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BOOSHTEE! Survival and Resilience in Ethiopia

Cheryl Overs

April 2015

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Abbreviations

amfAR	The Foundation for AIDS Research
AMSHeR	African Men for Sexual Health and Rights
CDC	Centers for Disease Control and Prevention
FDRE	Federal Democratic Republic of Ethiopia
GDP	gross domestic product
HIV	human immunodeficiency virus
ICASA	International Conference on AIDS and STIs in Africa
IDS	Institute of Development Studies
INGO	international non-governmental organisation
LGBT	lesbian, gay, bisexual and transgender
MSM	men who have sex with men
NGO	non-governmental organisation
PEPFAR	US President's Emergency Plan for AIDS Relief
SOGIE	Sexual Orientation and Gender Identity and Expression
STI	sexually transmitted infection
UNDP	United Nations Development Programme
USAID	US Agency for International Development

Executive summary

Homosexuality is not that common in Addis, but it is there! It is rather risky to come out of the closet, but we even have a term for it – BOOSHTEE! – which is regarded as an insult. The risk of admitting being gay is DEATH! Which is pretty sad.

Ethiopian blogger (BBC News 1999)

Although homosexuality is illegal in Ethiopia, same-sex behaviour is not prosecuted because the government of the Federal Democratic Republic of Ethiopia (FDRE) views homosexuality as a low law enforcement priority. While this may suggest at first glance that the situation for same-sex attracted men is better in Ethiopia than in other countries that retain laws against homosexuality, in reality the illegality of same-sex relations functions throughout Ethiopian society to drive and justify social and economic exclusion and human rights abuses of same-sex attracted people. There is a powerful synergy between church and state and sections of the church are occupied with promulgating extreme homophobia by associating homosexuality with taboo superstition, undesirable foreign influence, child abuse and prostitution. Moreover, Ethiopia's strong economic growth and geopolitical situation has limited the influence of other countries, donors and agencies in respect of human rights and economic or social policy in the country.

Exclusion can take the form of dismissal from work, expulsion from education and housing, and lack of access to services such as health and education and resources such as credit and humanitarian aid. It also means that there are no programmes or policies to protect same-sex attracted people from economic hardship, crime, disease or human rights violations.

The structure of the Ethiopian economy and society means that dependence on family and place for livelihood, social and spiritual meaning is high, particularly in rural areas where the majority of the population live. Breaking away to live out same-sex orientation or rejection after being exposed as gay usually carries enormous social costs, including loss of family status and income. For the majority of Ethiopians lack of safety nets means that this quickly leads to destitution. This is particularly problematic for young and/or HIV-positive men but it also applies to middle-class gay men for whom the consequences of being exposed as gay would, in most cases, include loss of livelihood.

As in most Sexual Orientation and Gender Identity and Expression (SOGIE) communities throughout the world, there are a number of individual and collective strategies for social and economic survival. The high level of discrimination means that secrecy about same-sex attraction is the primary strategy for maintaining social and economic life and family relationships (whether or not those relationships are experienced as satisfactory or not). In some cases this secrecy is a kind of 'networked secrecy' through which gay-identified men can live social, sexual and economic lives, and even develop joint enterprises and economic subcultures. Moving around the country or abroad is another strategy, as is sex work, but both are usually difficult and risky.

Direct advocacy for major policy or legal change from within the SOGIE community or by international agencies and governments is unlikely to be successful in the current context and would almost certainly make things worse for both individual agitators and possibly for same-sex attracted people generally. These include laws that limit free speech and non-governmental organisation (NGO) activity generally and the fact that the Ethiopian government is able to ignore international pressure on such issues. A further complication in this context is that social and economic survival are directly threatened by deep and multifaceted contempt for homosexuality that functions powerfully at societal and familial level rather than directly by the state and its instruments.

Although the Ethiopian context is unique, the preliminary goals of building safer lives for same-sex attracted men in Addis Ababa are similar to those identified by SOGIE activists elsewhere – reducing stigma and discrimination; protecting human rights, including tackling violence; and ensuring that there are adequate health services for men who have sex with men (MSM).

Even though the international community ostensibly supports these aims (especially the reduction of HIV) few agencies or governments can make the long-term and careful investment needed to ensure that the rights of same-sex attracted people are embedded in agendas for social and economic justice agendas in Ethiopia, the region and globally.

Recommendations focus on ways that governments and international agencies can influence development programming and law and policy reform in ways that reduce the exclusionary impact of hatred of homosexuality and those who practise it. In particular, it urges international agencies to find ways to help strengthen the nascent SOGIE community by supporting research and information sharing and establishing links with international HIV and human rights organisations, diaspora communities and African and international lesbian, gay, bisexual and transgender (LGBT) rights movements.

Several prominent global watchdog organisations said Ethiopia wasn't on their radar... the US, UK and other governments give huge amounts of aid to Ethiopia while remaining tight-lipped about the extensive violations of human rights happening throughout the country.

Claire Beston, Amnesty International, quoted in Baker (2013)

1 Introduction

As the only country in the region that was never fully colonised, Ethiopia has a unique religious, cultural and political history. Famously the site of historical conflicts and humanitarian crises, contemporary Ethiopia enjoys a strong geopolitical position as the base of the African Union and one of Africa's most successful economies. It is against this background that powerful interests within the country sustain high levels of persecution and discrimination that force Ethiopian men who are sexually attracted to men (gay men)¹ to make difficult choices to sustain themselves in extremely difficult circumstances.

Sections 2, 3, 4 and 5 draw on interviews and literature to describe these legal, political, social and economic factors and describe some of the responses or survival strategies of individual same-sex attracted men and the broader SOGIE community. Section 6 discusses these dynamics and potential ways forward. Section 7 considers the role of international development policies and programmes in addressing the social and economic impact of homophobia in Ethiopia and makes recommendations for a range of stakeholders.

¹ Various terms for male homosexuality were used by interviewees in Amharic and English. 'Gay' and 'homosexual' were used by men to describe their own same-sex orientation and behaviour, and several used the acronym of Lesbian, Gay, Bisexual and Transgender (LGBT) when speaking about groups or communities of same-sex attracted people. However, it was not within the scope of this case study to explore the extent to which these terms are used or how they denote or delineate identity, preference and behaviour. Health service providers used 'MSM', the acronym for Men who have Sex with Men. International agencies, which are an important audience for this report, use SOGIE (the acronym for the term 'Sexual Orientation and Gender Identity and Expression'). The terms are used throughout in ways that reflect the voices of those interviewed and the readership but clear meanings should not be read into them.

2 Research rationale and focus

This case study seeks to articulate the dynamics of social and economic marginalisation in the lives of gay men and to gain insight into strategies for surviving socioeconomic inequality, political repression and high prevalence of HIV. To do this, it describes the dynamics of legal, social and economic marginalisation in Ethiopia where strong opposition to homosexuality is formalised in law and policy and embedded across most public and private institutions. The study identifies some of the impacts of this exclusion and individual gay men and gay community responses, considers the influence of the international aid community and recommends ways to ensure that the benefits of rapid economic growth, development policy and advances in health sciences extend to all citizens of Ethiopia.

Ethiopia was chosen for the study because it occupies a unique economic and geopolitical position at a regional and international level. While international development policies and programmes are geared towards addressing the country's persistent socioeconomic inequality, directly challenging entrenched forms of social and economic marginalisation among groups considered illegal and immoral by the state and society remains largely beyond the international community.

Other reasons for the choice were the lack of participation by lesbian, bisexual, gay and transgender Ethiopians in international and regional forums and that little attention has been paid to Ethiopia in the global and regional research or the literature on LGBT rights. Where the voices of gay men have been raised it has almost always been anonymously and/or by members of the diaspora who are able to write blogs and make comments on the internet without fear of state persecution.

3 Methodology

The research was conducted in July 2014. Given the risk of conducting primary research on this sensitive topic, advice about methodology was sought from two gay Ethiopians residing abroad and the managers of two local non-governmental organisations (NGOs) that work with marginalised people. Following consultations with these key stakeholders, it was agreed that the research would be informed by a three-tiered methodology.

3.1 Participant observation facilitated by local partners

The author spent individual and group time with local and expatriate gay men that included attending meetings where experiences and strategies were discussed, and observing some of the 'gay nightlife' of Addis Ababa. The observation included conversations with a market guide, a female sex worker, a condom seller and a taxi driver. All participants gave information anonymously and were not asked to disclose their own sexual identity or behaviour.

3.2 Consultations with key stakeholders, both in person and through electronic correspondence

These included: representatives of NGOs that provide HIV care and prevention services; representatives of the USA and Netherlands governments and two consultants with long-term experience in international development agencies working in Ethiopia. Each person consulted was fully informed of the purpose of the Evidence Report and where it would be published, and they were given the option of providing information anonymously. The option for anonymity was taken up by all gay men consulted for this study. A measure of the stigma associated with the issue is that those consulted in their professional capacity also requested anonymity lest their remarks be interpreted as supporting homosexuality.

The scope of fieldwork was limited to the capital city for both practical and ethical reasons. Through previous work the author had networks of contacts with people and organisations working in Addis Ababa with health and sexuality. Travelling beyond the capital without local guidance would have raised unacceptable risks that would have required considerable additional resources and sensitivity on best practices for methodology and partnerships. However, several of the individuals and organisations consulted are active in outreach to some of the smaller cities and rural areas or they emanate from other parts of the country themselves.

This case study is limited to same-sex orientated men although it is acknowledged that lesbians, transgendered people and bisexuals are also subject to social and economic marginalisation in Ethiopia.

3.3 Analysis of key national and international literature

This included published peer-reviewed studies; law and government policies; and relevant secondary and grey literature. The difficulty of gathering information about SOGIE issues in Ethiopia has been noted. There are very few published studies and almost no statements by the government about homosexuality. Thus the literature presented in the report relies to a greater extent than usual on blogs, reports in syndicated newspapers and reports from UN documents and humanitarian organisations. To maintain the integrity of the study, where these less reliable sources are cited or relied upon, their contents were, as far as possible, cross-checked with informants in Addis Ababa. Much of this information relates to attitudes, opinions and popular discourses that are inevitably better represented in 'grey' literature than traditional academic formats.

4 Key findings

4.1 Queer intimacy in a unique political, economic, religious and cultural landscape

4.1.1 Homosexuality and the Ethiopian state: dangerous ambivalence

Homosexuality is illegal in Ethiopia (see Annex 1). The current government adopted the existing anti-gay laws from the Penal Codes of its predecessors when it assumed power in 1991 and absorbed them into the revised Criminal Code of 2004. The Articles 629 and 630 of this Criminal Code under the section 'Crimes Against Moral and the Family' (subsection 'Sexual Deviations') stipulate that same-sex acts will be punished 'with simple imprisonment of not less than a year', or 'in grave cases, rigorous imprisonment of up to 15 years'.

According to reports the law has rarely been put into effect (Salsawi 2014; Tekleberhan 2011). Human rights lawyer Abebe Hailu sees this as an indication that there is no time or appetite to prosecute homosexuality (Jobson 2014).

Although this consultation found evidence that discrimination and abuse is widespread, it is not entirely clear what the FDRE is thinking about SOGIE law and policy. Its apparent ambivalence distinguishes it from other governments in the region that maintain anti-homosexuality law in which politicians have publicly railed against homosexuality. Gay-identified Ethiopians provide strong anecdotal evidence that persecution, discrimination and hate alienates them from services and livelihoods, and they argue that this is driven, or justified, by the illegality of homosexuality. A gay Ethiopian professor at Cornell University in the USA, Dagmawi Woubshet, commented in an article in *Newsweek*:

There's complete silence around LGBT experiences because there's no forum for stories about the violence meted out by the state and family members on a day to day basis... My biggest fear is that these religious organizations are monopolizing the conversation and perpetuating a fear that's becoming impossible to combat. (Baker 2013)

In 2011 Ethiopia hosted the International Conference on AIDS and STIs in Africa (ICASA) which included a meeting of Men who have Sex with Men. Anti-gay activists held a press conference to denounce the event and demanded that all involved be punished. But the demands were dropped at the suggestion of the Ministry of Health, which was apparently keen to avoid a display of homophobia at an international conference on HIV.

It was not until 2014 that anti-homosexuality activism demanded state attention. Organisations associated with the Church planned a mass demonstration in the capital to protest against homosexuality and to support a proposal to have it removed from the list of crimes for which clemency can be granted (Associated Press 2014). City authorities granted a permit for the rally but the national government intervened to revoke it, apparently with the support of central Church authorities. At the same time, the government rejected the proposal to make homosexuality unpardonable (Meseret 2014; Vaughan 2014).

This seems contradictory from a government that maintains a law against homosexuality and a church that strongly opposes it. But it is difficult to draw conclusions about law and policy about sexuality in a context in which all public gatherings and networked communications are banned or closely monitored by the FDRE, which systematically denies rights in order to quash dissent (Human Rights Watch 2013). In the wake of the rally's cancellation, Communication Affairs Office Minister Redwan Hussein offered the clearest statement to date on the government's position on homosexuality:

The anti-gay rally was on certain groups' agenda, but not the government's. It is not a serious crime. Plus, it is not as widespread as some people suggest. It is already a crime and a certain amount of punishment is prescribed for it. The government thinks the current jail term is enough.
(Meseret 2014)

Although such a position appears to be less alarming than in other countries that criminalise homosexuality, it does nothing to protect citizens' social and economic rights. During a discussion about the government's attitude a gay blogger spoke about citizen journalists who have been jailed² and said that while he does not fear being arrested for homosexuality he is scared of being accused of a political crime – possibly even terrorism, which carries a very long prison sentence. This underlines that the space for any political organising, let alone around sexuality, must be carefully identified and managed.

4.1.2 Religion and culture: burning in the ever-lasting flame?

In June 2013, a faith group released a short film entitled No Silence About the 666 Satanic Act of Homosexuality in Ethiopia, which includes images of actors wearing women's clothing pretending to be at a secret gay party. In a particularly ridiculous scene one of them reveals the numbers 666 – the sign of the devil – on his skin. The film was widely viewed throughout the country.

Elissa Jobson (2014)

The majority Ethiopian Orthodox Church, the Ethiopian Islamic Affairs Supreme Council and both the Catholic and Evangelical churches have all approached the government to lobby for harsher treatment of offenders to eliminate homosexuality. Although it is not specified, the focus is on same-sex orientated men although lesbians are occasionally mentioned for condemnation. These religious leaders deem homosexuality part of 'cultural colonisation' and a sign that the new generation is morally 'loosening'. Their suggestions have included mandating anti-gay preaching in religious and other institutions, schools, and 'societal out-casting' as ways to ensure homosexuality does not spread (*Globalgayz* 2011).

The 2007 Pew Global Attitudes Project reported that 97 per cent of Ethiopian residents believe that homosexuality is a way of life that society should not accept. This was the second-highest rate of non-acceptance in the 45 countries surveyed (Itaborahy and Jingshu 2014).³ As one gay Ethiopian commented on a discussion board, 'In Ethiopia, if someone is discovered or even suspected to be gay, no one will shake his hand; they want you to be burned in the ever-lasting flame' (Anon. 2010).

In the public imagination homosexuality is conflated with sexual abuse, prostitution and foreignness (AmfAR 2012). Same-sex relations are conceptualised in relation to criminality so that 'homosexuals are portrayed as sexually violent individuals who tend to promote prostitution with the intention of redirecting or bending other people's sexual orientation through violence or monetary means, thus, they are generally viewed as deviants from societal norms and values' (AmfAR 2012). These prejudicial attitudes are reinforced each time there is a discussion about homosexuality in Ethiopia on any kind of website or internet chatroom. Content analysis of 312 comments on one chatroom⁴ showed strong religious and nationalist themes. Homosexuality is associated with spiritual transgression (losing touch with Christian doctrine), supernatural intervention (being occupied by the devil), family breakdown and crisis in masculinity, child sexual abuse and coercion by foreigners.

² Nine journalists and bloggers have been detained since April 2013 and charged with terrorism (see www.bbc.com/news/world-africa-28366841).

³ The highest was Mali with 98 per cent.

⁴ www.topix.com.

Discussing the Pew survey, a gay man commented in a group discussion that much of this 'public opinion' originates in the Church. He said 'Ethiopia is so religious that 97 per cent will support anything the Church says. Another amused the group by adding that the only surprise for them is that it's not 99 per cent.'

Gebru (2014), a gay diaspora blogger, points out that both same-sex behaviours and societal disapproval of them (which he calls homosexuality and homophobia) predate the Abrahamic faiths that most Ethiopians vigorously defend, so the theological basis for persecution of homosexuality is thin. He attributes fanatical levels of homophobia within Ethiopia to deeper cultural fears about the loosening of legal and social grip on sexuality that would render Ethiopia or Ethiopians less religious. This holds great resonance for members of the Dana Social Club who follow Gebru's blogs. For them his point that religiosity should not override human and civil rights has particular resonance: 'No Ethiopian, no human should be discriminated upon – not only for race, gender, creed, religion, politics, ethnicity, etc., but also for sexual orientation' (Gebru 2014).

In one analysis, people who are opposed to homosexuality are right to fear foreign influences because the idea that 'foreign influence' is itself corruption is in irreversible decline in the face of global discourses. In other words, urbanisation and globalisation will impact on Ethiopia and result in the same freeing up of attitudes to same-sex relations that can be seen in even the most homophobic countries because 'youth are influenced by global discourses as access to media increases' (Kagoro 2014).

Box 4.1 Homosexuality in Ethiopia and Horn of Africa – it's neither unEthiopian nor an import!

In the 1950s anthropologist Simon Messing encountered males with alternative gender identities among the Coptic Amhara of Ethiopia. Viewed as 'god's mistakes', they were generally well accepted. Such *wandarwarad* (literally, male–female), as they were termed, were believed to be physically defective. They live as individuals, not forming a society of their own, for they are tolerated. Only their kinfolk are ashamed of them, so they go to live in another province. Women tolerate a transvestite 'like a brother'; men are not jealous of him even when he spends all his time with the womenfolk. Often the transvestite is an unusually sensitive person, quick to anger, but intense in his personal likings, sensitive to cultural diffusions from the outside world.

Will Roscoe and Stephen Murray (2014)

In various commentaries and Ethiopian internet chatrooms the idea that homosexuality is not innate but a learned behaviour resulting from association or socialisation is pervasive. For example, according to Dr Seyoum Antonios, Executive Director of the anti-gay organisation United for Life Ethiopia, homosexuality is a new phenomenon brought about by the increased exposure to globalising trends. His condemnation of consensual adult same-sex relations relies on conflating it with 'preying on orphans who are at risk because they do not have proper family protection' (*Globalgayz* 2011). Same-sex orientation can, based on this analysis, be overcome with treatment, punishment, spiritual awakening or a combination of them. In line with the trend of repackaging behaviours that have formerly been considered to be immoral and punishable as treatable illnesses, the idea that homosexuality is a curable illness appears frequently. An organiser of the proposed anti-gay rally, Dereje Negash puts forward a [pseudo] humanitarian analysis saying, 'We believe the [*sic.*] gay people should be supported to get out of their bad life. We have helped hundreds of people to abandon gay acts so far' (Meseret 2014). Worryingly, this belief is not limited to religious institutions – it even extends to many same-sex attracted men who seek to be cured. Several of the non-Ethiopians consulted for this case study commented that they were not surprised that the broader public misunderstand same-sex orientation as a curable disorder but that they had been surprised to hear the same idea expressed by educated Ethiopians, including medical professionals.

Despite the efforts of the nascent anti-gay lobby, public discrimination and violence against gay Ethiopians has not broken out as it has in other countries where SOGIE-related rights claims have created a backlash. That may be due to Ethiopia's tight law and order policy (crime and antisocial behaviour are comparatively rare) and/or to low awareness about the diversity of sexual orientations and gender identities. As an NGO director commented, 'most people simply do not believe that homosexuality exists in Ethiopia, or that if it does, it involves foreigners and no more than a small handful of Ethiopians in the entire country'.

4.1.3 Costing discrimination: the economics of agriculture, kinship and stigmatised sexuality

The refusal of the Ethiopian government to address violence committed against LGBT people creates a culture of impunity where such abuses can continue and escalate unmitigated. Often, such abuses are committed by the state authorities themselves, with legal sanction.

Anon. (2010)

The consequences of SOGIE discrimination, and therefore potential responses to it, are occurring within the specific economic context of one of the poorest countries in the world that has recently achieved rapid economic growth. In 2012/13 the economy grew by 9.7 per cent, making Ethiopia one of Africa's top performing economies (Zerihun, Kibret and Wakiaga 2014). Despite this impressive economic growth multiple forms of inequity and political and social repression persist in the country. Seventy-two per cent of the population lives on less than US\$2 per day (UNDP 2011), which means that chronic, acute and widespread poverty persists and people who live just above the poverty line have few safeguards against becoming very poor very quickly as a result of economic shock.

In this context, the key development challenge is to ensure that the benefits of economic growth – stronger livelihoods, less poverty and improved education, housing and health – eventuate for all Ethiopians. The FDRE itself has stressed the importance of poverty reduction policies and programmes for the most vulnerable and marginalised populations that are coincidentally pro-family and pro-women. Gay-identified men are excluded, or at risk of exclusion, from economic life and the benefits of pro-poor policy and programmes. The manager of an NGO that provides income-generating activities suggested that it is only by marrying, or possibly by contracting HIV, that gay men would be likely to access economic empowerment programmes, including the 31 microfinance institutions that serve more than three million poor people across the country.

Secondly, regardless of overall growth, the characteristics of the Ethiopian economy are salient. Agriculture is the backbone of the Ethiopian economy, contributing more than 42 per cent to gross domestic product (GDP) and about 80 per cent of employment. Much of it is pastoral and subsistence level agriculture. This means that much of the population is spread across the country in small clusters of households upon which all members are totally economically dependent. In such an environment few people have adequate economic or social safety nets and social life is limited by geography as well as poverty and lack of access to technology, food and water, education and transport. This amplifies the cost of sexual or gender non-conformity and the attendant risk of discrimination and rejection considerably, even compared to other low-income countries where industry and agriculture are more diverse.

Tadele argues that powerful and dominating beliefs about heteronormativity and masculinity contribute to dependency on family on a 'meal-to-meal' basis so that 'the expectations of parents, community and society at large are far more influential on decisions about sexuality than individual desire. In this sense the sexual bodies of gay men are seen as 'belonging' to parents, families and to society at large' (Tadele 2011). Men who want to pursue

relationships with men make way for that by isolating themselves from family, neighbours and work colleagues, often by moving geographically. Importantly, for same-sex attracted Ethiopians, economic shock, which is usually understood to refer to events such as illness, famine or death of a breadwinner, is most likely to result from being discovered as engaging in same-sex behaviour. Some informants said this is likely to be 'fatal' in that all livelihood and resources can be lost.

Though it seems to be less feared than family rejection, institutional discrimination is also problematic both in its own right and because it leads to discovery by families. For example, in a university town two gay students were expelled when they refused to provide the university with names of other gay students or undertake a process to 'cure' them. An example of discrimination against a lesbian occurred earlier this year.⁵ A woman who was in Ethiopia to adopt a child was seen kissing her female partner on the balcony of a hotel. Police were called, the women were detained for a few days and the adoption cancelled. Ethiopia is one of the few countries that allow single women to adopt but soon after this incident a directive was issued suspending adoptions by single women pending upcoming regulatory changes, without mentioning or singling out lesbians.

Even economically independent professional men in Addis Ababa who self-identify as gay live in fear of being discovered by neighbours, landlords and others who they assume would beat or evict them with impunity. As one man commented, 'Every gay man has a story of discrimination, if not directly, someone he knows. This serves as a reminder to everyone.'

4.1.4 International influence: inaction or quiet diplomacy?

Major international nongovernmental organisations and foreign governments including the United States have failed in pressuring the Government of Ethiopia to provide health and social welfare programs that are sensitive to the LGBT community. Although the Government of Ethiopia is quick to point out that technically anyone can get access to basic health services regardless of their sexual orientation, the reality of discrimination and outright hate of gays in Ethiopia trumps that statement.

Samuel M. Gebru (2014)

Human rights agencies and governments have noted that Ethiopia's human rights record is poor and not improving despite its constitution that guarantees equal rights to all and its membership of the international community. Arbitrary detention, repression of free speech and religious freedom, violations of rights to trial, forced displacement and many other abuses are frequently alleged by activists and many of them have been confirmed by agencies such as Human Rights Watch and the US government. Several of those consulted bemoaned the limited influence of the international community on human rights and economic policy and, of those, some attributed the lack of pressure to its geopolitical placement and the strategic interests of the USA and its allies and the role of China in driving particular types of economic development and policy in the country (also expressed in AmfAR and Johns Hopkins Bloomberg School of Public Health 2012). This is consistent with Human Rights Watch which has attributed the FDRE's ability to ignore international pressure to its strategic position, noting that as an important strategic and security ally and the biggest recipient of development aid in Africa, Western governments 'do not appear to have been significantly affected by the deteriorating human rights situation in the country (Human Rights Watch 2013). Specifically, the FDRE has effectively closed off the country in terms of independent investigation and 'eviscerated' civil society with the Proclamation for the Registration and Regulation of Charities and Societies 2009 that prevents international institutions engaging around human rights. One of the few organisations that once

⁵ This information was provided by a long-term resident who said she read about the incident in the Amharic Press. She said it was not reported in the English press.

researched human rights issues in Ethiopia, Human Rights Watch says it can no longer work in the country because it would need to sneak in undercover workers (Baker 2013). Certainly, the staff of international agencies consulted said that their continued presence depends on total compliance with directives from all levels of government.

Nevertheless, several governments, agencies and international advocates have recognised discrimination against SOGIE Ethiopians, albeit very cautiously. For example, the US Ambassador to Ethiopia, Patricia Haslach, vowed to make gay rights one of her priorities during her tenure telling the US Senate Committee on Foreign Relations, 'I will be committed to promoting our efforts and policy approach on gender-based violence and discrimination against the LGBT community'. But according to all sources, including gay diaspora blogger 'Addcafé', nothing has happened since (Anon. 2014a).

Ambassador Hebberecht Chantal, Head of the European Union Mission to Ethiopia also affirmed EU policy of 'respect of human rights of everyone including LGBT; without any kind of discrimination against minorities like LGBT' (Ashenafi 2014) but again the EU Delegation to Ethiopia has not been proactive on that within its programming or policy advocacy.

In a 2014 speech in the Ethiopian capital, US Secretary of State, John Kerry, said: 'Africa's potential comes from the ability of its citizens to make a full contribution, no matter their ethnicity, no matter who they love, or what faith they practice'. A commentator pointed out that, given the lack of HIV services for gay men, the banner accompanying Kerry, which read, 'Ethiopia and the United States of America investing in a healthy future together', rang particularly hollow.⁶ Activists have criticised the USA for simply pasting the following paragraph about LGBT rights in Ethiopia into its US Human Rights Report each year under the heading 'Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity':

Ethiopia. Consensual same-sex sexual activity is illegal and punishable by imprisonment under the law. There were some reports of violence against lesbian, gay, bisexual, and transgender (LGBT) individuals; reporting was limited due to fear of retribution, discrimination, or stigmatization. Persons did not identify themselves as LGBT persons due to severe societal stigma and the illegality of consensual same-sex sexual activity. Activists in the LGBT community stated they were followed and at times feared for their safety. There were periodic detainments of some in the LGBT community, combined with interrogation and alleged physical abuse. (Rainbow-Ethiopia n.d.)

The United Nation's Human Rights Committee probed the Ethiopian government about the protection of homosexuals (and possibly transsexuals) in 2010 when it considered the country's performance report on the International Covenant on Civil and Political Rights. The exchange, which went as follows, confirms the impression that the government is unconcerned by questions from international actors on this matter:

'Concerning homosexuality, the fact that homosexuals were not pursued by the law did not mean they were not discriminated against,' probed an expert from the Committee, 'There was a feeling that homosexuals preferred to hide. Could Ethiopia do something to protect these individuals?' Ambassador Fisseha Yimer, Special Advisor to the Deputy Prime Minister and Minister of Foreign Affairs of Ethiopia simply replied that concerning sexual orientation there would be no response to the questions raised by the Committee. (Anon. 2014a)

⁶ Lavers (2014) comments that it was not immediately clear whether Kerry discussed Ethiopia's LGBT rights record while in Addis. If it was discussed, no further information emerged and it is a matter of speculation whether Kerry's visit may have contributed to the cancellation of the anti-gay rally discussed above.

The African Commission on Human and Peoples' Rights has recently passed a resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity (see Annex 2). However, in practice there is no significant regional influence and it is unlikely to emerge through the African Union or any other government in the region.



Harsh new anti-LGBT laws were raised at the 2014 EU–Africa Summit in Brussels despite not being on the agenda. Photographer: © European Union, 2014 – European Parliament.

4.1.5 HIV/AIDS: ‘Reader has finished searching the document. No results found’

Homosexuality is unlikely to be decriminalized in the near future, although according to Kesetebirhan Admasu, the Ethiopian Minister of Health, any person ‘can access any type of services regardless of their sexual orientation’. More than two dozen gay and lesbian Ethiopians interviewed by Newsweek said that’s a sick joke; the community is terrified to seek care.

Katie Baker (2013)

The omission of MSM from the Strategic Plan for Intensifying Multisectoral HIV and AIDS response in Ethiopia is the clearest example of the impact of Ethiopia’s failures in respect of gay men as well as evidence that it is immune to international influence. There are many documents about MSM and HIV in Africa but few of them mention Ethiopia. There are many documents about HIV in Ethiopia but when they are searched for references to MSM the message ‘Reader has finished searching the document. No results found’ appears. Where Ethiopian MSM are mentioned, it is limited to one or two lines; for example, the Ethiopian 2014 Country Progress Report on the HIV Response provided by FDRE to UNAIDS, which states:

Currently, there are no specific programme interventions designed for men having sex with men; nor is the extent of this practice in Ethiopia well known as reliable data are not available.
(FDRE 2014)

No Global Fund money has ever been allocated for MSM-targeted epidemiological research or for prevention, treatment, care, and support programmes for MSM in Ethiopia. According to Dereje Teferi of Rainbow-Ethiopia:

The government [has] refuse[d] several times to recognize, track or provide services to MSM; The our [sic] few partner organizations that work with MSM remain silent for fear of official persecution; and many MSM forego seeking medical care because of discrimination.
(Teferi 2012)

In this context there is no adequate access to health care, condoms or lubricants (although the social marketing company DKT has made some attempts at delivering commodities at subsidised prices). Buying lubricant is stigmatised so that it is embarrassing to buy it in pharmacies and there has been no education about the important role lubricant plays in making anal sex safe and comfortable and preventing condom breakage (Mekonnen 2012). According to two of the gay men consulted, any reputable attempts to provide HIV information and condoms to gay men have been shut down, or they have decided to close down. Others have made similar comments to explain why there are no services specifically targeting men who have sex with men:

If a volunteer dares to hand out lubricant to gay men he could face imprisonment and jeopardize his or her groups' larger-scale work [so] organizations have decided it's not worth the risk.
(Baker 2013)

Predictably, in this vacuum a 2010 study on Ethiopian MSM found serious misinformation about HIV, including the belief that it can only be transmitted through heterosexual sex (Tadele 2010). There is no HIV information published in Ethiopia's main language, Amharic. Interestingly, attempts to locate such materials in Washington DC, which has a large diaspora community, with a view to importing it back to Ethiopia have not been successful.

The USAID Mission Director outlined successful HIV prevention efforts provided by the US President's Emergency Plan for AIDS Relief (PEPFAR) for 'most at risk populations' but they are those named in the Strategic Plan for Intensifying Multisectoral HIV and AIDS response in Ethiopia – 'commercial sex workers, truck drivers and communities along major transportation routes' (USAID 2014). Several people who work in the HIV field said ['strictly off the record'] that it's generally accepted that the level of HIV among Ethiopian MSM is likely to exceed 20 per cent. According to Dereje Teferi, not only does government policy mean that HIV funds miss this important key population, US funds for HIV have been used to support anti-gay activities (Rainbow-Ethiopia 2013).

In many countries, inclusion of MSM in their strategic plans for HIV has enabled gay men to locate valuable 'entry points' through which they could access resources and structure community mobilisation. Its exclusion in Ethiopia means that this has not happened and there is no representation or involvement of Ethiopian men who have sex with men in HIV prevention programming.

This failure to prevent or adequately treat HIV in MSM undermines the impact of all other HIV prevention work in the country. It even contrasts with the notoriously anti-gay countries in the region that have included MSM in their national plans on HIV as a matter of public health, despite maintaining overtly anti-gay policies. Even in Uganda, the health ministry has admitted that specialised clinics for MSM have helped reduce HIV rates (Baker 2013).

The illegality of homosexuality was cited by staff members of more than one health agency as justification for inaction within their own programmes – including one that supports programmes for female sex workers whose activities are also illegal. Four agency staff said

that as a statement of fact, homophobic attitudes made any kind of service provision to known gay men impossible but did not specify if they were a part of that consensus; on further questioning one said no, one said yes and two refused to answer. This calls into question the understanding of epidemiology, adequate service provision, medical ethics and non-discrimination in HIV organisations. This also calls into question whether the training and policies of their employers is fit for purpose.

Senior HIV experts who were consulted said that they 'hope' or 'trust' that MSM are receiving HIV services without disclosing their sexual activity. It was striking that statements by both local and expatriate HIV experts appeared to consider it possible to provide quality sexual health services to men who do not disclose same-sex behaviour to the physician. Equally striking was that only one of the seven NGO workers consulted about HIV services for MSM thought that resources should be directed to MSM programming. The others held this belief because they see HIV prevention for MSM as entailing graphic sexual images and bold assertions about gay pride associated with targeted programmes in the USA and Europe.⁷ Disappointingly, no evidence could be found of either Ethiopian or foreign HIV/AIDS experts developing ideas about how health services might be delivered to this crucial 'key population' in ways that are effective in public health terms and culturally appropriate.

Despite this bleak picture, there are rumours that pressure is being placed on the FDRE 'behind the scenes' and there are some indications that it could begin to be effective. One representative of an NGO that provides economic support to marginalised people said he is confident that MSM programming would come eventually, and confirmed that when this is allowed his NGO intends to take up the challenge that introducing MSM services will present.

Three health agency staff who were consulted mentioned that a government study of HIV prevalence and relevant behaviours across the whole population is under way and that it apparently includes a question, or some questions, about men having sex with men. Each expressed hope that the survey will actually reach MSM, that they will answer the questions about sexual behaviour honestly (which relies on anonymity) and that the government will analyse and publish the data. However, none were confident that these things would all happen.

⁷ There was a suggestion that the Rainbow-Ethiopia website has contributed to this impression although examination of the site does not support that, beyond its use of the global symbol of the rainbow.

5 Four survival strategies

5.1 Secrecy: a recipe for stress and suicide

All those consulted said that to survive economically and socially, most same-sex attracted Ethiopians don't disclose that to anyone to avoid discrimination and distressing or disadvantaging their families. Consequently, they endure ongoing stress and fear of loss of family and livelihood, violence, false accusations of sex with children or male rape. In many cases secrecy leads to gay men entering into unsatisfactory marriages with women. This possibility, often combined with being unable to come to terms with same-sex attraction, was described by a gay man as a 'recipe for suicide'. The AIDS Resource Center in Addis Ababa reported that the majority of self-identified gay male callers requested assistance in changing their sexual orientation or resisting the temptation to act upon it to avoid discrimination, anxiety, confusion, identity crises, depression, self-ostracism, religious conflict and suicide attempts (Rainbow-Ethiopia 2014). Suicide is a very common topic in gay Ethiopian blogposts.

All informants said that in cities it is relatively easy to keep same-sex orientation a secret and that many, or most, men who have sex with other men can relatively easily maintain heterosexual identities and relationships.⁸ A gay informant commented that Ethiopians are, so far, 'pretty much oblivious' to outward signs of same-sex orientation so that lesbians and gay men are generally not recognised unless they are 'caught in the act'. Ironically, his clothes, which he pointed out would mark him as gay in the USA or Europe, are of no consequence in Addis Ababa. However, he said that this is time-limited in the light of signifiers of western gay culture becoming more popular with the growth of internet use and recent anti-gay activism that has encouraged awareness of those signifiers. (This apparently went wrong when a rumour went around that skinny jeans, a newly arrived fashion from Europe and the USA, signified homosexuality.) His friend contrasted secrecy in Addis Ababa to life in diaspora communities where, he said, 'Ethiopians learn what a gay looks like but they don't become more tolerant... That's a bad combination'. Yet another confounding matter is that it is common for men to hold hands, cuddle and show signs of intimacy that, in the words of a local guide, 'makes foreigners think all Ethiopians are gay'. Paradoxically, a young gay man said, 'Oh we never, ever touch each other when we are on a date'. Presumably this is because fear and extreme caution have become ingrained.

5.2 Building the community: a subculture in survivalist mode

A thriving LGBT social scene exists in Addis Ababa. Parties are generally unannounced and held in private homes or bars, with invitations distributed via word of mouth or text messaging... events are held at least on a weekly basis, with attendance of more than 50 people not unusual.

Wikileaks Cable 09ADDISABABA3027 (Berhane 2011)

In very poor countries where homophobic discrimination drives and sustains poverty, LGBT people frequently rely on each other (Jolly 2010). This makes sense for individuals who need to buffer the impact if 'the worst happens' and for communities working to sustain themselves in the face of external threats. Jolly describes this as 'forming economic subcultures in survivalist mode' (*ibid.*). This may begin with a network that can support those who lose homes and livelihoods as a result of discrimination but it can also develop into more durable economic subcultures. Such economic subcultures occur in rich and poor countries alike and

⁸ This case study did not explore meanings of sexual and gender identity, orientation, expression or behaviour in Ethiopia or seek to explain whether this secrecy represents suppression of 'authentic' [homo]sexuality or if it is determined by other factors.

while they include visible and stereotypical enterprises such as hairdressing, show business, fashion and sex work, they are not limited to those occupations.

The extent to which it is realistic to imagine that a gay subculture will emerge in Ethiopia that could advance the economic status of members is unknown. Dana Social Club members said that there is a process under way in Addis Ababa that is leading to community spaces in which the economic as well as social lives of its members could be advanced but that this must be seen in context – as a man familiar with gay life in the USA and UK joked: ‘This doesn’t mean we’ll soon have a Christopher Street or a pink pound here’.⁹ However, regardless of whether homosexuality in Ethiopia is a life-defining orientation, a pleasurable hobby for men who are stable within the heterosexual paradigm or something else, it is clear that gay-identified men will be at the forefront of challenging the discrimination that threatens the economic inclusion of all same-sex orientated men.

The emergence of an urban community of gay-identified men has been steady. In 2007 an ‘Ethiopian LGBT’ committee was established with the objective of demanding and safeguarding sexual freedom, although details are sketchy. An anonymous post on www.topix.com at the time claimed that it had 604 members. Its author wrote, ‘We are working day and night for the license and acknowledgment from the Ethiopian Government but their response was discouraging... As a steering committee we are responsible for generating a storm of publicity... But, there is no way to accomplish this...’ (Salsawi 2014).

This group faded away, as have most subsequent attempts to form gay or MSM organisations in Ethiopia, even in cyberspace. One organisation, Rainbow-Ethiopia, formed and made attempts to establish itself within the public health field but it ended when its leader Dereje Teferi fled the country after speaking about MSM issues at an international AIDS conference (see Box 5.1). Since that time Teferi has maintained a website and continued to represent Ethiopian MSM interests from the USA. A local activist distributes condoms to male sex workers in Addis Ababa and intends to expand into an organisation to provide them with wider support including counselling and shelter. However, at this point the potential to form organisations that can benefit same-sex attracted people across the board and throughout the country, or even to get appropriate health services for MSM in the capital, is severely restricted by constitutional bars on forming organisations to promote immorality and the Proclamation for the Registration and Regulation of Charities and Societies 2009 that severely limits the possibility of NGOs addressing human rights at all (AmfAR 2012).

Even without recognisable NGOs or lobby groups, queer history in Ethiopia includes both agitating for rights and providing support to community members. As noted by the US government above, ‘underground gay scenes’ have been growing rapidly throughout the country because the internet has made it much easier for gay men to meet and for many their first opportunity to make social and sexual contacts. In the capital and towns (particularly university towns where internet use is presumably highest) social groups have been slowly forming and morphing into groups that work to embed SOGIE issues in the agendas of other human rights and social movements. There are two popular gay Facebook groups, one of them with 5,000 members; the Ethiopia Gay Library which tracks media coverage; and Zega Matters, an LGBT discussion forum with more than 700 members (who call themselves the ‘Facebookers’); as well as blogs, websites, Instagram and Twitter. Some of these come from the diaspora, which is valuable because it provides external inputs, although it can also raise challenges for activists working locally in an environment that is both fluid and dangerous.

Out of the ‘Facebookers’ social group a smaller group of young men who identify as gay has emerged that are committed to working slowly and carefully to challenge anti-gay stigma, law

⁹ The famous area of New York City dominated by gay businesses and the expression that describes LGBT communities that form a significant sub-economy.

and policies and ensuring that gay men and others affected by Ethiopia's punitive and exclusionary attitudes around sexuality are not excluded from services and civil life. In 2012 the group named itself the 'Dana Social Club'. The group adopted a governance structure and strategic plan, set up an online library and chatroom, offered social support for cases of discrimination against members from within the community and began to distribute condoms, lubricants and 'word-of-mouth' HIV education. But in the wake of the planned anti-gay rally in early 2014 Dana members decided not to try to register as an NGO or seek grants to conduct activities but to continue as a social club that also questions the way LGBTs are thought of and treated while formulating longer term plans. Those plans involve working on economic empowerment and health services with community resources through private enterprise, using film and internet discussions to challenge homophobic discrimination and violence; providing inputs into sexuality education and medical training; supporting people who have been discriminated against or abused; producing information for same-sex oriented Ethiopians, distributing condoms and lube and setting up gay friendly (but not exclusive) clinical services. As well as being seen as a reaction to the restrictive environment, this can be interpreted as a sign of genuine community commitment to achieving its goals through independent, self-sustaining activities. The recommendations in Section 7 take the need to strengthen and hasten this process as their starting point.

While recognising that networked communication provides a crucial opportunity for a gay rights movement to develop and expand, it also carries substantial threats in a setting in which homophobic oppression is disguised as fighting terrorism, anti-pornography efforts, anti-trafficking efforts and efforts against child sexual exploitation. Digital communications facilitate backlash and Ethiopian internet chatrooms, which are particularly colourful generally, explode when threads about homosexuality appear. As well as providing a forum for homophobic abuse and 'stirring up' homophobia generally, there is a possibility that social media could set off pressure that incentivises the government to increase scrutiny and censorship of social media platforms. Because the ability to network and to publish anonymously is critical, better cyber security is urgently needed as well as external monitoring to ensure that if any activists are harassed or abused for expressing their views they are defended. At the same time, it is important to keep the potential value of internet-based activism or support networks in proportion:

'Facebook is the only thing that we have', [Dana member] Beki explains, adding that there are no clubs or bars in Addis Ababa where gay men and women can congregate openly. It is through this network that Beki found his tight-knit group of friends. 'Most Ethiopian gay people are not this lucky,' he says, casting his eyes around the table.
(Jobson 2014)

In a subsequent interview, Beki spoke about the limitations placed on the social and advocacy functions of Dana by the fact that less than 5 per cent of Ethiopians have internet access in the capital and even less in other parts of the country. He said that this is certain to change and in this context it is inevitable that the nascent 'LGBT community'¹⁰ will expand. He is confident that although a 'gay liberation' paradigm is seen as 'Western', Ethiopian gay men and lesbians are capable of adapting its ideas and principles to the Ethiopian context. This, he says, has given rise to a desire to meet activists from other countries in Africa to learn more about how this has happened for them.

¹⁰ This expression was used by Beki.



A B.T.W tattoo stands for Lady Gaga's acceptance anthem 'Born This Way'. © Dana Social Club.

5.3 Sex work: the most marginalised of the marginalised

In my last visit to Ethiopia, I noticed a number of young male and female prostitutes in some neighbourhoods of Addis Ababa, many around affluent areas, including by hotels and Western embassies... There needs to be at least one organization that can implement robust programs to ensure that these sex workers are protected from diseases and infections.

Samuel M. Gebru (2014)

There have probably always been male sex workers in Addis Ababa and other Ethiopian cities. Observations were made about male sex work in the context of HIV in 2005 (Tadele 2005) and in recent years, there have been several reports of significantly increased male sex work in Addis Ababa (Rainbow-Ethiopia 2013; Littauer 2012).

This has been linked to migration and to youth poverty, both in urban and in rural areas. Young male sex workers in Ethiopia are described as 'the most marginalized of the marginalized' who suffer 'a double burden of dealing with their stigmatized sex trade and sexual practices' (AmfAR 2012).

Some of those consulted suggested that most of the young men selling sex are gay and that this has caused them to leave their homes in the capital or other parts of the country. Others said that they thought that homeless young heterosexual men were being preyed on by 'real' homosexuals. But this is speculation because there is no reliable information about male sex work and discussions about it are also distorted by conflation with homosexual rape, paedophilia and the discourse of modernity and foreignness. For example, when asked by a journalist why men have sex with men, a male sex worker responded, 'Poverty, poverty and poverty. Some also have a foolish idea that it is modern and others just want to experiment because they can afford to' (Tekleberhan 2011). Similarly, a study of homosexuality by the Ethiopian Public Health Association by Ato Seifu suggested that foreign travellers entice young Ethiopians into gay sex by offering 'foreign currency' so that they 'easily join the ranks of male sex workers' (*ibid.*).

Even those who support SOGIE rights are concerned about male sex work involving young men and foreign clients:

With the growing LGBT community in Addis, there is also a growing concern that has become a major headache for the general public: the growing sex industry and sexual exploitation of young boys (and girls), often by Westerners or foreigners who use their dollars as a buying power. And poverty is the primary reason for such prostitution. Before Ethiopia becomes the next “Thailand in Africa”, do you think it’s better for it to acknowledge the existence of the minority LGBT community and protect their civil and human rights, thereby averting or reducing crimes that happen in their names? For how long can Ethiopia ignore the existence of the elephant in the room while the problems that are related to it multiply each day? Can the government crackdown on illegal child prostitution without addressing the LGBT concern? What has the government done so far to aggressively fight the increasing exposure of boys and girls to prostitution and HIV/AIDS?
(Kiros 2012)

Some gay men recognise that Ethiopian men, often heterosexually identified and married, are the main clients of the young men that sell sex in the streets, not foreigners. A gay aid worker said he imagined that most Europeans and Americans would not seek paid sex in the streets due to the risks but that they would use gay websites where ‘hook-ups’ are arranged that may, or may not, turn into commercial exchanges. ‘This is something you must always be prepared for in such a country’, he said.

There is some condom and lubricant distribution to male sex workers although, again, those doing the work wish to maintain anonymity while hoping to secure funding to scale the work that meets a range of needs of young men who sell sex in the capital.¹¹

There have been no mappings, sociological or behavioural studies of male sex work and it was not within the remit of this case study to try to enumerate or otherwise understand the dynamics of male sex work. Well planned, ethical ethnography is needed in the shorter term. More information about the extent and nature of male sex work in the capital is essential for the health or economic needs of male sex workers to be recognised or met.

Box 5.1 Mercy and Rainbow-Ethiopia

In December 2011, Addis Ababa hosted the 16th International Conference on HIV/AIDS and Sexually Transmitted Infections. Ethiopian religious leaders were enraged when they learned that African Men for Sexual Health and Rights (AMSHeR), planned to discuss LGBT-related issues, and quickly launched a text-messaging campaign that led to widespread protests and a meeting with Ministry of Health officials. As a volunteer for a few US-based NGOs focused on HIV prevention and the founder of Rainbow Ethiopia, the only LGBT organization in the country – it covertly distributed condoms and safe sex information to gay men

– Mercy was invited to a preconference, and his photo appeared in the press. A week later, Mercy – the lone gay Ethiopian willing to out himself that weekend – was detained and told to lay off the activism by police who said they’d been following him for years. Instead, he attended another AIDS conference in Washington, D.C. a few months later. When he got back, he was arrested and tortured. Fearing for his life, Mercy quickly secured a visa and escaped to Washington, D.C., where, he believes, the Ethiopian government is still monitoring him. Mercy regularly updates Rainbow Ethiopia’s website and Facebook group and says his goal is to ‘spread news of what it’s really like to be gay in Ethiopia’ – but it’s hard to get U.S. organizations to listen. He’s had a rough time attracting attention in Ethiopia, too.



Elissa Jobson (2014)

¹¹ The group or individual that does this work is named Zega Redemption and declined to be interviewed. Others commented that it promotes the idea of curing or rescuing young men from homosexuality but this could not be confirmed.

5.4 Internal and international mobility: the flight response

The extent and nature of mobility and its meaning and impact on the lives of same-sex attracted Ethiopians are not known because all forms of mobility are common and there has been no study of SOGIE mobility in Ethiopia. Anecdotal evidence suggests that both gay-identified men and men who have been labelled as homosexual move from rural areas to cities and towns to avoid discrimination, cope with family issues or to live more authentically while surviving or even prospering economically. However, according to some of those consulted, young men in particular who move to cities or towns frequently lack the information and the resources needed to prevent sliding into extreme poverty. This is consistent with points made about the structure of the Ethiopian economy and country's geographical and cultural characteristics.

Same-sex attracted people appear to use the same systems as others to migrate to neighbouring countries or to the global North as immigrant workers, documented migrants and to seek asylum. Several countries accept persecution of homosexuality as grounds for asylum and some accept that persecution of homosexual men in Ethiopia has constituted persecution for the purposes of claiming asylum. For example, the Australian government recognises that 'Discrimination against homosexuals [in Ethiopia] appears to be widespread and is not seen by the government to be a human rights issue. While there is little detailed information specifically regarding the treatment of lesbians, the threat of arrest for homosexual conduct and societal discrimination are sources of potential harm' (Australian Country Refugee Review Tribunal 2012).

Some insight into the international migration is available from bloggers writing about the experience of Ethiopian LGBT diaspora and looking back on their lives in the country. For example, Selam, who claimed asylum on political grounds not because of homophobic persecution, provides an account of his experience in a diaspora community:

Word had spread [that I am gay] and I was a subject of malicious ridicule and hate. I was almost physically excluded from the church. The few friends I had made all became enemies in an instant, none wanted to have anything to do with me. Not even a good old handshake. Without a doubt, that was the lowest point of my entire existence. All of a sudden, my life back home seemed far better. At least back then I kept myself to myself and to my knowledge no one suspected anything. Even though I was young and no one would have expected me to get married at that age, maybe I should never have left. Maybe I should have just stayed and did what I thought was the right when the time came; to save my family from lifelong disgrace and stigma. Ending it had always seemed the only option but I never had the courage.
(Canning 2010)

6 Discussion

The least economic disadvantage occurs where anti gay law and cultural taboos have been eliminated or reduced and where law, policy and executive practice protects human rights. LGBT are most disadvantaged in environments where most economic exchanges depend on relationships of trust and status that are grounded in familial, tribal and religious connections and where there are few safety nets.

Susan Jolly (2010)

It has been illustrated that there is significant potential for same-sex attraction or expression to lead to, or exacerbate, poverty by driving economic exclusion that is likely to be immediate, catastrophic and irreversible. Moreover, this takes place in the context of widespread chronic poverty, economic dependence on family and local government in a repressive state where there is little or no protection against persecution by either state or non-state actors.

The community members and NGO staff that were consulted for this study identified the following factors that create social, political, physical and economic vulnerability:

- The Ethiopian government keeps a tighter rein on information sharing than most countries in the region and leaders of all social movements are vulnerable to prosecution, jail or other punishment.
- Economic dependence on family is pervasive in Ethiopia and it creates a strong structural barrier to sexual self-realisation and expressions.
- Policies that are pro-family or aimed at increasing women's economic status limit the access of men and of single and young people to social protection and other poverty alleviation programmes.
- Links between Ethiopians engaged in social justice struggles with organisations that could support them are weak (compared to Uganda and Kenya, for example).
- International influence over Ethiopia is limited by its strong geopolitical position.
- Ultra-conservatives within the church have significant power within government.
- The legal challenges to homophobic law and hate crimes that have been a focus of SOGIE rights elsewhere are not as urgent as where law is actively enforced and are not in any case possible in Ethiopia's current political and legal context.
- There have been few studies of same-sex attraction, desires and cultures in Ethiopia and of Ethiopians who do not conform to mainstream gender roles. (Two academics who have worked in the area have withdrawn, apparently to avoid discrimination).^{12,13}

The following section focuses on ways that external forces can support local activists to advance sexuality justice in Ethiopia. Section 6.2 is arranged around a three-point framework for action that can reduce poverty among sexual minorities developed by Hawkins *et al.* (2014), preceded in Section 6.1 by an additional point that recognises the possibility that even well-intentioned efforts are likely to cause damage in the contemporary Ethiopian setting.

- Do no harm;
- Create networks and alliances to push for social, political, economic and cultural change;
- Target financial and other resources;
- Develop supportive public policy.

¹² Daniel Iddo Balcha, author (Balcha 2009).

¹³ Getnet Tadele, author (Tadele 2011).

6.1 Breaking the discrimination and poverty chain

6.1.1 Do no harm

As discussed above, an urban Ethiopian SOGIE community is emerging and gradually beginning to speak with a firmer voice as well as expanding social opportunities. But its meaning and potential for both positive and negative impacts should be considered in the light of contextual factors. Primary among the limitations is that because sexual orientation plays a defining role in the lives of relatively few same-sex attracted men, life within a 'gay community' is unlikely to be needed or wanted by most, so for the foreseeable future such groups will attract relatively small numbers of members and only a small proportion of those will be engaged with social and economic justice issues. On the basis of experience in other countries it had been hoped that public health would provide a protective paradigm for at least one type of SOGIE organising but the experience of Rainbow-Ethiopia illustrates that this is not the case (or was not in 2012).

Gay-identified men concerned about social exclusion are aware that if it is done badly, organising around SOGIE rights could be counterproductive by disrupting the official status of homosexuality as a non-issue. In a region where other governments have made homophobia a crusade, things could be worse in Ethiopia especially if some sections of government are keeping expressions of homophobic hatred at bay in a fragile and hidden process as some evidence suggests.

The risks to the personal safety for anyone within, or associated with a SOGIE group in the absence of the protection that open, democratic societies have around free speech and human rights are mentioned in relevant literature (e.g. Jobson 2014) and raised repeatedly by those consulted in Addis Ababa.

Many international health and development agencies, human rights organisations, UN and diplomatic missions in Ethiopia appear to have made a judgement call not to address SOGIE issues. While avoiding explicit recognition of SOGIE people and issues may be ethically justifiable in line with the 'do no harm principle', it is debatable whether this also applies to taking steps to ensure that their inputs benefit or do not harm same-sex attracted people.

6.2 Create networks and alliances to push for social, political, economic and cultural change

Whether a community that can support people to live the lives they choose, advocate for citizenship rights and support vulnerable members will emerge in Ethiopia is not the question according to local activists. The question is how and where sexuality is located within struggles for broader social, political, economic and cultural changes that are under way within the country.

The current lack of organisations cannot be dismissed as evidence that SOGIE rights do not apply in Ethiopia since, as discussed above, hundreds of gay-identified internet users have joined an organisation that can't be registered (and that is from a base of 5 per cent internet coverage). Dana was created as a social club and most members use it as that but it seems inevitable that some conversations within the group turned from the personal to the collective and from the social to the political. Nevertheless, although this can look like a Northern gay organisational model, it is crucial to note that African SOGIE discourses are characterised by different goals and strategies to Northern gay agendas that focus on 'coming out', the right to marry, found a family and to enjoy equality of opportunity. Economic rights, beginning with the freedom from the stigma and discrimination that causes economic and social exclusion, emerge as Ethiopian priorities rather than building LGBT identity and visibility. Dana members stressed intersectionality and the need to work within a broader framework that

addresses the injustices and deprivation of economic and political rights that are occurring in the country. This, they point out, is reflected in the name of Dana's internet discussion group, Zega Matters. (*Zega* is an Amharic term which means citizen and a code word used by Ethiopian gay men to identify themselves.)

The high degree of computer literacy within the group presents an opportunity to provide tools for basic community-level organising such as information sharing. The group explained that an important first step that is already under way is documenting the lives of same-sex attracted people, past and present in Ethiopia so that over time a queer epistemology evolves.

The barriers to formal organising and accessing money from health and welfare agencies, which can be seen as limiting, may also protect the authenticity of the community development process by allowing growth to take place away from the persuasive and pervasive influence of donors and free from the divisive influence of competition for contracts and grants.

6.2.1 Target financial and other resources

One of the clearest theses that emerged from interviews with development and health professionals is that there are strong structural, legal and cultural barriers to development agencies, the international LGBT community and foreign governments providing resources to support better SOGIE policy or inclusion of SOGIE issues in their respective programming in Ethiopia. For example, direct support through grants cannot be provided because same-sex attracted and gender non-conforming Ethiopians cannot form organisations.

This is an important challenge for agencies whose internal procedures and policies for awarding grants and contracts to government-approved NGOs are not suited to resourcing 'underground' movements. Some agencies have found ways to channel limited resources for HIV activities among same-sex attracted men and male sex workers through individuals; for example, to ensure that condoms and lubricant are available despite lack of recognition of MSM in the Strategic Plan for Intensifying Multisectoral HIV and AIDS response in Ethiopia. An agency staff informant called this 'quiet, unlabelled consultation and action'.

6.2.2 Develop supportive public policy

The most effective policy to ensure that same-sex attraction does not drive economic marginalisation would be an ideal scenario in which homosexuality is decriminalised and that recognises the rights of all citizens to economic, political and cultural rights. But these must be long-term goals because they require at the very least significant social change as well as political and constitutional reform. In the shorter term there is a strong case for support to strengthen social movements and embed human rights defenders while stepping up international pressure on the FDRE in respect of its human rights record, its adherence to the rule of law and its obligations under international law.

It may also be helpful to identify areas of public policy where shifts are possible and useful. One of these is to take steps to develop approaches that ensure that poverty alleviation programmes such as microfinance, social protection and health services are accessible to people who do not live in traditional configurations of family. Same-sex attracted people, whether gay-identified or not, would benefit from policy that drives more appropriate and accessible services for migrants, young people, single adults and people living with HIV, and prohibits discrimination and violations of their rights along with those of women, ethnic groups, disabled people and cultural dissenters.

As Ethiopia moves toward democracy over the coming decades and its rule of law will likely become stronger, human rights claims will increasingly be won through advocacy that activates political and legal mechanisms. Although it is clear that SOGIE rights will not be

near the front of that process, work should take place now that will enable same-sex attracted people to benefit from any improvements that emerge. This means that a goal is to embed sexuality issues in the agendas of the human rights and social movements that are advocating for better governance, law and policy. Shahira, an Egyptian woman, stresses the importance of the intersections of multiple citizenships and makes the important distinction between integrated or intersectional political strategies and the ‘identity politics’ that characterise Western LGBT discourse:

As a starting point to rally communities, we have to find something other than ‘We’re all gay,’ and that’s partly my issue with identity politics. Just looking at the realities of the region, LGBT individuals are not as visible as we think they are. But everyone in the region is suffering from the repression of morality – whether it comes from the state, from religion, from society – everybody. So why would I work on liberating a subgroup, for just a very small subset, when I can invest in doing the real work which needs to get done, which is a very long-term strategy when I was younger, I didn’t identify with L or B or G or T... I was just someone who was repressed because I was a woman. Injustice was on me not because I’m queer, but because I’m a woman – an Arab woman, a single woman.
(El Feki 2013)

What could/should foreign governments do?

There is little governmental action to support policy or programming on sexuality generally or SOGIE specifically in Ethiopia despite suggestions that undocumented ‘quiet diplomacy’ takes place in the course of intergovernmental discussions.

The Netherlands Mission to Ethiopia has provided constructive inputs to government health policy by cautiously opening conversations about sexuality and sexual minorities in the context of services and education.¹⁴ In 2010 it went a little further by working with local SOGIE advocates and HIV/AIDS advocates to hold a meeting with representatives from major multilateral agencies and HIV financing mechanisms, including UN agencies, the Global Fund, Centers for Disease Control and Prevention (CDC), and international non-governmental organisations (INGOs) such as Family Health International and Population Services International. The aim, which was not realised, was to create a task force to lobby the government to include MSM in the Strategic Plan for Intensifying Multisectoral HIV and AIDS response in Ethiopia.

Since then, the Netherlands Mission has sponsored education and development programmes that recognise sexuality issues, including sexuality-related stigma, within discussions about less controversial issues such as gender-based violence, female genital mutilation or child protection. According to Bouwe-Jan Smeding, the First Secretary of Health, Embassy of the Kingdom of the Netherlands, improvements to policy and programmes around sexuality and sexual rights in general need not be SOGIE specific but can help to establish a momentum that in the long term will carry SOGIE issues ‘in the slipstream’. This was echoed by an Ethiopian gay man who said, ‘If sex education and sexual health care is improved for everybody we will certainly benefit from that, especially young gays’.

Although policy change has not been achieved, these efforts can still be considered an important first step and the experience gained by the stakeholders should be useful to other governments whose interactions with the FDRE present opportunities to encourage it to improve the policies and programmes that affect the country’s LGBT citizens (AmfAR 2012).

¹⁴ It is possible that actions by other governments and government agencies have been missed because most interview requests were refused and such efforts were not discovered in the limited relevant literature.

Regional bodies, the EU and UN (discussed above) whose influence over Ethiopia is ostensibly weak could be strengthened by their member states exerting internal pressure on them to more actively engage with the FDRE on human rights, the rule of law and governance.

What could/should international LGBT organisations do?

African human rights issues are many and varied, and go beyond the latest anti-gay laws passed in Uganda or Nigeria.

Vanessa Urquhart (2014)

International LGBT organisations in particular are well placed to understand and support the informal or 'underground' mobilising that is happening in Ethiopia given experience in various dangerously homophobic settings around the world, supporting information-sharing, challenging laws, protecting community members or helping them to emigrate. However, how to do this *and* avoid causing harm, has been hotly debated. SOGIE activists in the South have sometimes said that their needs and contexts have not been fully considered by Northern activists – actions such as calling for boycotts, holding protests and trying to arrange asylum for lesbian and gay people having taken place without adequate consultation with local people or understanding of the broader legal, economic and cultural factors.

There is consensus among local activists that it is important to avoid importing US-style 'gay liberation', which would inevitably lead to a hostile reaction. The assumptions and paradigms of Northern gay culture and activism juxtapose personhood and nationhood in ways that are controversial even among gay-identified Ethiopians as this comment on a gay Ethiopian website illustrates:

Abandoning our history and heritage and telling others 'We're Gays! We're not Ethiopians!' is not conducive to get the other side to listen. Identifying ourselves merely based on our sexual orientation makes homophobia easy. If we just focus on our sexuality and ignore our other identities, what kind of message are we sending? Who can blame straight people for thinking gay men are nothing more than sex-crazed perverts? Why are we blaming guys for telling us being gay is not Ethiopian if we abandon our heritage upon learning our attraction for the same gender? Are we not fulfilling prejudicial stereotypical assumptions? Is this not self-defeating?
(*Globalgayz* 2009)

Some of the familiar mistakes from the worlds of humanitarian aid, development and charity apply in SOGIE activism too. Well-intentioned Northern organisations tend to overlook the importance of religion and loyalty to the church, the cultural meaning of shame or the role of family and kinship in economic and social life. They can create, but fail to sustain, generous economic support in the face of enormous demand and they are not immune to flawed assumptions as is sometimes assumed. For example, in a powerful blog on the subject of gay asylum seekers and refugees, Scott Long calls out the tendency to assume that every gay person wants to escape a stereotyped homophobic, poverty-stricken hell for an equally stereotypical Western gay heaven (Long 2014). This is particularly relevant for Ethiopia because some of what has been said and done from outside the country concerns local activists. This played out when a gay academic travelled extensively in Ethiopia with a local partner who was unaware that he was collecting and publishing explicit and potentially dangerous material about gay life in the country.

Another disconnect may be that those who live in the more orderly countries are more optimistic about the potential of law, the state and NGOs to safeguard citizens or deliver health and welfare services to them on an equal basis than those in countries where the rule of law is weak (Walderman and Overs 2013).

Urquhart suggests that what Northern communities may be missing is the importance of the profound economic and social changes in the Western democracies that occurred in the lead-up to gay liberation in the 1960s, changes that have still not occurred in many middle- and low-income countries. She concludes:

If what's needed is to change African hearts and minds, we must shift our approach away from a scolding, punitive, paternalistic one and reach instead for something more engaged, more connected to actual Africans, and more focused on the communities where the necessary cultural shifts must happen. We need to fight back against African prejudices and misperceptions about gays, lesbians, and transgendered people. We must create a generous, humble, compassionate face for the LGBTQ movement, one that seeks the advancement of all humanity along with our own people. To that end, Western LGBTQ organizations should seek to decouple the issue of aid from local attitudes toward sexual minorities. In addition, LGBTQ individuals and advocacy groups alike should give directly to African causes, particularly those that dovetail with the needs of sexual minorities. (Urquhart 2014)

Perhaps the most useful relationships for Ethiopian SOGIE activists are to be established with the many LGBT organisations throughout Africa that deal with similar issues in similar settings.¹⁵ Facilitating better links with other African countries is perhaps the most concrete and productive support that could be provided by the international LGBT community at this point.

What could/should faith communities do?

Fanatics do not always drive the church. After all, like any other conventional bodies, the Ethiopian Orthodox church must have its very own moderates.
Addcafé, anonymous Ethiopian gay blogger (Anon. 2014b)

Changing religious attitudes is central to advancing SOGIE rights and attitudes to sexuality generally. Although it is difficult to identify promising strategies to change attitudes or to limit the negative influence of the church, there are signs of Ethiopian gay men thinking about that. Unsurprisingly, there is little appetite for outright 'war' – partly because most gay men are religious, including those that feel abandoned by the formal church. A popular diaspora gay blogger, 'Addcafé', tells a moving tale about seeking out an Ethiopian Orthodox church to celebrate Easter while reflecting on the paradox of the Church having opposed the anti-gay rally and the Patriarch condemning homosexuals in his Easter speech. The blogger recognises this and makes a choice to focus on the church's flexible and receptive sides (Anon. 2014b).

This search for 'moderates' within the Ethiopian faith community is echoed by SOGIE activists in the USA committed to supporting LGBT rights in Africa:

Many of us are church and temple goers, members of faith communities that have made welcoming LGBTQ individuals a priority. Now we need to speak with our church leaders and our congregations about the ways our institutions can support tolerance and acceptance abroad, as well as at home, as part of their charitable mission. (Urquhart 2014)

Finding moderates and helping them to bear influence on the rest of the church is a task that could be undertaken and/or supported by international faith organisations and UN agencies. UNAIDS has conducted several activities with faith leaders in the country that have produced

¹⁵ See, for example, Pan Africa ILGA (http://africa.ilga.org/media_library/struct/search_bar_top_menu/africa__1).

statements about the role of churches in the country but homosexuality does not appear to have been discussed. At best it may also have been a matter of 'quiet diplomacy'.

International faith organisations should actively help Ethiopian LGBT to search out such moderates and by equipping SOGIE rights activists to challenge theologies that support discrimination and persecution and improve practices in the areas of theological and pastoral training, human and civil rights, and HIV/AIDS prevention and care.¹⁶

What could/should the development sector do?

Where employment opportunities and therefore material assets are constrained, social protection policies and programmes become an important safety net because they enable people to manage employment and financial risks ... The right to social protection has been recognised in the Universal Declaration on Human Rights and this applies regardless of sexual orientation or gender identity.
Yogyakarta Principles (2007)

In contemporary development practice, listening to communities and building their capacity are central to effective programming. This has particular resonance for SOGIE rights activists in Addis Ababa who currently have no voice within development agencies. But development agencies should plan programming and policy advocacy that is inclusive of sexual and gender minorities even without them being visibly represented within the agencies.

While the need for extreme caution in approaching most issues around SOGIE rights has been stressed, the area where international agencies have a clear moral imperative and the necessary evidence to push the FDRE on issues around same-sex orientation is the exclusion of men who have sex with men from the Strategic Plan for Intensifying Multisectoral HIV and AIDS response in Ethiopia. Because MSM are not considered in HIV statistics, the picture of Ethiopia's epidemic is certainly inaccurate and the efficacy of its response is undermined. This should not be tolerated by the international community generally or by the government and non-government donors that fund Ethiopia's HIV response because it drives a significant failure in public health programming.

While no one is suggesting that there should be 'out and proud' targeted HIV interventions (although as discussed above, many AIDS experts in Addis Ababa behave as if that is exactly what is being suggested when HIV and MSM are mentioned), development agencies and international health advisors should recognise that their claim that gay men can access HIV services that are blind to sexual orientation is a dangerous fiction.¹⁷ Agencies that operate health and education programmes should ensure that health-care providers dealing with HIV are fully trained in providing care for MSM.

There are indications that training of medical professionals has led to better and more respectful services for stigmatised people living with HIV, such as sex workers. This can be achieved despite religious beliefs and conservatism of the medical practitioners. Training can be designed to encourage and equip services to be effective for people of all sexualities. This should be accompanied by clear internal guidelines about what is expected of staff. In the case of clinical services this is particularly urgent given the role of rectal health in HIV and sexually transmitted infection (STI) prevention and care. In view of the positive results that have emerged where health programmes follow principles of human rights and non-discrimination, there is a strong case for a renewed effort in this type of training supported by internal policy that prohibits all discrimination for health service providers.

¹⁶ See, for example, *Other Sheep* (www.othersheepexesite.com/About_Other_Sheep.html).

¹⁷ To provide effective sexual health services it is necessary to know what kinds of sexual activity the patient has had. The assumption that male patients only have sex with women has been associated with oral and anal health being neglected and inadequate information for disease prevention being provided.

They should also design and implement HIV programmes that distribute appropriate information, condoms, lubricant and offer support and clinical services to everyone that needs them. This need not mean providing services 'to MSM' but *in ways that include MSM*.

Development agencies should find ways to support SOGIE activism and develop policy that addresses SOGIE inclusion in economic, health and social programming. Although homophobic discrimination seems pervasive and economic subcultures seem remote, there is significant potential for economic strategies that are more organic and efficient than subsidised and mediated NGO poverty relief programmes. In this sense the possibility that small enterprise has the potential to be a significant tool for resistance and resilience should not be dismissed, especially in the neoliberal setting of contemporary Ethiopia.

7 Recommendations

7.1 Research

- Research should be conducted by SOGIE communities and individuals in partnership with trained ethnographers to explore same-sex experiences, beliefs, practices and history.
- Data about men who have sex with men in rural and urban settings should be taken from a national survey of social, economic and epidemiological study of HIV and STIs for analysis and publication by independent researchers.
- Studies (mapping; ethnographies; behavioural surveillance) should be conducted that increase understanding of male sex work and mobility/migration in the context of sexual minorities.

7.2 Better policy

- Add 'Men Who Have Sex with Men' to the Strategic Plan for Intensifying Multisectoral HIV and AIDS response in Ethiopia.
- Decriminalise homosexuality.
- Expand programmes and increase political pressure on Ethiopia's process of strengthening the rule of law and complying with international human rights and labour law.
- Direct police to recognise and act upon crimes against people with non-conforming gender or sexuality.
- Offer police more training and issue clear guidelines about gender/sexuality, HIV and hate crimes.
- Repeal the law that prevents foreign organisations funding social and economic rights advocacy.
- Expand sexuality education and broaden curricula to include non-normative genders and sexualities.
- Provide resources to organisations and individuals engaged in monitoring SOGIE human rights and health.

7.3 Better programming

- Develop strategies for including migrants, same-sex attracted, disabled and other marginalised people into sex, health and sexuality programme planning and implementation within current constraints on NGO registration and lack of recognition of LGBT in health policy. This could include, for example, initiating men's health projects.
- Introduce sexuality issues to training on gender and HIV across the NGO sector.
- Resource and incentivise ethical, non-discriminatory service provision for all by developing clear guidelines on providing services to sexual minorities.
- Include treatment and impact on LGBT persons, single women, sex workers and other sexual minorities in programme planning and evaluation.
- Review livelihood strengthening and social protection programmes and where possible adapt them to ensure that they benefit people who live outside of traditional families. This should be done in partnership with NGOs and charities that have a strong track record in providing health and welfare services to marginalised populations such as sex workers.

- Investigate and resource innovative and effective community-level harm reduction approaches that could benefit street youth, sex workers and drug users in (at least) Addis Ababa without labelling them as homosexual or as sex workers.

7.4 Amplification of SOGIE community voices

- Each agency should find ways within its remit and capacities to support individuals and organisations that are working to embed SOGIE rights in the agenda of other human rights and social movements or helping members to claim social, health and economic rights.
- Provide resources for networked technologies for information sharing and advocacy on HIV and human rights and support social activities and enterprises in the community.
- International human rights and LGBT rights groups should make proactive efforts to include Ethiopia in international activities and support SOGIE activists to build links with LGBT and human rights groups that are working in similarly constrained environments.

8 Last word

This case study has stressed throughout that homophobic stigma and discrimination marginalises same-sex attracted Ethiopian men and severely limits the opportunities for foreign governments, donors and human rights and development agencies to take steps that could improve the lives of queer and same-sex attracted Ethiopians. Negative attitudes to SOGIE are so pervasive and entrenched, and the human rights record of the country so poor that many people from all walks of life consider any moves to advance the interests of gays unthinkable. This is rejected. Rather, there is a final recommendation to all concerned: to adopt the attitude of Bouwe-Jan Smeding, who said that if 95 per cent of doors are closed in Ethiopia because of extreme homophobia, it makes working effectively with the 5 per cent that are open all the more important and urgent.

Annex 1

The Law

The Criminal Code of the Federal Democratic Republic of Ethiopia 2004 at Articles 629 to 631 which read as follows:

Article 629 – Homosexual and other Indecent Acts

Whoever performs with another person of the same sex a homosexual act, or any other indecent act, is punishable with simple imprisonment.

Article 630 – General Aggravation to the Crime

- (1) The punishment shall be simple imprisonment for not less than one year, or, in grave cases, rigorous imprisonment not exceeding ten years, where the criminal:
 - a) takes unfair advantage of the material or mental distress of another or of the authority he exercises over another by virtue of his position or capacity as guardian, tutor, protector, teacher, master or employer, or by virtue of any other like relationship, to cause such other person to perform or to submit to such an act; or
 - b) makes a profession of such activities within the meaning of the law (Art. 92).
- (2) The punishment shall be rigorous imprisonment from three years to 15 years, where:
 - a) the criminal uses violence, intimidation or coercion, trickery or fraud, or takes unfair advantage of the victim's inability to offer resistance or to defend himself or of his feeble-mindedness or unconsciousness; or
 - b) the criminal subjects his victim to acts of cruelty or sadism, or transmits to him a venereal disease with which he knows himself to be infected; or
 - c) the victim is driven to suicide by distress, shame or despair.

Article 631 – Homosexual and Other Indecent Acts Performed on Minors

- (1) Whoever performs a homosexual act on a minor is punishable:
 - a) with rigorous imprisonment from three years to 15 years, where the victim is between the ages of 13 and 18; or
 - b) with rigorous imprisonment from 15 years to 25 years, where the victim is below 13 years of age.
- (2) A woman who performs a homosexual act on a female minor, is punishable with rigorous imprisonment not exceeding ten years.
- (3) Whoever performs any other indecent act on a minor of the same sex, is punishable with simple imprisonment.
- (4) Where the victim is the pupil, apprentice, domestic servant or ward of the criminal, or a child entrusted to his custody or care, or in any other way directly dependent upon or subordinate to him:
 - a) in the case of sub-article (1) the punishment to , [sic.] be imposed upon such criminal shall be more severe than when the crime is committed by another person;
 - b) in the case of sub-article (2) the punishment shall be rigorous imprisonment from three years to ten years;
 - c) in the case of sub-article (3) the punishment shall be simple imprisonment for not less than six months.
- (5) Where the sexual outrage has caused death or grave physical or mental injury upon the victim, or where the victim is driven to suicide by distress, shame or despair, the punishment shall be rigorous imprisonment for life.

Annex 2

Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 55th Ordinary Session held in Luanda, Angola, from 28 April to 12 May 2014:

Recalling that Article 2 of the African Charter on Human and Peoples' Rights (the African Charter) prohibits discrimination of the individual on the basis of distinctions of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status;

Further recalling that Article 3 of the African Charter entitles every individual to equal protection of the law;

Noting that Articles 4 and 5 of the African Charter entitle every individual to respect of their life and the integrity of their person, and prohibit torture and other cruel, inhuman and degrading treatment or punishment;

Alarmed that acts of violence, discrimination and other human rights violations continue to be committed on individuals in many parts of Africa because of their actual or imputed sexual orientation or gender identity;

Noting that such violence includes 'corrective' rape, physical assaults, torture, murder, arbitrary arrests, detentions, extra-judicial killings and executions, forced disappearances, extortion and blackmail;

Further alarmed at the incidence of violence and human rights violations and abuses by State and non-State actors targeting human rights defenders and civil society organisations working on issues of sexual orientation or gender identity in Africa;

Deeply disturbed by the failure of law enforcement agencies to diligently investigate and prosecute perpetrators of violence and other human rights violations targeting persons on the basis of their imputed or real sexual orientation or gender identity;

- 1 Condemns the increasing incidence of violence and other human rights violations, including murder, rape, assault, arbitrary imprisonment and other forms of persecution of persons on the basis of their imputed or real sexual orientation or gender identity;
- 2 Specifically condemns the situation of systematic attacks by State and non-state actors against persons on the basis of their imputed or real sexual orientation or gender identity;
- 3 Calls on State Parties to ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities, including the rights of sexual minorities; and
- 4 Strongly urges States to end all acts of violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims.

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