

Inside The Fight For LGBTQ+ Rights In Africa



Efemia Chela - Photo: LinkedIn

The National Gay and Lesbian Human Rights Commission (NGLHRC) [gained](#) a historic win at the Kenyan Supreme Court on February 24, 2023. It was finally able to register as an official nongovernmental organization (NGO), after a 10-year legal battle in a country where homosexuality is outlawed.

However, the LGBTQ+ community's celebrations were cut short by a wave of backlash.

A day later, local organizations [reported](#) an immediate increase in "verbal and physical attacks," and in coastal cities, large anti-LGBTQ+ demonstrations were [held](#).

Similar battles are currently being waged across Africa over what count as legitimate ways of loving and whose persecution is justified. Queerphobic rhetoric is used by politicians for narrow political gain. Ghanaian anti-LGTBQ+ campaigner Sam George said that ["Ghanaian culture forbids homosexuality"](#) and Kenyan MP Farah Maalim characterized existing as a person who is LGTBTQ+ as being ["worse than murder."](#)

Old colonial laws that [criminalized](#) same-sex activity and gender variance were left intact after countries gained independence. Many Africans remained ignorant about precolonial Africa where queerness was [present](#) and regularly [celebrated](#),

because those histories were [maligned](#). Today these colonial-era laws are still used to [oppress](#) LGBTQ+ Africans, who receive no state support and also find their attempts to [support](#) each other hindered by bigotry.

In the 21st century, Western influence has intensified state-sponsored homophobia in Africa. This form of neocolonialism mimics the initial colonization of Africa through Christian missionaries. Since 2007, at least \$54 million from right-wing U.S. churches has [flooded](#) the continent to fight “against LGBT rights and access to safe abortion, contraceptives, and comprehensive sexuality education.” Prominent anti-LGBTQ+ politicians such as Ugandan Minister of State for Trade, Industry, and Cooperatives David Bahati have [received](#) \$20 million to campaign heavily for more draconian legislation. It is perhaps no surprise then that in Uganda on March 21, 2023, a new law was [passed](#) that will “make homosexual acts punishable by death.”

Other sources of money are being levied positively to support LGBTQ+ people. The [Trans and Queer Fund](#) (TQF) is a hopeful example of grassroots organizing grounded in socialist and abolitionist values in Nairobi, Kenya. The fund was founded in March 2020 by Mumbi Makena, a feminist writer and organizer whom I spoke to two days after the NGLHRC win. She formed TQF with her friends during the COVID-19 pandemic.

Among left working-class movements in Nairobi, some TQF team members noticed many viewed “queerness as a distraction” from other socioeconomic issues and there was repeated hostility toward queer and women organizers. While [weakening economic growth](#) in Africa affects everyone, mainstream organizations were not ready to grapple with how LGBTQ+ identity further [marginalized](#) some Kenyans, nor reach out to them specifically.

However, TQF was committed, and it initially set up a mutual aid system to provide relief funds for LGBTQ+ people whose livelihoods disappeared due to mandated lockdowns. Makena explained that many queer and transgender Kenyans work in the service and hospitality industries, which are more accepting of them. During the pandemic, LGBTQ+-friendly NGOs were constrained by donors and could not repurpose previously allocated funds to COVID-19 relief. However, TQF was able to be agile and responsive from the start, working in an unbureaucratic, nonhierarchical way. TQF works on a volunteer basis online through [Twitter](#) and [Instagram](#) accounts and distributes funds through [mobile](#)

[money](#).

Over three years, TQF has raised and disbursed an impressive \$50,000 and assisted over 1,000 individuals. It supports its community in inventive ways—covering bus fares for people to attend marches and managing furniture donations for those creating transgender safe houses. The ease of accessing the Trans and Queer Fund means LGBTQ+ people have somewhere to turn if they get disowned by their families or need money for medical treatment after experiencing homophobic violence. The mutual aid relies on contributions coming largely from individuals within Kenya, but also from Canada, the United States, and the United Kingdom. It describes its initiative as “working toward a future where all people are free from imperialism, capitalism, cisheteropatriarchy and ethnonationalism.” It encourages everyone who comes into contact with TQF to try to understand it as a commons, a collective resource. The next step for the group, Makena says, is political education, so both fundraisers and beneficiaries can “start to form radical analyses of what is happening in the world.”

NGOs have been instrumental in achieving some successes on behalf of LGBTQ+ Africans. For example, they spearheaded advocacy that led to the decriminalization of homosexuality in Botswana and Angola, in [2019](#) and [2021](#), respectively. But the law has its limitations. Without a shift in social attitudes, societies like South Africa, home to what is [described](#) as “the most progressive constitution in the world,” still [suffer](#) from homophobic violence and discrimination. In 2019, NGOs tried to get the Kenyan Supreme Court to rule that sections 162 and 165 of the Penal Code, which criminalize homosexuality, were unconstitutional, but the legal petition was [unsuccessful](#).

As Makena points out, solely changing the law doesn’t automatically make LGBTQ+ people safer. She warns against narrowing queer liberation to a liberal rights framework that does not address the everyday realities faced by working-class LGBTQ+ people. Makena remarks, “We must forge greater solidarities within left movements in Kenya but also with LGBTQ+ people overseas who are often notably silent on the intersections between anti-imperialism and our fight for queer dignity and safety.”

A ripple effect of homophobic laws is that they can eliminate support for those with HIV/AIDS and sex workers, two groups that sometimes overlap with the LGBTQ+ community. Any outreach may be misrepresented as promoting

homosexuality, and in the case of the new Uganda law, anyone “abetting homosexuality” will be [punished](#). With a continent already [facing](#) the repercussions of the ‘global gag rule’ that decreased overseas funding for sexual and reproductive health and rights, this will certainly affect health care for both LGBTQ+ and heterosexual people alike.

Due to the severe consequences of foreign interference, it becomes even more crucial for African countries to fund their own welfare systems. While intolerance of LGBTQ+ Africans endures, efforts to organize to meet their needs through initiatives like mutual aid endure. TQF encourages others to set up similar mutual funds to strengthen community. “Long-term,” Makena says, “we don’t want LGBTQ+ people to only be passive beneficiaries of the funds or deradicalized; we want people to reflect on TQF and be active participants in their own liberation, collectively defining the agenda.”

It is long past time that African communities learned to be more accepting of diversity and acknowledged that all our fates are linked. It is worth [“returning to the source”](#) to rediscover Indigenous African cultural traditions around gender variance to enable more flexible responses to gay and transgender people today. Freedom in its fullest sense includes the right to privacy, and the right to love and build family structures of one’s choosing. LGBTQ+ Africans, like every other group, should be allowed to organize for their own freedom. We will continue to despite the daily challenges to our humanity.

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Source: Globetrotter