern

life in Kenya and said that the state should not prosecute people who confess to be lesbian or homosexual.’ (Senzee, 2015)

In 2014, African Commission on Human and People’s Rights adopted resolution 275 at the 55th Ordinary Session in Angola, which prohibits violence, discrimination, and human rights violations against persons on the basis of their real or imputed sexual orientation and gender identity. “This resolution condemns increasing violence, murders, rapes and arbitrary imprisonment of people based on their SOGI. Specifically condemns systematic attacks by state and non-state actors. Strongly urges all states to end all acts of violence and abuse, whether committed by state or non-state actors and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons based on their real or imputed sexual orientation or gender identity.” (Rights A. C., 2014)

Coalition of African Lesbians (CAL), a regional feminist organisation advancing justice for lesbian, bisexual and transdiverse people, has been granted observer status at the African Commission on 25 April 2015. This was a huge success for CAL after 7 years of advocacy at the Commission. CAL originally applied for observer status in 2008 but this was denied because it was said that CAL does not promote and protect any rights enshrined in the African Charter. This is a historic victory and means that CAL can now engaged at the Commission as a recognised NGO and speak on behalf of. It contributes to the rights of women human rights defenders to defend human rights and to the recognition of sexuality and gender. (Lesbians, 2015)

Other positive legal developments include South Africa was the first country in 1996 to recognise equality, rights and prohibit discrimination on the basis of sexual orientation and gender identity. South Africa continued to show its commitment by allowing joint adoption by same sex couples in 2002, introducing a law on legal gender recognition in 2004 and providing for same sex marriage in 2006.

Cape Verde’s penal code of 2004 eliminated offences related to same sex activity. In 2011, Sao Tome and Principe committed during its review at the UN Human Rights Council to decriminalize sexual diversity. In 2009, Mauritius committed to adopting its sexual offences bill which would effect the decriminalization of sexual diversity. In 2004, the Seychelles also committed to repeal all provisions in its domestic law criminalizing consensual sexual activity between members of the same sex.

Changes in laws are critically important, particularly removing discriminatory laws which allows a context of violence to flourish and which steps on the rights of any human being which includes that of sexual orientation and gender identity.

There is ample evidence in South Africa that despite the progressive constitution which outlaws discrimination on the basis of sexual orientation and gender identity, South Africa has continued to see increased violence particularly towards lesbian women in black township areas in South Africa. This violence called “curative rape” or “hate rape” is meted out against lesbian women who do not fit the heterosexual and gender binary norm with the aim of “correcting” their sexuality so that they are taught a lesson not to

be lesbian or try to be a man. Laws alone cannot change prejudice and discrimination towards LGBTI persons which sits at the core of moral values and judgements. (ActionAid, 2009)

There are many African leaders who are known for their outright homophobic and transphobic comments and calling for gays and lesbians to be jailed and killed. We also need to hear the voices of other African leaders which are there in the background but seldom given any airtime. Such as former President of Mozambique, Joaquim Chissano who as called for LGBT equality. He was quoted saying in an open letter to African presidents “we can no longer discriminate against people on the basis of gae, sex, ethnicity, migrant status, sexual orientation and gender identity, or any other basis, we need to unleash the full potential of everyone.” (Feder, 2014)

The Special Rapportuer on Human Rights Defenders in Africa, Commissioner Reine Alapini-Gansou noted her concern about the cases of intimidation and threats against sexually diverse people in response to the Anti-Homosexuality Bill in Uganda. She called on the Uganda government to take the necessary steps to ensure the safety of sexual minorities and to maintain an atmosphere of tolerance towards sexually diverse persons. (Rights A. C., 2014)

Archbishop Thabo Makgoba, from Anglican Church of Southern Africa has called for an end to violence and discrimination on the basis of real or perceived sexual orientation and gender identity. Makgoba calls on leaders to take up a moral responsibility to end violence against those who are different. Makgoba made this statement amidst high levels of violence towards LGBTI people in Africa. He goes further to say “we are called to respect and honour each other, God has not called us to judge, love cuts across cultures.” We hope in future that we do see more African religious and traditional leaders and politicians calling for a climate of love and acceptance to those who are different and calling for an end to violence towards same sex loving and gender diverse Africans. (Watch, Human Rights Watch, 2013)

Conclusion

As much as the anti-LGBTI rhetoric is strongly heard and felt across the African continent, there are also small victories and changes which are being achieved, although not rapidly enough. Africa is still haunted by years of a colonialist legacy and Africa is desperately trying to rid itself of this long history. However this does not excuse African religious and traditional leaders and Presidents to be uncritical and irresponsibly throw hate speech, call for the hangings and implement discriminatory laws to its own African people. In calling for LGBT persons to be hanged, killed, arrested and jailed is inciting a genocide to sexual and gender minorities and to leave them completely open and vulnerable to anyone who feels entitled to get rid of and violate their rights. This stands in contradiction of humanity and religious principles who teaches from a place of love and non-judgement.

The idea that sexual diversity is unAfrican is unfounded, and it had been shown in numerous research and anthropological studies that sexual diversity has been happening on the continent long before the colonialists arrived in Africa. In fact, the colonialists did not bring sexual diversity to Africa but instead they brought with them severe restrictions on Africa's sexuality (including but not limited to prison sentences). The colonialists together with African religious and political leaders have attempted to erase sexual diversity from the continent, but sexual minorities cannot be oppressed, and erased.

It is important to note and take seriously that what hinders major progress around human rights and access to equal and equitable health services is stigma and discrimination towards key affected populations, whether they be sex workers, IDUs, adolescents, prisoners, young HIV positive women or sexually diverse people. These old laws together with a denial that African homosexual men and women exist is dangerous. We desperately need progressive leaders on the continent who can embrace and secure the rights of all Africans regardless of sexual orientation or gender identity. Leaders who stand up for sexual diversity in Africa now will be the leaders of the future and remembered kindly as history unfolds.

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