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The Rights of LGBT persons in Burkina Faso

During the last few years, lesbian, gay, bisexual and transgender (LGBT) persons in Burkina Faso have begun to come out publicly in the media. This has created debates that has shown the general reluctant and homophobic attitude. However, the media attention can also be interpreted as a sign of a loosening of the taboo surrounding the issue of homosexuality.

Aggressive statements against homosexuality in Burkina Faso come mostly from religious leaders. Statements in the media opposing the human rights of LGBT persons have been based on religious motivations and the idea that homosexuality is 'un-African'.

Government attitude

The legislation in Burkina Faso does not explicitly prohibit homosexuality or homosexual acts. The Penal Code of 1996, however, includes 'public nuisance', which can be interpreted and used against LGBT persons. The crime is punishable with two months to two years of prison. Public nuisance is defined as 'Any deliberate act that is contrary to good morals and is committed in public or in a private place visible to the public and may offend the sense of decency of third parties who involuntarily witness the act'. There are no documented arrests on grounds of this law. Instead, the government is silent on issues of homosexuality.

The law further prohibits marriage between people of the same sex. There is no legislation in Burkina Faso that protects LGBT persons from discriminatory treatment.

In June 2011, Burkina Faso abstained to vote on a resolution by South Africa to the United Nations Human Rights Council requesting that the United Nations High Commissioner for Human Rights should make a report on the situation of LGBT citizens worldwide. The resolution passed by 23 to 19 votes.

HIV/AIDS

Two organizations provide health services to men who have sex with men (MSM) and promote the right to health for the group. L'Association African Solidarité (AAS) in Ouagadougou has a webpage and can be found on Facebook. According to a presentation at MSM Global forum, AAS provides people living with HIV/AIDS with prevention, medical and psychological care services. They also run a prevention program and a program for management of sexually transmitted infections (STI) among MSM. Responsabilité-Espoir-Vie-Solidarité+ (REVS+) in Bobo Dioulasso is a community based association working to prevent HIV and AIDS, providing comprehensive care to people living with the disease.

Burkina Faso is one of the countries included in the World Bank's Multi-Country HIV/AIDS programme with focus on vulnerable groups, in particular MSM. An assessment by World Bank Map Initiative reports that the level of awareness among MSM about STIs and HIV/AIDS is low, and that the numbers of sexual partners among the majority of MSM are high. There is a lack of prevention focused on the specific needs of the MSM group, which means that there is a need to develop targeted prevention actions in favour of this group.

Statistics from the 2010 UNGASS report (Declaration of Commitment on HIV/AIDS) shows that the HIV infection rate is 16 per cent among MSM in Burkina Faso compared to 1.2 per cent in the population in general. It also shows that only

37 per cent of MSM is reached by HIV prevention program, and only 50 per cent report using a condom, despite being at high risk of HIV and STI. These alarming statistics highlight the need of adequate prevention tools for the MSM group.

LGBT Organising

In countries where the legislation does not recognise LGBT rights, people usually live and act in secrecy, which is an obstacle to organised human rights work. The LGBT group LAMBDA is registered to work for the ‘protection of marginalised and estranged individuals’, and not as an LGBT organisation, due to fear of persecution from the authorities.

A central challenge for the LGBT community in Burkina Faso is the attitude of the general public. LAMBDA works primarily with counselling and support, helping people to deal with their sense of guilt caused by the stigma from the society. The organisation also provides models of affirmation to increase self-esteem. Thus, the organisation works mainly towards a long-term improvement within their member base, as they do not at this point have the capacity to reach out to the public or to advocate for the rights of LGBT people. Their first priority is to raise funds to create a safe meeting space for their members. This has so far been a challenge.

Addressing LGBT within the Cooperation Strategy

Within the democracy and human rights theme, Sida supports capacity development of the government. Sida can, in cooperation with likeminded donors, promote and monitor inclusion of LGBT issues in these efforts. For more information and support, see the SIDA LGBT Dialogue Papers.

Coherent with the country strategy and Swedish cooperation with Burkina Faso, Sida could consider to:

- investigate the possibilities to include LGBT rights in the cooperation with the National Democratic Institute.

When working in an environment where the topic same sex relations is sensitive, it is crucial to receive information first hand from LGBT organisations when addressing the government, and Sida could

- establish relations with the LGBT organisation LAMBDA and MSM outreach organisations AAS in Ouagadougou and REVVS+ in Bobo Dioulasso and identify their needs and strategies for capacity building.

Sida could approach local advocacy and educational organisations that work for increased respect, protection and promotion of Human Rights to support local LGBT organisations. Entry points could be:

- the cooperation with the National Democratic Institute to promote women’s participation,
- to raise LGBT issues and supporting concrete measures for inclusion of the MSM group as part of the education and health sector support,
- inviting these groups to meetings with other relevant actors, such as Human Rights groups, Women’s groups, HIV/AIDS organisations (these groups could function as entry points into larger networks in civil society), and
- ensure inclusion of measures for the MSM group in support via the Aids Alliance.

Investigate ways to cooperate with the Diakonia office in Burkina Faso regarding LGBT. (Regionally, Diakonia has worked with the issue in some other countries, such as Zambia, Uganda and through the regional office in Kenya.)

For further advice on dialogue regarding LGBT issues, download Sida’s ‘Human Rights of Lesbian, Gay, Bisexual and Transgender persons – Conducting a Dialogue’: http://www.sida.se/PageFiles/31955/12659_Dialogue_paper_HBT_web.pdf.

More specific advice and support measures, as well as contact information to mentioned groups, can also be provided through ILGA or RFSL, should the Embassy wish for a dialogue.

List of acronyms

CAL - Coalition of African Lesbians

FTM - Female to male transsexual

Gender expression - The gender that a person chooses to express with their clothes and other attributes, this may differ from their biological and legal gender.

Gender identity - The gender that a person identifies with is their gender identity, this may differ from their biological and legal gender.

HRW - Human Rights Watch

ILGA - International Lesbian, Gay, Bisexual, Trans and Intersex Association

LGBT - Internationally recognised term for lesbian, gay, bisexual and transgender.

LGBTI - lesbian, gay, bisexual, transgender and intersex

MSM - Men having sex with men

MTF - Male to female transsexual

RFSL - The Swedish Federation for Lesbian, Gay, Bisexual and Transgender rights

SOGI - sexual orientation and gender identity

SRHR - Sexual and Reproductive Health and Rights

STI – Sexually Transmitted Infections

Transgender - An umbrella term used to denote people who see their gender identity and/ or a gender expression that differ from the gender they have been assigned, biologically and/or legally.

UPR - Universal Periodic Review

WSW – Women who have sex with women

LGBT organisations in Burkina Faso

AAS: www.aasbf.org

REVS+: www.revs.org

Aids Alliance: <http://www.aidsalliance.org/sw7220.asp>

References specifically related to Burkina Faso

Global Forum on MSM and HIV: Statistics Burkina Faso: http://www.msmsgf.org/index.cfm/id/110/country_id/46

Men who have sex with men in Burkina Faso, Senegal, and The Gambia: The multi-country HIV/AIDS program approach. Niang, C., et al, 2004: http://www.popcouncil.org/pdfs/BangkokPosters/Niang_MSMM_4Country.pdf
<http://www.iasociety.org/Default.aspx?pageId=11&abstractId=2168879>

National Democratic Institute: http://www.ndi.org/content/burkina_faso

S.Kalifa, et al, 2008, Study on the prevention needs of men who have sex with men in the town of Ouagadougou, Burkina Faso, AIDS 2008 - XVII International AIDS Conference: Abstract no. THPE0404:
<http://www.iasociety.org/Default.aspx?pageId=11&abstractId=200719602>

Sida Strategy, Burkina Faso, 2004-2006: <http://www.regeringen.se/sb/d/1390/a/23602>

Targeting Vulnerable Groups in National HIV/AIDS Programs, Niang, C., et al, 2004

The Case of Men Who Have Sex with Men Senegal, Burkina Faso, The Gambia:

http://siteresources.worldbank.org/AFRICAEXT/Resources/no_82.pdf

UNAIDS Statistics on HIV in Burkina Faso: <http://www.unaids.org/en/regionscountries/countries/burkinafaso/>

General references

3-year Action Plan on LGBT rights for 2007-2009, Swedish only: <http://www.sida.se/Documents/Import/pdf/Sidas-arbete-med-Homo--Bi--och-Transfr229gor-i-utvecklingssamarbetet2.pdf>

An introduction in how to include LGBT in programming in development, by RFSL:

http://www.rfsl.se/public/LGBT_in_development.pdf

ILGA: <http://africa.ilga.org>

RFSL: <http://www.rfsl.se>

Sexual orientation and gender identity at the United Nations, Wikipedia:

http://en.wikipedia.org/wiki/Sexual_orientation_and_gender_identity_at_the_United_Nations

Sida 'Human Rights of Lesbian, Gay, Bisexual and Transgender persons - Conducting a Dialogue':

http://www.sida.se/PageFiles/31955/12659_Dialogue_paper_HBT_webb.pdf

State-sponsored Homophobia: A world survey of laws prohibiting same sex activity between consenting adults. Bruce-Jones, Eddie and Itaborahy, Lucas Paoili, 2011, International Lesbian and Gay Association (ILGA):

http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf

Swedish Gender Policy: <http://www.sweden.gov.se/sb/d/574/a/152297>

Swedish policy on sexual rights: http://www.sida.se/Global/About_Sida/Så_arbetar_vi/Sexual_Rights_for_All_webb.pdf

This brief aims at providing Sida country teams with brief information on the situation of LGBT persons in Burkina Faso as well as concrete advice on how LGBT issues can be included in dialogue and programming. This follows the Swedish policy on sexual rights, the Swedish Gender Policy and the former 3-year Action Plan on LGBT rights for 2007-2009.