

**Coalition of African Lesbians  
[CAL]**

**Feminists on the Frontline:**  
*Lessons on addressing violence  
based on sexual orientation and gender identity and expression*

PREPARED BY	Carrie Shelver Research Consultant Coalition of African Lesbians
DATE	May 2015
CONTACT	Dawn Cavanagh dawn@cal.org.za

## **Introduction**

This Brief is a part of a series on Lessons from feminists on the frontline, a Project of the Coalition of African Lesbians. The Brief is a summary of case studies which describe some important work with which our members and partners have been engaged and an analysis of the lessons that emerge for us from this work. The work spans legal and lobbying policy and decision makers, research and analysis, personal and intrapersonal work and institutional change as well as attention to systemic change that names, confronts and addresses, through direct action and cross movement solidarity structural constraints to ending violence.

### **1. The Nature and scope of the problem**

A majority of the countries on the African continent criminalise non-normative sexualities and gender identities – including same-sex behaviour. People who are or are perceived or believed to be lesbian, gay, bisexual or transgender (LGBT) face acts of violence and discrimination. This violence is sometimes perpetrated by state actors, such as members of police forces, and more often by ordinary persons, or non-state actors, with impunity. Even when they are not primary perpetrators of violence against people on the grounds of sexual orientation and/or gender identity and expression, state actors – police and, commonly, healthcare professionals and court officials – often perpetrate secondary violence on the same victims by subjecting them to various forms of discrimination. Both by condoning violence by state actors and by failing to diligently and effectively investigate, prosecute and punish state and non-state perpetrators of violence, states fail to respect individuals' basic right to security and also act in contravention of their own human rights obligations.

Homophobic and transphobic violence – which must be understood to be a form of gender-based violence driven by the desire to punish people who are seen to be defying or transgressing gender and sexual norms – takes the form of physical, sexual and verbal attacks, including shaming, in public places by strangers or by known individuals; physical and verbal abuse, humiliation and ostracism by family and community members; discrimination, abuse, harassment and threats of violence in schools and places of leisure, work and worship; psychological abuse such as threats of violence, blackmail and arbitrary deprivations of liberty); and targeted and organised attacks or incitements to violence by political, religious and community leaders and in the media, such as through publishing the photographs of individuals suspected of being homosexual or transgendered, along with their names and addresses.

Violence directed against lesbians and gender non-conforming people, including transgender women and men, can be particularly vicious and brutal due to the multiple and intersecting forms of discrimination faced by women and feminized people in highly patriarchal African families and societies. While these groups are more vulnerable to attack in other parts of the world as well, violence against them in Africa is often justified in the name of African culture, tradition or religion, which has the effect of minimizing or even justifying such violence.

Because of the social stigma attached to homosexuality and transgenderism and because of victims' attendant distrust of the police and other state authorities, fear of reprisals and unwillingness to be "out" as lesbian, gay, bisexual or transgender, violence based on sexual orientation and gender identity often goes unreported, as

confirmed by the 2011 Report of the United Nations High Commissioner for Human Rights. This is true in all parts of the world but may be particularly significant in settings in which there are few support groups or resources for individuals to turn to. Activists and human rights defenders who defend the rights of LGBT individuals and communities also face threats, arrests, intimidation and harassment.

## **2. Current approaches, strategies and interventions by governments and civil society organisations**

For the most part, governments and civil society organisations seeking to address violence on the grounds of sexual orientation and gender identity, have either located this violence within the hate crimes framework or as a form of gender based violence. Some groups and activists in the latter category have also sought to expand understandings of gender based violence from narrow inter-personal forms of violence to include structural and systemic violence and discrimination. How violence is understood has influenced the kinds of strategies, approaches, partnerships and actions undertaken.

While responses to addressing violence based on sexual orientation and gender identity have varied across country, context and problem analysis, two noticeable strategies seem to emerge – legal and policy reform and enhanced legal protection and mobilization around specific instances of violence.

Much has been written about the problems associated with a narrow and exclusive focus on legal and policy reform approaches – including ones that call for the introduction of hate crimes legislation. As is evident by the South African example, changed laws do not translate into changed social perceptions. Legal changes, either through courts or law reform processes, are often single issue and narrowly framed and fail to take into account the complex realities and intersections of people’s lives.

### **National Case Study: South African campaigns aimed at addressing violence against individuals on the grounds of their sexual orientation and gender identity.**

Over the past two decades, organisations and communities in South Africa have organised themselves against violence directed individuals on the basis of their sexual orientation and gender identity. Working individually and in coalitions and networks, their responses and actions have included:

- Producing media and advocacy materials – including audio visual material, documentaries – and using these to influence, inform and shape public opinion on LGBT rights and realities;
- Researching experiences and perceptions of violence against LGBT communities and individuals;
- Training of government service providers – police, court officials, health care providers;
- Providing services – counseling, legal advice and practical support – to survivors of violence;
- Advocated for legal and policy change, and
- Organising and mobilizing at local and national levels against violence against LGBT communities.

Both of the campaigns detailed below achieved a measure of success, but have ultimately been unable to sustain their work and presence. While each initiative experienced unique challenges, there are stark similarities that are instructive in highlighting the importance of developing a shared political analysis, purpose and strategy and clear agreements on ways of working together including on how to deal with conflict and disagreement.

**The Rose Has Thorns Anti-Hate Crimes Campaign** was initiated by the Forum for the Empowerment of Women in 2003 and drew attention to black lesbians increased vulnerability to violence and the need to view homophobic violence and violence against women as linked manifestations of patriarchy. The campaign challenged both the LGBT and the GBV sectors to take the connections between race, gender and sexual orientation seriously. It also addressed how the combination of these inequalities was playing out in the lives of black, poor lesbians in Johannesburg townships<sup>1</sup>.

The campaign resulted in the increased political organisation of a large number of black lesbians focusing on their experiences of violence, but it was unable to sustain its organisational momentum. This could have been due in part to the fact that the campaign was never taken up by the LGBT sector as a whole, nor did the GBV sector seriously address the experiences of black lesbians.

**07-07-07 Campaign** was initiated in July 2007 by Forum for the Empowerment of Women and other civil society organisations working in the HIV and AIDS and GBV sectors, in response to the torture and murder of Sizakele Sigasa and Salome Masooa, two black lesbians from Soweto. Using the existing networking structure of LGBT organisations, the Joint Working Group (JWG), the 07-07-07 end hate Campaign, galvanized LGBT, GBV and HIV and AIDS organisations and individuals across South Africa in addressing violence based on SOGI. While the campaign included the slogan 'Act to end Hate' and described its work as confronting and addressing hate crimes against LGBTI people, there was disagreement amongst members of the network about whether taking a hate crimes approach was appropriate or correct. In addition, some members of the network pushed for a wider and more nuanced understanding of sexuality and gender identity and a recognition of intersectionality and vulnerability to violence. The campaign utilized a range of different strategies including law reform (addressing gaps within the legal framework and calling for hate-crimes legislation), state-focused advocacy (demanding greater state accountability for addressing patriarchy, heterosexism and homophobic violence); community mobilisation and solidarity around particular instances of violence which had been reported and were within the criminal justice system, and rights-based awareness raising work.

The 07-07-07 Campaign, along with the Joint Working Group, no longer exists in part because of the differences in understanding, naming and locating the violence (hate crimes versus gender based violence), strategy and approach (focusing on all members of LGBT communities versus recognition of multiple and layered identities and positionalities leading to increased vulnerability of particular individuals and groups within LGBT communities).

---

<sup>1</sup> Holland-Muter, S., 'Outside the Safety Zone: An Agenda for Research on Gender-Based Violence Targeting Lesbian and Bisexual Women in South Africa' (2012), Braamfontein: MaThoko's Books.

### **3. Regional Legal Framework for addressing violence based on SOGI**

Sustained activism on the part of activists engaged in sexuality and gender work and their allies, has resulted in regional and international human rights bodies beginning to recognise violence and discrimination against people on the basis of their SOGI, and to call upon states to protect the rights of individuals.

Whilst much attention has been paid to the notable achievements of activists and states at the Human Rights Council to introduce and adopt critical standards through a Statement, followed by a Resolution [both in 2011] on ending violence based on sexual orientation and gender identity and the follow up Resolution in September 2014, it is the Regional landscape where states are taking notice or on some level are forced to take notice as this is “their” human rights system.

Existing non-discrimination principles contained in the African Charter on Human and People’s Rights is increasingly being interpreted to include discrimination based on sexual orientation and gender identity. For instance, the African Commission on Human and People’s Rights made its first pronouncement on sexual orientation and gender identity (SOGI) issues in its Concluding Observations on Cameroon’s periodic report of 2005 by expressing concern about the upsurge in intolerance towards sexual minorities. Also, the Chairperson of the Commission issued a statement on in April 2013 stating that the Commission ‘equally denounces violence committed against individuals based on their sexual orientation as part of its mandate to protect individuals from all forms of violence’.

These earlier milestones led the way for the recent victories at the African Commission on Human and Peoples Rights which include:

- The adoption of a Report with ground-breaking text on sexuality and gender [including sexual orientation and gender identity and expression] on the Situation of Women Human Rights Defenders in Africa [October 2013]
- The Resolution on Ending Violence Based on Sexual Orientation and Gender Identity in Africa [October 2013]
- The granting of Observer Status to Coalition of African Lesbians after their initial 2006 application was eventually rejected in October 2010

The work that enabled these gains took ten years of sustained activism and organising by African activists with the solidarity of activists from other continents. Also of critical importance was the research reports offered as evidence of the problem. This included ‘Rights and Realities of People Who are Non-Conforming in terms of the sexuality and gender identity and expression’ and ‘Violence Based on Sexual Orientation and Gender Identity and Expression’ [both published by Coalition of African Lesbians and African Men for Sexual and Health and Rights, 2013]. Now that the standards have been set by an African human rights body, work on application to the local context can be escalated and strengthened using these standards.

**Regional Case Study: I am / More Than Campaign: addressing power, autonomy and violence for lesbian and bisexual women in Africa<sup>2</sup>**

“Our framing is around sexuality and gender... within that, to try to get some focus, we are increasingly looking at the issue of a lack of autonomy over our bodies and lives as people who are regulated as women.”

This framing recognizes violence against women who are lesbian, bisexual or trans as being part of a broader structural issue of power imbalance and the regulation of women’s lives, bodies and sexualities. Violence, discrimination and constraints are a product of the lack of autonomy.

CAL has invested significantly in developing an intellectual framing and understanding of GBV to inform and underpin their programmatic work, which is a product of a principled and deliberate focus on prioritizing thinking and reflection, in order to enable more effective campaigns and interventions. This includes adopting an agenda-setting approach, and in so doing, moving away from reactive space, to take a leadership and steering role.

CAL’s philosophy highlights the core feminist ideas of choices, options and agency, and it reveals how women are regulated by social norms and expectations, leading to limited options and increasing their vulnerability to violence and HIV.

“We are regulated as women; we are often the possessions of our fathers and then the possessions of our husbands. By being a possession – by being owned – it means that the decisions about my body and about my life are made by somebody else, and supported by all the institutions in society right across the board: from the household, to the family, right through to the religious institutions and to the state and so on. There is affirmation and recognition and reinforcement of the regulation that constrains my ability to choose. Violence is the mechanism through which the regulation over my body and my capability to exercise my autonomy are regulated. Violence regulates our bodies and lives. Violence is not going to go away unless we start addressing gender, because gender-based violence is there to ensure that everybody complies with gender regulation. It’s the same problem: HIV and violence. HIV is in part an expression of the constraints that are imposed on women in terms of their ability to exercise their rights.”

Building on this, CAL has worked to develop and support partnerships with women activists, human rights defenders and organizations linked by experiences of criminalization and violence. This includes women living with HIV, abortion activists, LBT women, women who do sex work, and young women, all of whom share experiences of legal and state regulation reducing their bodily autonomy. This broad-based coalition is advocating for a transformative agenda of autonomy.

---

<sup>2</sup> Community Innovation: Achieving an End to Gender-Based Violence Through the HIV Response. 2014. The ATHENA Network and Global Coalition on Women and AIDS (GCWA), 2014

**Translating thought into action**

CAL has developed the I am/More than campaign to engender collective advocacy on issues related to autonomy and to build a shared platform beyond an LGBTIQ identity frame. The campaign builds on the thought leadership work CAL has undertaken and aims to achieve transformative change.

I am/More than is coordinated by CAL and led by member organizations in each of the participating countries: Botswana, Lesotho, Mozambique, Namibia, South Africa, Zambia and Zimbabwe. There are four major components to the campaign: mobilization, direct action and solidarity; lobbying and legal casework; research and documentation; and media and communications. The framing of I am/More than addresses issues of power and autonomy by recognizing commonalities between diverse women within a feminist framework that acknowledges lesbian, trans and other identities, while also underscoring that women are more than these identities.

## Ten Emerging lessons and principles for developing good practice

1. Recognition of the connections and intersections between different forms of violence and changing the conversation from a focus on equality only to freedom and dignity and integrating autonomy
2. Connecting in deliberate and strategic ways the work on legal and constitutional frameworks with work for change at the inter/intra personal, institutional and conceptual levels. These must operate in concert and complement each other for real, sustained and meaningful change to occur
3. Integration or better connecting the work of various movements and communities all constrained and criminalised based on sexuality and gender to build critical mass and amplify voices
4. Locating violence based on sexual orientation and gender identity and expression within the broader landscape of gender-based violence, which is rooted in unequal and oppressive social relations
5. Investing in activist led and/or activist participation in research, “evidence” and data available on the prevalence and nature of the violence, governments’ responses to violence and civil society’s responses and ensuring that this research is action-oriented.
6. Moving beyond the criminalisation model/legal focus towards multiple strategies aimed at change at multiple levels.
7. Working to ensure that there is both resistance and imagination in framing and implementation of the work by activists and human rights defenders.
8. Ensuring adequate and uninterrupted resourcing for movement building related to sexuality and gender
9. Strengthening the criminal justice, health and other service delivery agencies of governments to ensure all survivors of gender-based violence have access to quality, survivor-centred services and resources.
10. Work by non-local partners and allies must be in solidarity with, and take direction from, local movements, with an acknowledgement of the importance of strengthening people’s movements for autonomy, agency and social justice