

The Importance of Discussing the Human Rights of Queer People

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Introduction: On becoming an LGBTIQ+ activist

It is an honour for me to address this conference entitled “Queer Development Cooperation: Leaving No Queer Person Behind.” I was invited to address three guiding questions including:

- 1) My own journey and activism,
- 2) The importance of discussing the human rights of queer people, and
- 3) Opportunities and responsibilities for countering the anti-gender movement.

As an individual, my journey into LGBTIQ+ activism began in my work as an academic scholar and researcher engaged in social scientific investigations into sexual behaviours and sexual subcultures relevant to the transmission of HIV/AIDS in Uganda. I belonged to a small department of local social scientists headed by a Dutch medical anthropologist, that was part of a multi-national scientific research complex bringing together the Uganda Virus Research Institute, the British Medical Research Council Programme on AIDS in Uganda, and later the American Centre for Diseases Control. Our team of anthropologists, sociologists, economists, historians, and linguists collaborated with the larger body of epidemiologists, demographers, public health specialists, statisticians, clinicians, microbiologists, virologists, pharmacologists, among others.

I learnt the value of multi-disciplinary approaches to knowledge production. I learnt the importance of context-specific investigations into seemingly universalistic human experiences – because social, cultural, economic, political, religious, and other factors can shape and colour the reception, conception/ misconception, understandings, acceptance and/or rejection of specific interventions coming from the outside into a community. I learnt the multiple potential effect of power differentials in asymmetrical partnerships between the global North and global South.

Although I started my academic research into high-risk sexual behaviours in 1999, the bulk of the research in the first ten years was mainly heterosexist and never critiqued the heteronormative order of society in Uganda. While my African feminist anthropological research made important contributions to local understandings of high-risk sexual sub-cultures such as Sugar relationships with students, the sexual empowerment of market women traders, levirate marriage of widows subjected to widow inheritance during a period of high HIV prevalence, and African masculinities, this work never questioned the heterosexist and patriarchal assumptions of binary gender configurations in society. With hindsight, one can only reckon with the missed opportunities of including sexual and gender minorities in my different research studies.

It was only in May 2008, when I was working as an anthropologist in The Gambia in West Africa, that I first got interested in research about non-heteronormative sexualities. The then president of The Gambia, Yahya Jammeh publicly threatened to behead homosexuals and gave them 24 hours to leave the country. These threats were issued during his nationwide presidential tour called “Dialogue with the people” that was given in the context of preparing for national elections and aimed at drumming up political support. This homophobic rhetoric was repeated by notable political and religious leaders such as Alhaji Banding Drammeh – the president of the Islamic Council of Gambia – who thanked Jammeh for spearheading the battle against homosexuality in Africa. Both claimed that homosexuality was un-African and did not belong to a Muslim country. Culture and religion were deployed to violently exclude and endanger queer lives in that country – leading to repeated arrests of suspected homosexuals. At the time, article 144 of Gambia’s 1965

Criminal Code already criminalised homosexuality as an unnatural offense and provided a prison sentence of up to fourteen years. I undertook a rhetorical analysis of President Jammeh's threats.

The following year in 2009, after completing my doctoral studies I returned home to Uganda just before the anti-homosexuality bill was first introduced in our parliament. Among other penalties, this bill proposed the death penalty for the proposed crime of "aggravated homosexuality." As an anthropologist based at the School of Law at Makerere University, I undertook social-legal analyses of the enactment and annulment of this legislation, the effects of the legislation on LGBTIQ+ people, and began long-term ethnographic research about queer Uganda lives. Three days after interviewing David Kato about local organising for gay men in Uganda, he was murdered in cold blood by a blow to the head by a hammer. I attended his funeral and witnessed a homophobic religious cleric condemning this dead gay rights activist and any other homosexual people, leading to chaos among the mourners. Witnessing first hand the effects of homophobia changed me from an uninvolved armchair academic researcher into an engaged anthropologist-activist. This led to my activism as an LGBTIQ+ activist in Uganda. I realised that I could no longer be just an academic researcher producing knowledge just for the sake of producing knowledge when my research participants were facing multiple human rights violations including the death penalty. I have been an advocate for LGBTIQ+ human rights since then.

Why is it important to discuss the human rights of queer people?

The global picture of LGBTIQ+ rights is different with diverse forms of criminalisation and decriminalisation. While the global where we are sitting today is generally assumed to have laws with a bill of rights that protects LGBTIQ+ people from discrimination on grounds of gender identity and sexual orientation, there are growing anti-gender and anti-queer movements that are introducing populist neo-conservative right-wing legislations against same sex loving people for example in Russian, Poland, and Hungary.

In Poland, marriage is legally defined as between a man and a woman, civil unions are not recognised by law. Although the law recognises diverse sexual orientations, the Catholic Church greatly influences the vast majority of the population to hold conservative views about LGBTIQ+ rights. Parliamentary politics encouraged the creation of LGBT Free Zones in one hundred municipalities. Hungary has got several stringent laws on same-sex couples. Same-sex marriage is banned, although registered partnerships for same-sex couples was legalised in 2009, transgender people lack legal recognition and content for minors is banned under the anti-LGBT law that bans homosexual and transsexual propaganda. Russia has been at the helm of pushing neo-conservative heterosexist advocacy, in spite having a history of decriminalising homosexuality in 1917, followed by recriminalisation in 1933, and then re-legalisation in 1993. Transgender people are not allowed to change their legal gender and gender-affirming health care is banned. Same-sex couples are not allowed to adopt children. There is historic resistance to gay pride parades, and increasing reports of the torture and killing of gay men. These three countries are located in Europe and in the global North, along with the most progressive LGBTIQ+ inclusive countries.

In Africa, the continent that I know best, there is a lot of variety too, although the widespread generalisation is that all of Africa is homophobic. The variety in Africa ranges from countries that recognise same-sex marriages such as South Africa, Cape Verde, and Mauritius, to countries where the law is silent on sexual orientation and/ or non-binary gender identities, and to countries with varying levels of criminalisation. There are eleven countries, today, that have never criminalised homosexuality, and eleven other countries that have decriminalised it. While South Africa legalised same-sex unions in 2006, Namibia legalised foreign same-sex marriages only recently this year in 2023. And in this very same year of 2023, Uganda – my home country – recriminalized diverse forms of homosexuality including the death penalty for some types of consensual same-sex activities. The anti-homosexuality law passed in 2023 in Uganda contains different penalties ranging from the death penalty to life imprisonment, prison sentences of

varying lengths, monetary fines, and/ or cancellation of licenses for diverse service providers. For knowledge producers – whether academic, artistic/ creative or activists – an article in the anti-homosexuality law passed in Uganda forbids producing, sharing, or archiving information deemed to be “promotion of homosexuality” meaning that it normalises homosexuality. Knowledge producers found guilty of promotion of homosexuality are penalised with imprisonment for up to twenty years, and/ or total cancellation of their licenses which could also be revoked for several years. For example, any and all my academic research in the subdiscipline of Queer African Studies published in the last fifteen years could earn me a prison sentence of twenty years. Even giving this conference keynote and speaking about protecting the human rights of LGBTIQ+ people in Uganda can earn me up to twenty years in prison under this law.

In contexts of criminalisation, several human rights are violated routinely with the backing of the law. What is the right to life in the face of the death penalty? What is the right to access information, right to education, freedom of expression, and free press when anti-propaganda laws prohibit sharing of some forms of information about the topic of interest? What is academic freedom when knowledge producers can be imprisoned for up to twenty years under the articles forbidding promotion of homosexuality? What do the human rights of queer people mean when the very law of some countries outlaws protection of these human rights?

Not only is it the individuals who practice same-sex sexualities who are targeted by anti-homosexuality laws, but also their service providers such as doctors, nurses and healthcare workers, counsellors, psychiatrists, teachers, lawyers and advocates who are required to report to the police the knowledge of the same-sex practices of their clients. Likewise, landlords, hotel owners, and others who provide shelter in building in which same-sex activities occur are at risk of penalisation. Teachers, journalists, scholars, film makers, librarians, archivists, and others who provide information that is likely to normalise homosexuality are also targeted by such laws. In addition to the punishment of service providers being unjust, it is also a deterrent to them to provide requisite services to individuals known to engage in same-sex activities, thereby introducing discrimination within public and private service provision.

In contexts where same-sex sexualities are legalised, it is important to discuss other systemic and structural factors that perpetuate homophobia. While South Africa’s constitution protects against discrimination on grounds of sexual orientation and legally recognises same-sex unions, this country also has unacceptably high levels of violence against LGBTIQ+ people including murders, “corrective rape”, curative rape, sexual violence, and physical torture. The violence is often grounded upon patriarchal cultural norms and conservative religious values. Thus, the law in and of itself is not enough to ensure protection of the human rights and dignity of queer people. Even in European countries such as Russia, Hungary, and Poland whose laws do not necessarily criminalise same-sex sexualities, there are several restrictions to the equality and human dignity of LGBTIQ+ people.

Talking about the human rights of queer people is important because it breaks the silence around a tabooed subject, exposes homophobic prejudice, raises important questions about their human and dignity, uncovers layers of historical discrimination and violations of their human rights, allows for comparison across diverse contexts, and hopefully eventually changes the everyday lives of LGBTIQ+ individuals and communities.

It is important to find and appropriate the local language including euphemisms, secret encoded communication, colloquialisms, and slangs communally spoken when discussing the relevant issues. Localisation of language does not only make our interventions relevant to specific local contexts, but it also removes the distance between Us and the Other/ Them. Thus, it is important to find a balance between the universalising talk of human rights on the one hand, and local queer people’s realities on the other hand.

In homophobic contexts such as Uganda and other African countries in which homosexuality is called un-African, and human rights for LGBTIQ+ people are perceived as a Western imperial agenda, or a foreign imposition empowered by the Pink Dollar, it is important to resituate the advocacy among local communities and local LGBTIQ+ organisations. National must advance the struggle for LGBTIQ+ rights in their communities, just as local support organisations must be empowered to take the lead on multi-faceted advocacy within the country. In Africa, the capacity of African people – specifically LGBTIQ+ people must be enhanced in order for them to champion the struggle for human rights for LGBTIQ+ people in Africa. This deflates claims that homosexuality un-Africa, and that homosexuals are immoral, ungodly, pathological, demon-possessed, agents of neo-imperialism, alien, degenerate, exploited due to materialism, etc. Giving the queer struggle in Africa to queer Africans emphasises that LGBTIQ+ rights comprise a form of African solutions for African peoples living in Africa.

Countering the anti-queer/ anti-gender movement

Finally, as I end, I consider some opportunities and responsibilities for countering the anti-queer and anti-gender movements. In Uganda, which is the national context that I know the best, the anti-queer/ anti-gender movement advances on five main different fronts shrouded in the language of protectionism. These are briefly outlined below:

1. Protection of children – grounded in unequal ages of consent, prohibition of comprehensive sex education with particular emphasis on excluding non-heteronormative information, and forbidding adoption of children by same-sex couples.
2. Protection of traditional values and culture – this trope often homogenises African culture and thereby attempts the diversities and heterogeneity of the different ethnic cultures within the 55 countries of Africa, but also there are problematic aspects of traditional culture such as child marriages, widow inheritance, polygamy, wife beating, female genital mutilation, etc which need no protection.
3. Protection of the family – the conflation of diverse family forms into the Western nuclear family are problematic particularly because they exclude the main form of traditional African family called the extended family based on polygamy and built on outside wives, ring wives and cohabitation, as well as the importance of matrilineality amidst patrilineality, etc.
4. Protection of national sovereignty – which is often compromised by over-dependence on foreign bilateral partners and multinational organisations for provision of loans and development aid to cover huge percentages of the national budget, and
5. Protection of religion – many post-colonial African countries are constitutionally secular and not religious, thus they practice the principle of separation of church and state within the secular state, as well as questions about the multiplicity of foreign religions including Christianity, Islam and Judaism, which are widely synchronised with African Traditional Religions in everyday practice.

Opportunities to counter the spreading and diffusion of anti-queer and anti-gender movements are embedded within each of these fronts along which they are advancing locally.

Rather than provide a conclusive introductory conversation, I have outlined several issues above that make it critically important to discuss human rights of LGBTIQ+ people in order not to leave behind any queer person in our development work. Thank you for your audience.