

## **The decriminalization of homosexuality in Africa. What do the people concerned think about it?**

Articles on homosexuality in Africa very often depict the personal convictions of the authors or are based on human rights. In this paper, it will rather be a matter of letting the various people concerned tell us about their realities and experiences - from the internal perspective. It will not be a question of discussing the controversial origin of homosexuality, but rather of the way in which it is perceived in certain African societies, both culturally and legally: for or against the criminalization of homosexuality.

As part of my mission as a cultural coach with the Network (REDHAC) of human rights defenders in Central Africa, I attended very interesting debates involving lawyers, state agents, traditional chiefs and homosexuals (LGBT). Even more important for me was to know what - beyond the Eurocentric perspective - "traditional" scholars and experts from these societies (Nganga and insiders) had to say about homosexuality. The following summary brings together different points of view and at the same time maps out a path towards a solution. The two ideologies, for and against the decriminalization of homosexuality, were distinguished at first sight by the fact that the defenders addressed the issue of homosexual rights in their universal character. Opponents stated that legalizing homosexuality was a Western cultural concept that European governments were trying to impose on Africa.

The opinions of people from different social ranks, cultures or religious beliefs in Central African societies clearly showed that they had difficulty including these concepts in their worldview. We can even say that this is indeed one of the main reasons why diplomatic and political pressure from Western countries tends to fuel social tensions, so that defenders feel threatened by both the state and the people. At the political and diplomatic level, most African states refuse to legalize homosexuality. The African Union reiterated this position to European Union representatives in February 2020.

For traditionalists and chiefs, homosexuality as presented had never existed in their cultures. Even in their languages, there would be no terms for homosexuality. They were very indignant at the fact that they are foreigners who come to their house to force them to accept that there would have been homosexuality in their society. During the debates, these foreigners admitted that they had no objective proof that homosexuality existed at the local level. But they concluded that there would have been homosexuality because one cannot prove that there was not. For these traditionalists, the justification was absurd and preconceived.

According to "traditional" specialists, homosexuality could have serious consequences for the protagonists. During any intercourse, there would be a high-speed energy exchange between the protagonists. Especially in the context of male homosexuality, the vital energy of the weakest could be phagocytosed voluntarily or involuntarily by the strongest. The strongest could also discharge their "non-positive" energies on the weakest. This could hinder the energy development of the weakest and endanger the vitality of the members of his lineage with whom he shares the same vital energy. Thus, for these traditionalists, this type of sexual intercourse is not an individual affair but a family affair.

The question of the decriminalization of homosexuality is much debated in circles claiming to be pan-Africanist. Above all, those questioned complained that since colonization, Europeans have given themselves the exclusive right and the capacity to determine what they can accept, tolerate or prohibit in African cultures: wanting to make Africa their dumping ground moral, spiritual and cultural degeneration. Thus, with the rise of liberalism in Western cultures, Europeans and Americans in Africa would soon engage in marriages between brothers and sisters as in Sweden etc. in the name of human rights.

Another important aspect for them was the fact that only Westerners would define what a human right was. By wanting to impose the legalization of homosexuality sexuality in Africa, they at first denied African protagonists their human right to live their love relationships under a legal polygamous regime. In Europe, polygamy is prohibited by law. And yet, these Europeans advocate liberalism.

On the other hand, there are irreducible defenders of the rights of homosexuals such as Ms. Alice Nkom, lawyer and founder of the NGO ADEFHO (Association for the Defense of Homosexual Rights). Several defenders advocate the acceptance of homosexuals as full-fledged people who should not suffer reprisals because of their choice of life. Although homosexuality is condemned in almost all African countries, its criminalization would nevertheless be contrary to international agreements ratified by these countries themselves. It should be noted that these agreements take precedence over local laws. It is therefore firstly on the basis of the legal nature of this case that the defenders, in particular lawyers like Ms. Nkom, are conducting their fight. Ms. Nkom is moreover convinced that her country, Cameroon, will eventually comply with (international) law. The defenders explained to me that in accordance with the laws of the countries concerned, such as Cameroon for example, the finding of homosexuality must be based on *flagrante delicto*. This could only occur in violation of the right to privacy. Obviously, in several cases, the victims were allegedly imprisoned on the basis of SMS, their clothing or their physical appearance, etc. In short, these would

be arbitrary arrests and serious human rights abuses, absolutely unacceptable.

During my coaching activities I learned a lot and also passed on important anthropological knowledge. Because by engaging these African societies without deep knowledge of cultural realities, defenders can in their actions cause more damage than solutions. While maintaining their Eurocentric perspective, however, they understood that it was from now on imperative to include the African perspective in addressing the problems of African societies. One of the goals of my coaching was to redefine the concepts of people, rights and sexuality according to local cultural realities. Thanks to my contribution, they will now be able to better protect themselves and sexual minorities.

It was very interesting for me to work on this theme at the local level and to live this reality. The opinion of my homosexual interlocutors was very important in order to better understand the local reality. African "traditional" scholars have also examined homosexuality, its causes and consequences in humans and animals. These reports will follow very soon.

In addition, I continue to do research in the African diaspora in Europe and in the USA where several African voices condemn the criminalization of homosexuality. The collected results will be published in book form.