



THE 2nd ACCOUNTABILITY INTERNATIONAL PRECONFERENCE REPORT

“Holding Leaders Accountable”

**1ST DECEMBER 1, 2019 AT ICASA 2019
RADISSON CONVENTION CENTER,
KIGALI, RWANDA
TIME: 9AM-5PM**

**#HoldingLeadersAccountable #Account4All
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OPENING REMARKS

RICKI KGOSITAU-KANZA,
EXECUTIVE DIRECTOR, ACCOUNTABILITY INTERNATIONAL

Our distinguished partners, guests, siblings from across the various movements and communities we belong to, colleagues and comrades, and our keynote speaker the formidable Sibongile Ndashe, welcome to this our 2nd Accountability Pre-Conference which is a flagship of Accountability International, we host biennially at the ICASA Conference that will be opening tomorrow.

As Accountability International, being 14 years in existence and counting, have a bird's eye view on the cross-cutting and intersecting subject, matters and issues that run through the various communities and movements of marginalised persons we belong to and are partner to: ranging from women and girls, youth, HIV, SRHR, LGBTIQAP+GNC, sex work, drug use, institutionalised persons. With this we have learnt that accountability is central to all our lives as these diverse communities; or more prudently, that a lack of accountability on our human rights, lives, wellbeing and dignity is at the centre of our plea to society, state leadership and developmental agencies, human rights institutions and bodies. Promises have been made and will continue to be made with the intention to ensure that All Life is protected from the devastations of war, from the resultant impoverishment when there is no peace, that all persons have a life that meets their health needs, educational needs and ambitions, and that ultimately all of us get to lead autonomous lives without fear or coercion.

When in 1945 the United Nations was founded, the world did not ever wish to see the catastrophic destruction of human life; which was promised to us and meant to be safeguarded by the 1948 Universal Declaration of Human Rights. We now have a global understanding that all human rights are included by the very first right being the Right to Life ... that there is no right to life that can be enjoyed without that life having full unimpeded access to their 1st Generation and 2nd Generation rights. By this we mean, one cannot exercise the full right to life when their health is not tended to, or their freedom to self-determine is impeded upon. Many of these rights are enshrined in our various national constitutions with the annotation of them being for ALL people. Yet we continue to see narrow interpretation of constitutional rights ... I love the constitutional interpretation we received on the 11th of June when the decriminalisation judgement in Botswana was handed down, on page 39 quoting from the case of Attorney General vs Dow in 1992:

“The Constitution is the Supreme Law of the land and it is meant to serve not only this generation but also generations yet unborn. It cannot be allowed to be a lifeless museum piece; on the other hand the courts must continue to breathe growth and development of the State through it. In my view, the first task of a court when called upon to construe any of the provisions of the Constitution is to have a sober objective appraisal of the general canvass upon which the details of the constitutional picture are painted. It will be doing violence to the Constitution to take a particular provision and interpret it one way, which will destroy or mutilate the whole basis of the Constitution, when by a different construction the beauty, cohesion, integrity and healthy development of the State, through the Constitution, will be maintained. We must not shy away from the basic fact that whilst a particular construction of a constitutional provision may be able to meet the demands of the society of a certain age, such construction may not meet those of a later age. In my view, the overriding principle must be an adherence to the general picture presented by the Constitution, into which each individual provision must fit in order to maintain, in essential details, the picture of which the framers could have painted, had they been faced with circumstances of today. To hold otherwise would be to stultify the living Constitution in its growth. It seems to me that a stultification of the Constitution must be prevented if this is possible without doing extreme violence to the language of the constitution. I conceive it that the primary duty of the judges is to make the Constitution grow and develop in order to meet the just demands and aspirations of an ever-developing society, which is part of the wider and larger human society governed by some acceptable concepts of human dignity.”

What we are learning from our courts is that constitutional rights and provisions are to be interpreted in the most generous and pluralistic manner; such that any derogation from such constitutional freedoms and liberties ought to meet the proportionality test (I won't go to the depths of the legal definitions of the proportionality test) which places a burden of proof on anyone seeking to narrowly interpret and/or limit constitutional rights to prove the necessity and proportionality of such limitations. In the same case of Dow, the court affirms the principle of generous constitutional interpretation on Page 31 by saying:

“...The very nature of a constitution requires that a broad and generous approach be adopted in the interpretation of its provisions, that all relevant provisions bearing on the subject for interpretation to be considered together as a whole in order to effect the objective of the Constitution, and that where rights and freedoms are conferred on persons by the Constitution, derogations from such rights and freedoms should be narrowly or strictly construed.”

The intention is not to bore you with legal jargon or analogy, but to put forth a case of why accountability as a framework for advancing social justice and human rights goals is necessary. We must hold our leaders to account on their prevailing narrow and limited construct of our fundamental human rights, and such principles of constitutional interpretation I just mentioned are the gold standard we ought to hold anyone and everyone to; more so our national and state leadership as custodians of our rights.

We continue to see a rise in the criminalisation of morality, identity, expression and bodily autonomy which is a stick our governments use to “keep us in line”; which continues to push our communities to the periphery of society due to the penalisation of being different, unique and outright unpopular for expressing innate traits of ourselves and/or making non-hegemonic decisions about our bodies and personhood. Developmental goals, human rights and global health outcomes can only be attainable if and when our various communities are to be brought from the margins to the locus of decision making on legislation, policy, services and developmental agenda setting.

We have just 2 weeks ago returned from the ICPD+25 reflections and reinvigoration at the recent Nairobi Summit which went under the banner “Accelerating the Promise” which to me is one of the most honest and true themes I have come across in a while; that recognises that our leaders continue to make promises after promises and fail to deliver on them and we have not yet to really come to hold them to account on a very serious level. I moderated a signature session with some of us in the room having community leaders that spoke on this session that was looking at “Key Populations: the unfinished business in HIV” because we know and have always known that communities of some of us who are regarded as 2nd class citizens are the demise and key to making a U-turn on HIV prevalence and incidence.

We are aware at this point of recent data collated by UNAIDS that the so called key populations and our sexual and intimate partners currently account for more than 50% of global new infections ... and now you have a theme for the observance of this year's World AIDS Day we are observing today which says: “Ending the HIV/AIDS Epidemic: Community by Community”, quite an ambitious and nauseating theme to be honest; because is this some epiphany that our leaders have just stumbled upon. We learnt over 30 years ago already that HIV is not a ‘gay thing’ but that it is a child of all households, while knowing fully that one person not protected from contracting the HIV virus equals us all not being protected ... hence our leaders once more came up with the sexy slogan “leave no one behind” those of us left behind currently amount to 50% of all new infections ... it requires no mathematician to deduce that this leave no one behind story is a fallacy. Not until we get accountable leadership that delivers on its promise to actually not leave a single one of us behind.

OPENING REMARKS (CONT.)

However, we continue to see a rise in the number of countries that criminalise HIV exposure and/or transmission for instance, yet we say we want to end AIDS by 2030 yet fueling the stigma and discrimination surrounding this very treatable disease. 75 countries and counting, around the world currently criminalise HIV, out of these 75, 29 are in Africa. We cannot continue to sit by and play nice with governments and leaders who promise to leave no one behind ... this is simply unacceptable and we ought to hold our leaders accountable for continuing to lie to us while we pay them salaries and luxuries to make us fools. These are the same African leaders who have turned us into monkeys in their circus; who agreed to the Abuja Declaration in 2001 that is now nearing 2 decades that envisaged on accelerating an end to HIV & AIDS, TB and Malaria. It recognized the fundamental role that domestic financing and investment into these ambitious targets played in making it a reality.

The Abuja Declaration put forth a commitment for our state leadership to invest no less than 15% of annual national budgeting to the development of the health sector.... The question is, how many of our countries are meeting this target. Those same leaders have now signed the recent Universal Health Coverage Declaration, that still requires us to evoke the Abuja Declaration for the mere fact that UHC cannot be attainable nor sustainable if it is not resilient and inclusive; and certainly impossible if it is not domestically financed; health systems strengthening and a domestically resourced HIV response has been relevant and necessary since 30 years ago and now our leaders want us to pat them on the back for stating what to us as civil society of most marginalized, left behind and unserved communities has always been common knowledge...

Let's get serious now. It is important to note that UHC will not be achieved unless the legal, political and social determinants of health are addressed. In order to address these ongoing barriers, it is vital for all stakeholders to start to take a people-centred human-rights based approach to UHC, with no exception. And to achieve this we need to address the socio-economic, political, structural and social determinants and inhibitors of health outcomes.

Accountability International has partnered with the Society for AIDS in Africa (SAA) that is the custodians of ICASA, to develop an African scorecard looking at HIV domestic financing across the continent ... to bring about data transparency on what exactly is our various demarcated budget resourcing our own national HIV response; this scorecard will be launched quite soon. But we do have a special session with the SAA on Wednesday 4th at 10Hr45 in the Prof.Madeleine Okome room to discuss this very Abuja Declaration; 20 years down the line, have our leaders been accountable enough to deliver on this promise...indeed the promise must be accelerated and we must hold them to account on their promise to accelerate the promise.

The UNAIDS Global AIDS Update 2019, released in July 2019, alarmingly revealed that:

- Key populations and their sexual partners now account for more than half (54%) of new HIV infections globally
- In 2018, key populations accounted for around 95% of new HIV infections in eastern Europe and central Asia and in the Middle East and North Africa
- Less than 50% of key populations were reached with combination HIV prevention services in more than half of the countries that reported.¹
- The risk of acquiring HIV by key populations is 13% to 28% higher than for those who do not belong to key populations.² This is the direct result of the lack of safe and equitable access to health, which is aided by criminal and penal provisions persecuting identity, expression and bodily autonomous choices.

If we are to make strides at ending HIV & AIDS by 2030, we are going to have demand more from our leadership than just mere lip service. And if this year's theme of World AIDS Day of "Ending the HIV/AIDS Epidemic: Community by Community" is to be a reality, we are going to have to even destabilise this language that our leaders subscribe to of calling us and lumping us as "key populations"; our leaders ought to be intentional about understanding and programming for our communities one community by one community to intentionally programme for lesbian women and WSW, of understanding the unique health needs of trans diverse communities than just thinking transmen and transwomen are the end all of it all where it comes to trans diverse community. We are diverse, intersectional and unique as the various communities of persons currently unserved and unreached by the current HIV response as is.

To be able to do a better job at accelerating the promise to our communities, we are going to have to sharpen our teeth and our tools as civil society. Our keynote speaker today and our team at AI have been in dialogue for some time now around the need to repoliticise civil society because we have been rendered a toothless watchdog that my other director Phillipa calls “service delivery organisations” and no longer agents of accountability because we are just not fit for purpose. It is for this reason that a convening of this nature as the Accountability Pre-Conference cannot and should not be taken lightly in its objective to strengthen the role of civic leadership in advancing human rights, developmental and health outcomes. We are here today to continue to popularise accountability, not just at state leadership level but even within ourselves as civil society. Today is an important convening meant to sharpen the capacity of us all to use accountability as a framework through which we can make shifts on legislation, policy and social services.

We are here to learn from one another as partners on what we are all doing to advance accountable leadership ... it is why I am highly encouraged and motivated by the presence of many of us here who continue to receive acknowledgements and accolades on being exemplary leadership e.g. our very own Communications Manager Denis Nzioka just the day before yesterday received a lifetime achievement award at the recent Human Rights Defenders awards in Kenya, we will on Thursday in my plenary presentation on the topic “stronger positioning of women in the HIV response in Africa” be awarding the Accountability International Leadership Award to a powerful civic leader who is doing amazing work, we have registered in this year the decriminalisation of consensual adult same sex activity in Angola and Botswana because of the unrelenting spirit of civic leaders like you and I, Accountability International has also in August this year got ministers of health, population & development and drug control, to sign into effect an African Health Accountability Framework to monitor African Health Policy instruments ... which now provides us with a tool to hold our leaders accountable on making such policies as the MPoA, Catalytic Framework to end HIV, TB & Malaria by 2030 as just some of the existing policies at Pan-African level. We do not need any more promises, we need more accountability on existing promises.

Hence today, is our contribution to proliferating, popularising and foregrounding accountability in all that we do. And within this year’s ICASA, we are all working to foreground accountability as being pivotal to our continental HIV response. Before I ask our Keynote speaker Sibongile Ndashe to come address us, I would like for us to observe a candle lighting ceremony that will be led by Rev. Jide Macaulay as way to honour the light shone by our stalwarts who are both here and departed in raising our consciousness on the devastating and intersecting ramifications of this HIV virus which will also signal the commencement of this year’s Accountability Preconference which deliberately coincides with this year’s World AIDS Day observance.

- Ke a Leboga.

THE ROLE OF A POLITICISED CIVIL SOCIETY IN PUSHING FOR ACCOUNTABILITY RESULTS

Introduction

Globally, the capitalist, neo-liberal and democracy projects are in crisis. With growing poverty, widening inequality, weakening States, collapsing markets and escalating attacks on human rights systems and the rights discourse broadly; the predicament for Civil Society formations could not be more precise. On the one hand, CSOs are funded by private foundations that are resourced by billionaires, development agencies, embassies and other State entities that are deeply steeped in these failing projects. These in turn establish the frameworks that set out the scope and content of what CSOs can do with the funds they receive. On the other hand, CSOs remain accountable to the communities they serve and to the social justice or change they pursue. The glaring contradictions and limits of CSOs contributions are laid bare when attempting to do work that seeks to make the present circumstances bearable without fundamentally challenging the causes of this crisis.

These competing demands on CSOs have resulted in this sector often missing the boat when popular movements begin or coming late to the party. Moreover, as entities that function within the parameters of what States allow and the limited frameworks of what donors allow; CSOs are often paralysed and consider themselves powerless to make meaningful change. This often results in depoliticisation of CSOs summarised in the phrase “I don’t do politics”. Yet the work of CSOs IS political: geo-politics matter, representation matters, politics of money, politics of knowledge production, racial politics or gender politics; all sorts of politics matters. Without tackling the political, the work of CSOs become ineffective.

By examining the constraints that CSOs face through the lens of real-life examples, I hope to surface how depoliticisation occurs in this work. More importantly, the cases I will discuss show how depoliticisation renders CSOs ineffective in big and small ways; undermining the social change they seek to achieve. It is in this way that we build a case to bring back politics into the work of CSOs, for it is only through politicising our work that CSOs can hold States and other actors accountable.

The Legal Frame for State Power is also the Political Frame

The basis of State power today is established on both legal and political foundations. Some philosophers have called this a Social Contract, the agreement between the people and government to follow the rules made by the government and in turn, their rights will be protected. In practice, we have come to understand that certain things need to be in place for the social contract to make sense: respect for the rule of law, an independent judiciary, an active and informed citizenry and an engaged legislature are key. This foundational understanding is the basis for holding States and leaders accountable; it is also a legitimate basis for the politicisation of citizens and CSOs.

But if we examine how this social contract lives in effect, we find that it often has the opposite impact of depoliticising. There are democracies with varying degrees of effectiveness. There are constitutions that set out the exercise of state power by putting in place checks and balance to ensure that states are appropriately governed. Legal and institutional framework exists to ensure that rights are respected. In constitutional democracies, duty-bearers have obligations to respect, protect, promote and fulfil rights. Citizens, as right-holders, acquire the right to hold States accountable. States are also signatories to international human rights agreements which prescribe more obligations. Yet Governments haven’t upheld their end of the deal. They have passed discriminatory laws, violated the constitutions, refused to leave office, sold natural resources to multinationals, looted state coffers, quashed dissent, rendering themselves unfit to govern their citizens and refusing to be held accountable.

This erosion of the social contract by State parties, leaves citizens feeling hopeless and powerless. depoliticisation is achieved when citizens believe that the situation is what it is, it cannot be changed; they can no longer act to hold States accountable. Depoliticisation creeps in when disillusionment is allowed to make valid claims illegitimate and

people's aspirations criminal. Such depoliticisation manifests in two ways of "I cannot act": (1) I cannot act because it is dangerous (2) I cannot because there is no point, they do what they want anyway. Disillusionment under "I cannot 1" recognises the need to hold those in power accountable but has to deal with context. If disappearance, arbitrary detention or extra-judicial killings are possibilities, safety and security assessment become crucial before acting. State accountability work is not safe work, there will always be a risk and the questions are about the nature of the risks and whether there are individuals and institutions that are willing to carry the risks. Disillusionment under "I cannot act 2" should not be allowed to exist. It's a sign of depoliticisation. They are not supposed to do as they wish because there is a social contract in place, whether they respect it or not is another issue. The social contract is the basis for the relationship and States have to be held accountable, even if they don't want to be. The desire to hold States accountable, the rage, resistance and dissent is and should always be legitimate when people are not governed as agreed. The refusal to be silent is an act of countering impunity and resisting the normalisation of what should not exist. Understanding the constraints does not necessarily mean that people stop being concerned about the challenges. People make choices about what they consider possible, worth fighting for and manage their expectations about the kind of change that they can bring. That is the basis of civic engagement; citizens are owed these obligations by States. Understanding that constraints exist should not be a reason for inaction. Rendering citizens hopeless and powerless is the desired outcome.

Key to answering the question of what States owe citizens is internalising two questions: what did they do that they were not supposed to do, and what did they not do that they were supposed to do? Preoccupation with this question is often the basis of the work that CSOs do.

Yet CSOs often suffer a similar "I cannot act" phenomenon, which results in a "I do not do politics" discourse. This phenomenon is driven by a number of contextual or environmental constraints, as well as the constraints of CSO practices that have been established through donor frameworks. CSOs are not anarchists because they work with and within the parameters of what States allow. Even with this limited framework, they are not as powerless as they act and as they often believe they are. Understanding these constraints also enables CSOs to make choices about what they consider possible, worth fighting for and to manage their expectations about the kind of change they can bring.

The External Constraints that depoliticise CSOs

A primary contextual constraint on CSOs lies in the way they justify and do their work. Invariably organisational strategic plans speak to the theory of change, an articulation of what needs to change and the plan to ensure that the desired social change is brought about. Organisations do have a political orientation, whether they acknowledge it or not. This determines how they engage with the state, whether they confront or collaborate with duty-bearers. Most organisations have brilliant and well thought out strategic plans and activities that help to implement their theory of change. The limitation is that although the desired impact is on changing society, the focus is on how the organisation works and implementation of various projects without intentionality on external factors. This exist even when organisations have undertaken a SWOT analysis to determine factors that may threaten their work. There is often framework a lack of intentionality on how individual organisations respond to changes in the political landscape. The expectation, which is correct, is that organisations have a clear remit and are not all over the place trying to respond to every crisis. An internal advocacy strategy that sets out when and how an organisation should engage in advocacy broadly should exist. Yet, not responding to changes and adopting a head in the sand approach is often what happens when a political crisis emerges. The disconnect between organisational outcomes and the larger political context serves to depoliticise the work that is done in civil society. The decisions that CSOs take and the factors that underlie those decisions to respond to State intrusion are all political decisions that impact on whether duty-bearers can be held accountable.

A second constraint develops when a CSO's political orientation impacts how the CSO analyses and understands State obligations. In contexts where States are consistently demonstrating their ineptitude, it is easy for civil society to begin to believe that they should fulfil state obligations. This may be helpful, but it does blur lines and often

KEYNOTE ADDRESS (CONT.)

contributes to a lack of accountability. Donors are doing the right thing by strengthening the State machinery and accountability mechanisms. Civil society is also doing well by engaging in programmes that help to enhance the state's capacity to respond. There is, however, a difference between strengthening state institutions and when civil society carries out state obligations. CSOs need to understand this distinction so that they know when to hold the State accountable even when they partner with the State to help implement State obligations. CSOs must be clear on this distinction to ensure they do not contribute to a depoliticisation, where people may begin to see the functions less as a political role that must be provided by the State.

A third constraint is based on how CSOs (and civil society broadly) develop a shared analysis of the problem. There is often a tension between the process of gathering information in order to understand the problem and the process of generating the best response inherent on strategic planning frameworks. This is exacerbated when there is a conscious decision to be inclusive; developing resources or processes that will ensure that more people are able to understand the issue better. Donor-driven frameworks seldom accommodate the time-consuming and costly processes to ensure that strategies are fit for purpose and can hold States accountable, particularly where collaboration, organising or movement building is required amongst CSOs. Yet collaboration, organising and movement building are an important investment to enable social change. Without a shared political analysis, civil society loses the power to keep its members accountable to the cause and the strategy. It also means that people can engage in activities that are contradictory, retrogressive and at times counter to the objectives, not because they are malicious but because they don't share analysis of the problem. It is often easy to reduce the challenges that come from the lack of shared politics to personalities.

A shared understanding of what the problem is and an agreement on how to deal with it lay a solid basis for future actions. A misdiagnosis of the problem may lead to an inappropriate response that may temporarily help other things, but not necessarily address the real problem in the long-term. The inability to identify the scope and political ramifications of the problem invariably dislocates the intended subject of the response, which ultimately depoliticises the issue. While the work of building a shared analysis is important, this does not mean that it is easy. There are many fault-lines of difference amongst CSOs and within civil society, appealing to these fault-lines can often create the divisions that prevent a deeper problem analysis.

Example 1: Religious Fundamentalism

An example is the failure to diagnose the threat posed by religious fundamentalism in the current global context. There have been visible and escalating attacks on human rights and accountability by religious fundamentalists and right-wing groups. On the continent, they have arrived in the form of Christian fundamentalists heavily financed by global north groups. At first glance, it looks like their focus is on three issues: abortion, comprehensive sexuality education, and lesbian, gay, bisexual and trans issues. This is a gross misdiagnosis. These groups have multiple advocacy strategies including the use of social media to spread mis-information about State policy and mis-truths about the content of comprehensive sexuality education, CSE. They infiltrate church groups, and they have networks of people who circulate petitions; they meet with State officials and other prominent personalities; and sometimes even set up websites to spread mis-information. They choose issues that resonate with the majority and are able to coalesce anti-rights groups by using contentious and politically divisive issues as a ruse. They frame themselves as victims of human rights and state policy that has gone rogue. In Kenya, they successfully reframed the recent International Conference on Population Development +25 as an LGBT and abortion conference. In South Africa, they have also managed to frame the CSE as them wanting to protect their children's innocence by stopping exposure to inappropriate sexual content at an early age.

The bulk of the counter-advocacy has focused on responding to the core arguments - rebutting their assertions on what is contained in the CSE curriculum and making a case on why CSE is essential. The CSOs who are responding are grossly outnumbered by these groups, and a few press statements is not enough to counter the groundswell of support. There have been some academic institutions who have been tracking the individuals and institutions

that are behind the attacks, but this has been rudimentary. The problem is about responding to an attack that is not understood, contextualised, and where the actors are not easy to identify. At the heart of these attacks, is the intention to destroy accountability mechanisms, the human rights agenda and to waken the States power to protect, particularly on issues where States are showing progress. The attacks against state policy are about saying to the public: “see what the government is doing”.

Yes, it is CSE, LGBT or abortion that they are using as the basis for the attacks; but that is not what they are really after. A response that only addresses what they talk about is inadequate; it has to include what we know they are backing. Narrowing the issue to a specific group is a mistake. Groups may feel erased or invisible when they told that it includes but it is not only about them. Affected groups have the right to be part of the response, but this battle is not going to be won by children’s rights advocates, HIV groups, women’s groups, LGBT groups. SRHR groups and feminists because it is a much bigger fight. The small funding that the groups who work in these spaces have is not sufficient to respond to these attacks.

These are anti-democracy attacks. Rights groups may critique the democracy project, but they do not share a genealogy with these anti-rights groups that are leading these attacks. These groups have appropriated the rights language. These are groups that are linked to anti-immigration, right-wing and islamophobe networks. This is a problem of a global proportion; by coordinated and well-resources networks. It’s not just church groups with members who have conservative values. It’s more sinister than that. Shifting the diagnosis also sharpens the lens by which society understands the work of CSOs. With that perspective, the dire need for civil society collaboration, organising and movement building is made visible. The scale of the work that must be done also become clearer.

Depoliticisation is further exacerbated by increasing the Delegitimisation of the human rights of certain groups. Linked to the rise of religious fundamentalism and the right wing, this approach serves to remove certain issues from the real of State protection to something that is beyond the scope of human rights. Framing an issue as a moral one, as if the issue of public morality does not arise in human rights issue, by labeling rights of certain groups as a fundamental threat to what is core to the nation or continent is a popular trick. This approach becomes a cover to continuously treat people like LGBTI people as outlaws through harassment and mass arrests in order to imprint in the public consciousness that certain groups are not deserving of human rights. Most often there is no legal basis for the arrests but States orchestrate these violations in order to achieve dehumanisation and ultimately justify the removal of human rights protection. This approach achieves depoliticization through fear - some fear the unknown and accept the abuse of state power as a form of protection; others fear prosecution.

Example 2: Makonda and the gays

It is often stated that homosexuality is criminalised in 34 African countries. Yet this is factually inaccurate, most countries criminalise specific conduct, not people who identify as LGTBI+. The above discourse deliberately blurs this line and creates challenges for CSOs who seek to protect or enforce rights in such political contexts. Another variation of the deliberate confusion includes asking whether an individual or organisation works to protect or promote the rights of LGBTI people. The Makonde Hotline is a case in example. In October 2018 Paul Makonda, regional commissioner of Dar es Salaam, announced the hotline on television and urged residents to “report gay people”, which effectively makes gay people criminal on sight. Makonda went on to announce a task force to target gay residents and used social media to broadcast the numbers of citizens that were being reported. These actions stoked fear in the LGBTI+ community in Tanzania.

Moreover, they took place in a context where CSOs had been shut down and activists arrested for supporting the LGBTI+ community in Tanzania. The series of actions that delegitimised the human rights of the LGBTI+ closed down spaces for action in Tanzania and resulted in appeals for international support including pressure from foreign donors. It was only after the World Bank withdrew a loan, Denmark withheld aid funding, the EU recalled its ambassador, and international condemnation including from the UN High Commissioner for Human Rights that

KEYNOTE ADDRESS (CONT.)

Tanzania issued a statement disassociating themselves from the actions of the commissioner. After the international fallout, government sought to distance themselves from Makonda's actions, by depoliticising what he had done and asserting that he was acting in his personal capacity and not in furtherance of state policy while he, Makonda, is able to achieve depoliticisation by dehumanising LGBTI people. Ultimately, the State is not held accountable because a political action against a marginalised group is depoliticised.

The Makonda example demonstrates the virulence of this dehumanising approach, how quickly it closes down space for CSOs. Beyond the lived challenges of working safely in Tanzania, there was also a challenge of inserting an adequate human rights discourse into the context. Makonda was so loud, that CSOs struggled to assert that it is not illegal to identify as a member of the LGBTI+ in Tanzania and the State does have a responsibility to protect citizens who are members of this community. Fatma Karume, the president of Tanzania's bar association at the time publicly condemned Makonda's plans and argued to re-centre a rights discourse stating "Tanzania has a law against sodomy; it is not a law against being a homosexual. I support everyone's right to equality before the law and that includes homosexuals".

However, this example also shows the value of a shared political analysis and the importance of global solidarity. Both are difficult to achieve in the politically contested global terrain where the waters are even more muddied by the final external constraint that depoliticises CSOs – the Appropriation of Rights language. While areas of contentions and tactics of opponents have not changed much, the texture of the attacks has become very sophisticated and targeted. At the fault lines, there are still belligerent states, right-wing groups and corporations; but now they have appropriated the rights language and frame their engagements as a fight for human rights. For example, right-wing fundamentalists now frame their fights as freedom of conscience, freedom of religion, freedom of expression and anti-discrimination. The parties that used to be called anti-rights are now claiming rights; some of the claims speak to how they are marginalised because of the advancement of other rights. There are nurses who say they are forced to work in termination of pregnancy wards or marriage registrars stating that they are forced to officiate at gay weddings.

The appropriation of rights language creates the challenge of people who appear to share a similar concern but have a completely different analysis of the problem and the solution. The fight against CSE is gradually taken up by groups in civil society who see it as a legitimate struggle acting against state intrusion into family life, in the best interest of children who are forced to consume content that forces them to be sexualised at an early age. The proximity of these groups to civil society means that they can no longer be reduced to some cult or unidentifiable bogeywoman. This is a fight that has been taken to donors when they have been asked not to be partisan but to support both sides in a fight which is essentially about rights.

Example 3: Sex work, The feminist civil war

These competing rights claims have disrupted spaces where agreement could be expected. A case in point, the framing of the sex work struggle is what others have called the feminist civil war of our times. Pro-sex work primarily frames the issue as a sexual and reproductive health rights, violence against women, and privacy issue which urges States to keep its laws off people's bodies. They argue that laws that criminalises sex work and other aspects of it makes it harder for women to negotiate safe sex and therefore exposes sex workers to violence. Anti-sex work groups argue that sex work is violence and a false choice, it is not a choice that women would be making if they had better options. They frame sex work as slavery or a consequence of lack of access to economic justice issue.

The more recent focus on interventions that prioritise exit strategies for sex workers is a strategy where employment opportunities are made available to former sex workers and victims of sexual exploitation so that they can leave. The opposing approaches to protect women from violence have led to calls for bi-partisanship from anti-sex work groups for the work to be seen as two sides in the struggle to end violence against women, suggesting women's funds need to fund both sides of the debate. However, such a response depoliticises sex work advocacy by dividing resources and

redirecting focus on an issue that sex work advocates have not named as a component of sex work advocacy. It tries to reach a middle ground by displacing the priorities that the sex work movement has set to advance its advocacy. Yet, there are pro sex work groups that have prioritised exit strategies. This example highlights the importance of having a political analysis that grounds the work that organisation engage and where the same language is utilised for competing ends.

Example 4: Related but not the same strategies, public health and human rights

CSOs relationship with aid agencies and intergovernmental agencies that have a mandate to work with civil society often reveal another side to this problem of competing discourses, as illustrated by the example of how HIV programmes are implemented. The AIDS response is foregrounded on the respect for human rights. To the extent that stigma and discrimination constitute a barrier to the implementation of HIV programmes, AIDS agencies have responded using rights-based approaches; including supporting programmes that deal with discrimination against HIV positive individuals and advocating for the removal of certain laws that constitute barriers in the fight against HIV. It would however be a mistake to refer to these institutions as human rights organisations because that is not their mandate and they engage with human rights issues for specific reasons.

In the dehumanisation project, there are often reports of mass arrests and there is often a scramble in the process of providing assistance to the arrested. A number of parties are usually involved including embassies, donors, intergovernmental agencies, ICOSOs and often limited participation of local groups. Sometimes there are emergency response plans that include the appointment of a local coordinator. The framing of the intervention is usually limited to emergency response when arrests and harassment of key populations occur and it is part of the work with civil society to remove barriers that impact on HIV programming.

A human rights response is different from a public health response, the former being concerned with accountability when rights have been violated and the latter about removal of barriers when. Public health entities are not there to do movement building work, they are there to provide a response to an epidemic. Yet political movements often want to do more when their lives have been disrupted, it is insufficient for them to diffuse the tension only to have the same problem arise again. Political movements will seek to challenge States for the harassment in order to ensure that there is no impunity and non-repetition. In these cases it is often hard for the local groups to respond because their allies are not set up to do long-term movement support work and once the threat has been averted, they move on.

In 2016, when the Tanzanian government issued a ban on the distribution of condoms and closed drop-in centres, the main contractor sent half-page letters to the implementers notifying them of the Minister's decision and left. They were left with no ability to seek recourse on an issue that affects them directly. Rights language is used as a basis of interventions but by design these interventions are not set up to do work that confront States or hold States accountable. It would be polite for these entities not to do work that they have no expertise in, is not part of their mandate and ultimately stop stunting movements by depoliticising them. Progressive collaborations between these agencies and civil society are possible where the state is not hostile to the claims that are made by various groups. However in hostile states the ask for marginalised communities not to be visible or engage in political actions in order to preserve the work of public health institutions can only serve to stunt movements.

The constraints posed by donor or strategic frameworks depoliticise the work of CSOs and lead to ineffective responses and actions. In the highly contested and politicised global context, this leaves CSOs ill-equipped to achieve their aims and objectives by tackling the underlying systemic causes. Yet bringing politics back into CSO work is not easy, CSOs are constrained by the delegitimizing of the rights of specific groups and the appropriation of rights language other actors. Building a shared analysis of these political forces and the different actors assists CSOs to navigate and effect change.

KEYNOTE ADDRESS (CONT.)

Internal Constraints: CSO Practices that depoliticise our work

Even as CSOs are buffered by external constraints that depoliticise their work, they also uphold a number of practices that also depoliticise their own work and pose a challenge for accountability. The first is the practice of advocating for or speaking on behalf of marginalised and affected groups. Typically, many movements that we work with and in the countries where we work (HIV/AIDS, LGBT, sex workers, drug users, women's groups) are movements that are composed of people who sit at the intersection of the personal being political, personal experiences connect with larger political structures. A political analysis and understanding of power is crucial in the selection of the people who are brought to the table. It is a strength to have constituencies that are directly affected at the table to shape the advocacy and the response. Yet in some contexts where the movements are nascent, inclusion has been tokenistic. Are civil society groups included as political actors or as victims or potential victims of violations? Yes, to both, is a desirable answer. The power of including marginalised groups and empowering them to be advocates for their own cause is unrivaled. Inclusion of people who have personal experiences without politics serves to depoliticise their engagement. This reality requires CSOs to be deliberate in engaging movements and their politics.

The second practice that depoliticises CSOs is the failure to hold the balance between movement building and supporting individual champions. There needs to be a recognition that there are actors who are willing to lay their bodies on the line, to be the voices and faces of movements in order to hold the State accountable. Many victories and struggles have been recorded because individuals decided that specific issues were important enough for them to risk all that came with taking a stand. Remarkable as their role may be, there is no substitute for movement accountability and acting within boundaries set by the movement. When individuals engage outside of movements, it minimises the impact of what could have been achieved collectively. Reducing struggles to individuals erodes the political nature of the struggle, while it weakens a movement's ability to hold leaders accountable.

Similar to holding champions or leaders accountable, is the challenge of intergenerational power dynamics. The transfer of histories of struggles and institutional knowledge to new actors are crucial for generating accountability. The commitment to learning from those who have been in the space and the openness to hearing new ideas about what is possible is something that civil society will have to be better at. When new groups believe that there is no way to advocate because of how knowledge is held and weaponised or they are viewed as perennial upstarts, it limits what can be done in the advocacy space. Working with movements is different from organising parties because people have to work with people they don't necessarily like.

People who have power in civil society often create an imaginary layer between Civil Society and States. They imagine themselves as interlocutors that mediate between the interests of the two groups. This must not exist; there is no middle layer, inside track or special ear. Movement accountability is key to holding those in power accountable. A few unelected and unaccountable individuals cannot and should not be meeting with States behind closed doors and making agreements when they have no mandate from civil society. Such individuals have access to information through contacts and networks and behave like the strongmen that ruin our countries. They become apologists for structural problems because they 'understand'. If individuals and organisations have no mandate and are not accountable, they are illegitimate, similar to what CSOs say about unelected governments. This should not be confused with role allocation, not everyone can do diplomacy and engage in high level policy discussion but those who go must be mandated and remain accountable. Granted, not everything has to be public all the time but information must be shared.

Another contributor to depoliticisation is how CSOs understand their service provision objectives in relation to their advocacy objectives. Often when working with intergovernmental agencies organisations are enrolled in service provision in ways that constrain their advocacy work. From the perspective of these agencies this is understandable because they are not designed or set up to play an accountability role. Public health as a model is concerned with the eradication of disease, whether it's malaria, Ebola or HIV. Intergovernmental agencies and ICOSOs that are part of this web are clear about what is possible and what needs to happen.

However, local key populations groups are often engaged as project implementors because the agreements are brokered by governments, donors and other inter-governmental agencies. The project design is often out of their hands and understandably so. But there is a distinction between organisations that are set up to organise and do political advocacy, hold states accountable or engage with rights, and those who exist to implement projects. In recent years, there has been a conflation of the two objectives, and the result has been to obscure the political function of organisations. In hostile contexts, the engagement in service provision work constrains the organisation's ability to confront the state for rights violations. It forces them to depoliticise their engagement with the state as they are forced to do work that will not threaten implementation of service provision work. It is necessary to separate the two strands of work when it becomes clear that it is not possible to carry out both pieces of work without comprising one or both of them.

CSOs are most effective when they understand the dynamics of their particular context. Yet precisely because the struggles are not new, there is a lot of useful knowledge to be borrowed from other contexts. In the Indian same-sex decriminalisation challenge, there is a compelling story of how activists were able to change a narrative that started with public health organisations who had framed the issue primarily as an HIV response issue and made it a conversation about the right to love based on a contextual analysis. There are strands in civil society that privilege one form of knowledge over others. Lived realities are as essential as learned knowledge is in developing coherent and comprehensive strategies.

The rejection of theoretical knowledge as elitist and exclusionary has more to do with the history of lack of access to information, and this has been used to undermine, ridicule and marginalise groups that did not have knowledge. Storytelling and consciousness-raising are feminist tools, and there is a need to understand the power and the history behind these theories. In building movements, political education is essential and placing value on different forms of knowledge has to be prioritised. The integration of personal experiences and responsiveness to local conditions is crucial. Most struggles are not really new; over centuries, different actors have theorised and engaged with the questions of creating just societies. There is a lot to be learned from all these theories that will help in the creation of new knowledge.

CSOs have a range of advocacy tools available to them, but often fall into the false belief that some tools are more important than others. This false hierarchy of advocacy tools results in the choice of tools or strategies that hold higher esteem and a lack of value for other tools that are essential to strengthen movements and effect change. An example of this is the critique of how CSOs are quick to choose litigation as a strategy bolstered by the belief that donors love to fund litigation. This has led to the "litigation as a tool of last resort" saying. In a toolbox that contains different advocacy options, choices should be defined by the context, with the best choice determined by the needs at the time. The saying is disingenuous because most of the time people do not make a choice to litigate, the State gives them a reason to. Besides, litigation is the one political tool, we know that can compel the state to answer when rights have been violated. If it is possible to imagine the glee of belligerent authorities when they hear that they will only be taken to court as a measure of last resort, the need to imagine better futures has never been urgent. Similarly, the trap of believing that only one tool or strategy is necessary has to be avoided at all costs, often multiple strategies and tools by multiple actors generate effective change. This understanding prevents the undermining of organising, marches, lobbying, media campaigns and any number of other advocacy tools and strategies.

The different practices that have been discussed demand that CSOs question their own ways of working. They suggest that expanding the political discussion instead of limiting it, enriches the work of CSOs and makes them more effective. Moreover, politicising the work of CSOs makes them accountable.

The impacts of CSO depoliticisation – why politics matters

In discussing the many constraints that CSOs face, I have also reflected on the possibilities and opportunities that emerge when CSO work is politicised. It cannot be denied that a depoliticised civil society has seen us witness

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impunity, human rights violations, the looting of state coffers and the life-term presidencies that proliferate in Africa. depoliticisation has seen civil society divided and weakened, unable to articulate its demands and raise challenges when faced with political crisis. depoliticisation has seen civil society unable to respond to and tackle the structural problems that cause the societal problems we seek to address and change. Depoliticisation has seen civil society unable to rally disillusioned citizens to hold State's accountable and uphold democracy.

Politics matters for all these reasons. Politics matters because in our current context, the crisis of the capitalist, neo-liberal and democracy projects has seen an upsurge a right-wing fundamentalist response that is challenging human rights systems and accountability mechanisms on all fronts.

Conclusion: Call to re-politicise CSOs

The call for civil society is not a call for CSOs to be involved in the party politics of their States. It is instead a call for civil society to bring political analysis back into its work. This looks like a civil society that functions with a clear understanding that it has a legitimate right to hold States accountable and a responsibility to act. A civil society that understands that the structural causes of problems it seeks to address are political and contested. This looks like a civil society that analyses State obligations and understands when it is time to hold the State accountable. A civil society that develops a shared understanding of the problems it tackles, asking the why until it gets to the root causes. This looks like a civil society that works together, despite the challenges of other actors who misuse the rights discourse, whether by appropriation or exclusion and delegitimisation. A civil society that examines and questions its own practices, seeking to enrich its work and build accountabilities within in order to effect change.

PANEL 1: MARGINALIZED COMMUNITIES AND ACCOUNTABILITY

Facilitator: MUTISYA LEONARD, HEALTHGAP

GEORGE MWAI, UHAI EASHRI - What is the Role of Allies and Funding Partners?

MLEWA KALAMA, EANNASO - CCM Community and Watchdogs: Holding CCMs Accountable

DAUGHTIE OGUTU, Africa KPs Experts Group - What does Accountability for African KPs look like?

Dr. CHRISTOFORUS MALLOURIS, UNAIDS - UHC and Marginalised Community Inclusion

Mwai spoke about the importance of us asking ourselves critical questions about accountability, and challenging very deep systems of oppressions. Mwai spoke about the role of allies and funding partners when it comes about accountability. Mwai asked the room “How many have written proposals to funders? How many have held funders accountable? Why do we need to see for accountability?”. He noted that we are having more conversations about how we move money and how we resonate with the priorities of the communities. Mwai then spoke about the work related to pushing participatory accountability and noted that there is a trend around changing systems of making and moving money in a way in which respects communities. Mwai referred to the “nothing about us without us” principle and emphasised the importance of having a seat at the table and determining priorities. Mwai said that this is a reality about power structures, and money have particular form of power. Further, Mwai spoke about creating new realities and possibilities of how money can disrupt these systems of oppressions. This raised a critical question and he asked how do we ensure that accountability exists within funding mechanism systems. Mwai noted that if funding does not resonate with the needs of the community, it is problematic. A lot of money is not clean and some have been stolen [from Africa] and this is something funders need to be aware of. Mwai spoke about the importance of recognizing the power dynamics related to how money is moving and about the importance of the role of community, and they should decide their priorities.

Furthermore, Mwai spoke about the role of participatory accountability related to funding and noted that accountability by itself is an accountability check because activists are checking upon themselves. It was also noted that participatory grant making is a really important element of capacity building which considers who else is left behind. Participatory grant making is challenging power. Moreover, Mwai spoke about the importance of support and co-working together on various issues. Additionally, Mwai made a recommendation related to internal accountability where it was noted that it should be appreciated as a two-way process and it should allow us also to ask potential funding partners how accountable are they, and how accountable are they around the money they have and give. Lastly, Mwai noted that “accountability is continuous, not an end. It is about being influential and determining the rules of the game in a space”. Mwai also said that participation creates a lot of edges, and that accountability work can happen only if we are working together and pushing back.

KALAMA spoke about holding the country coordinated mechanisms (CCMs) accountable and how we can ensure that communities and civil society priorities are included into the CCMs, and that affected communities are submitting concept notes. Kalama spoke about a Global Fund resolution aimed at making the CCMs more effective and to ensure that they are more impulsive, and that key populations (KPs) are meaningfully represented and that they are more proactive. Kalama noted that civil society engagement is still at its very bare minimum, but when it comes to functionalities and operations where actors are invited to the table by governments usually. Multilaterals are invited to be in that space and most of the time civil society organizations representation in these spaces is missing out because they do not have the resources, but because they are not able to be there and so critical decisions are made without communities.

KALAMA noted that we are unable to effectively participate, and that this is a critical issue even in the CCMs evolution. Government representatives that are actually supported by the government to be in these spaces are crucial in terms of aspects of holding leaders accountable. Being present at a table is very important when this engagement conversations take place. Further, Kalama spoke about the importance of cooperation and of civil society to effectively collect information from community and report it back. Kalama said that there is a lack of coordination, and the capacity of civil society is not strong enough. There is a lack of structural resources which brings up the question of how do we act. Kalama further spoke about the importance of arguing from the standpoint of an expert’s point

PANEL 1: MARGINALIZED COMMUNITIES AND ACCOUNTABILITY (CONT.)

of view while arguing for revisiting strategies. Engaging from a point of intellect. Kalama further spoke about the importance of intellect, and about the issue of how representations of constituencies are accountable. Kalama asked: “Are you accountable to your constituency? Do you give back to them? and what?” Lastly, Kalama noted that there are three main points: make resources available, improve coordination, and ensure that we are able to manage all the issues related to accountability.

OGUTU spoke about the fact that KPs are continuously fighting and celebrating so many other wins which shows that they, as KPs, are trying to be present into spaces where governments make decisions about KPs. Ogutu spoke about the fact that KPs identifies are so political that it makes governments uncomfortable to have them in various spaces. Ogutu then noted that many sub-sections of communities are left out. Because of this aspect. She noted that KPs are present in different working groups and that they keep on pushing barriers, and the KPs will continue to hold governments accountable especially when governments try to make them invisible. Further, Ogutu spoke about the importance of pushing back on governments and not becoming invisible. She mentioned the case won in Botswana and Zimbabwe [Ricky Nathanson’s case].

Furthermore, Ogutu spoke about the importance of recognizing people’s identities such as sex work, a trans man, a trans woman, a drug user, etc. which are the right terms to use. Ogutu said that using the term KPs makes people’s identities invisible. Moving further, Ogutu noted that through the engagement of SADC strategy, which is an important tool, is very important as it ensures that [KPs] issues at regional level, are then addressed and so people can go to national level. Beyond the SADC strategy, Ogutu spoke about looking at the SDGs, and noted that we are not explicitly mentioning [KPs] in indicators and targets. Moving further, Ogutu spoke about an AIDS free Africa, and noted that we acknowledge that the epidemic exists with the KPs: sex workers, gay men, young people living with HIV, etc. and noted that this is an acknowledgement at global level. Ogutu said that this needs to be also acknowledged at national level too. Lastly, Ogutu spoke about the importance to push back to governments, and push back at the Global Fund to bring back funding at regional and national level to respond to the health needs. She said that these problems show how much work is needed. Ogutu ended by noting that “we must continue to engage at all levels”.

MALLOURIS firstly noted that as he is coming from the UN, this is a chance to learn from the communities as there is a need for communities to lead, need for community research and advocacy and a need for community financing. Mallouris spoke about the engagement of communities in delivering universal health coverage (UHC) and achieving the higher goal of health and well-being for all. He spoke about the importance of liaising with communities around UHC at the accountability level. Then, Mallouris interrogated whether we are getting UHC, and whether we can measure it, we can articulate it, we can measure the health you need, not just the health that is provided. Mallouris also noted that it means designing and delivering your own services which requires funding. There is a need to reminder to policy makers and donors, what does it mean to include the civil society and discuss what does it mean to provide you the health that you need. Thinking at the UHC as a principle, rather than a project.

Further, Mallouris noted that the Global Action Plan for Healthy Lives and well-being for All has seven accelerators identified such as: sustainable financing, primary health care; community and civil society engagement; determinant of health; R&D, innovation and access; data and digital health; and innovative programming in fragile and vulnerable states and for disease outbreak response. Last but not least, Mallouris spoke about KPs and community engagement and accountability. He spoke about the power to choose, thrive and demand. He ended by noting that “the vulnerability of communities is framed from a financial perspective”, and that we need to think about how we demand accountability for each experience.

DISCUSSION

To Mallouris: The experience with UNAIDS is always really good, and there is a good analysis, and there have been various articulations around experiences. Kenya is implementing UHC, however it is clear that the KPs are left behind and some communities are ‘edited out’ for the greater good. What are you doing to push for accountability for KPs?

MALLOURIS noted that they are supporting trainings of LGBTIQ leaders to do advocacy in a hostile environment, similar to those they did in Kenya and Uganda. For instance, Mallourius referred to the East Africa Transgender Network in Kenya, and noted that in Uganda there is a case on how trans women are accessing health and ensure that this is coming from them as a community. He also noted that with the new UNAIDS leadership being bolder, and demanding accountability and calling out injustices. Lastly, Mallourius spoke about the importance of bringing back to reality of what people are experiencing and reporting on the real lived experiences. He said that we can do better on this and knowing how those whom are left behind are doing.

To Kalama: The Global Fund Against Tuberculosis, Malaria and AIDS (GFTAM) has a huge a mandate but set up CCMs and they are unable to hold GFTAM to account. Therefore, from your experience at EANASSO, what does accountability to Global Fund look like, and what mechanisms can make the Global Fund accountable?

KALAMA noted that the introduction of resolutions is changing the approach to always being proactive and can be seen as the current movement trying to make the CCMs into different categories. They operate in different environments and this is very different such as operating in very difficult or transitioning environments. Kalama noted that evaluating their performance is meant to make them more efficient, functional and provides the relevant desired outcomes.

To Mwai: When you think about the HIV funders globally, accountability to HIV positive people is not critical to them but the scale of how much money they can move. You spoke about UHAI's model of participatory grant making but accountability does not end with the grant-making so what happens after that? How do you have as UHAI and other donors be accountable behind investments? How these lessons can be applied to other actors and in other spaces?

MWAI noted that it is not just about moving money from one account to another, but that it is a continuous engagement and dialogue. He emphasised the importance of listening to the communities and seeing how is this working. Further, Mwai spoke about a space in which various funders can hold each other accountable.

To Ogotu: In my experience at HealthGap we found that KPs having a seat at the table is not enough. Actually, we are occupied with literacy of KPs to fight back, to occupy those spaces. In your work, what is the role of KPs in holding funders and governments to account? Once we have that access, what are the things we need to be asking for, and that should we be asking for to hold governments accountable?

OGUTU spoke about the importance of creating a space for continuous engagement. From a sex work perspective there is a radical feminist perspective and so Ogotu spoke about the importance of exploring some middle ground. She noted that it is not about compromising a position, but about the importance of engaging with them. Ogotu then noted that it is important to ask for a space but to also show our governments and partners that while we are asking for the advocacy, we are not making only noise but that our advocacy work contributes to the 90-90-90. Further, Ogotu noted that decriminalisation of sex work will reduce violence against sex workers, which will then reduce the risk of new HIV infections amongst sex workers, and this is a line that must be drawn and be better articulated.

Lastly, Ogotu noted that accountability refers to the capacity to refer to duty bearers and remind them to the consequences of broken promises. There is a need for more and real accountability to KPs. It is important to check that we are equipped. However, one of the problems with civil society organizing is the language that embodies our cause, but we do not illustrate it, we do not break it down and not show what success is.

PANEL 2: LET'S TALK #CHALLENGECRIM

Facilitator: PHILLIPA TUKER, Accountability International

Rev JIDE MACAULAY, House of Rainbow, Nigeria/UK

ROSE WANJIKU, African Sex Workers Alliance (ASWA), Kenya

DEYONCE NARIS, Southern Africa Trans Forum (SATF), Namibia

RICHARD NININHAZWE, African Network of People who use Drugs (AfricaNPUD), Burundi

Referring to Macaulay, Tucker noted that the “we know you as an African Nigerian, identified as a Christian, Anglican, celebrated homosexual and HIV positive” and noted that many people wonder how do you reconciled this.

MACAULAY noted that for him honestly this is a long journey. He said that “if you are being told all your life that you are an abomination is that all you know” and as he grew older, he became wiser. Macaulay also noted that “the life journey takes you many places”. He said that every individual has the unique access to the presence of God, and in that regard, he spoke about internalised homophobia as a young boy in Nigeria. Further, he mentioned that “God adores you, means that God adores you, affirms you and accepts you” and that there is a need to continue with this mantra. Macaulay further spoke about the fact that he was married to a woman, found that was gay, and that nearly a month later he was infected with HIV. He said that people were telling him that “this is the punishment of God to you for being gay”, however Macaulay emphasized that God loves me [him] the way it made me [him]. He then highlighted that “HIV is not a crime, is a virus”, and that hopefully one day it will be a cure. Furthermore, Macaulay said that “religious leaders need to understand that God does not punish his children with diseases.” Macaulay noted that he just wants everybody to know that God loves you the way you are. Fearfully and wonderfully made. Also, queerfully made as well, so advised us to go along with it.

Further, Tucker noted that we know that U is U and asked Macaulay what messages he thinks are a top priority for the religious leaders you represent and for your peers that work on the same issue as you?

MACAULAY noted that “stigma is a big problem” and that “even within the gay community there is a lot of stigmatization”. He noted that they start making excuses, and that many of us know that religious leaders are very powerful and can speak life withing a congregation. Macaulay shared that he has been stigmatized in religious settings, at workplace and within the gay community. He said that everybody knows it, and that they should take him as it is. Further, Macaulay spoke about the fact that the reality is that religious leaders need to include into their curriculum when they study theology because they go to a town and people there already have these identifies. Jesus Christ came with compassions and came down to meet the people but not as a high authority. What does HIV stands for?! They do not know. Macaulay spoke about the need to educate these religious leaders. He said that he has many ideas we can talk, and that there should be health liaison officers in every church.

Lastly, Tucker noted that the point is that maybe its different for me, but has asked Macaulay whether he has seen cases of people that go to church that have changed people's mind.

MACAULAY noted that “knowledge is power”, and that all things that you need to know about sexuality and HIV, you can go back to your church and teach them. He said that the first thing you need to know is who you are, and that nobody cannot tell you what you are not. It means that we are all gaining that knowledge is powerful. If you cannot stand up in a congregation, call the head of the church and have a conversation. Macaulay ended by noting that “we are all children of the living God”.

Speaking with Wanjiku, Tucker noted that “we all know that sex workers have rights” and that it is progressing well in recent years like this boat that has been sailing for decades. Tucker asked Wanjiku what in the last 10-15 years has worked and what has not? She asked whether there is something that has worked for sex work and other people can use?

WANJIKU noted that in our African setting when someone say let's talk, you think what are they going to tell me about. We have so much talked about decriminalisation but who are we speaking to when we are talking about decriminalisation. What are we talking about? When we say baby mamma or baby dada or sex work is as a crime? What are we talking about? The most important thing is that we need to decode the language we are using. When we

say decriminalisation, for a lot of people it becomes a bit complicated. What it means? When you talk the people, use the language they are used to. Wanjiku referred to the African agenda and asked what has it done. She noted that we are ending AIDS in 2030 but have we talked to everyone about it? Wanjiku asked whether there is anyone from the government in the room, and noted that most of the times it seems that we are talking to ourselves. Further, she noted that the Agenda 2063 has captured beautiful things, that everyone should have the right to work, but what it is happening about it. She said that “every time we met, we talk, we realise a statement and leave”. Wanjiku asked “how are we reaching the community?”. She noted that right now we are going to talk and Tweet, but how about the persons that are not attending this meeting. In terms of what has worked, Wanjiku said that we made beautiful laws and polices, and did a PR report and that has worked. However, if she noted that if she tells you that 26 workers were killed maybe you will react, but if she gives you their names, not numbers, Rose, Phillipa, etc. you will learn by name that these were sex workers. Wanjiku spoke about that fact that we insist on statistics and ask how many drug users have died, but if I just come and tell you 100, a 100 might not do. A 100 it is a number, but we must start and need to recognize the lives that have been affected. She spoke about the importance of stating and recognizing the harm. “Let’s not only say KPs, you are leaving a lot of people unheard”. Wanjiku said that policies have worked, but we need to start questioning a lot of things. The next conference is in 2 years, we cannot have a conversation and someone asks about statistics.

Tucker noted that there is a feeling of being calling out, and that we should get really practical about this. She noted the importance of interrogating how we can make accountability practical, how we can internalize it, and about finding a practical perspective to getting accountability on these issues.

Furthermore, Tucker said “Let’s make sure everybody understands trans issue” and as such asked Naris whether she can unpack how and which forms of criminalisation affects trans people in Africa?

NARIS noted that she comes from a really nice meeting with the rapporteur and after this beautiful display she feels like you need a groom. Naris noted that “as trans bodies we have existed for centuries” and that her next step as we speak to religious leaders is to find their place in African identities. “Trans bodies are Africans and have always existed”. Naris spoke about the fact that religious leaders need to sit around the table and have a conversation around spirituality. Therefore, to answer Tucker’s questions. Naris noted that trans bodies are not criminalised but getting people to understand what are the trans bodies issues such as the laws that affect them, which are leading exclusion, non recognitions, leading to health interventions come with stigma and discrimination.

Further, Tucker noted that there is so much moral policing that it is this perception that someone does something because they are offended. She asked Naris where the research is parked and what the major findings and recommendations were especially in regard to criminalisation?

NARIS noted that in 2016, about 8 countries across SADC did a situational analysis looking at access to healthcare, justice system, instances of employment. This research showed that trans persons are not employed and employable because of high levels of stigma at educational level. This meant that that they cannot find a job. As well, Naris noted that cultural issues, exclusion and marginalization are key issues. She noted that “access to healthcare is traumatic”. Further, Naris noted that some recommendations that came from the research where to say how best we can implement some of these changes. Secondly, Naris noted that it is important to get people to understand sexual orientation versus gender identity and expression. She noted that that only then we can move into the decriminalisation conversation. Further, Naris said that decriminalisation at the moment is led by cis bodies being homosexuals or gay. Being able to insert trans language that speaks on these is important. Naris mentioned that everybody seems to be doing decriminalisation work, and that “decrim it is like a thing”. Moving further, Naris mentioned that “people are keep telling [us] that if you do not join the conversation, the boat will sail”, unfortunately she noted that this boat sailed long ago. Moving further, Naris spoke about the fact that laws will affect trans women that participate in sex work, especially from the viewpoint of the way they present themselves. Naris then referred to Namibia and the laws related to impersonation. Moreover, Naris noted that the health agenda and the research need to be led by the

communities that is made for, not by other bodies. Getting that research, we can then move into spaces to advocate for trans bodies. She noted that “body dysphoria is a thing we deal with everyday”. Furthermore, Naris spoke about the fact that another challenge for us is the hyper sexualization of trans bodies that engage only in sexual activities. She said that this is because from the HIV perspective, this is only about how we engage in sex. Therefore, Naris noted that this might be an area that we want to focus and ensure that we are economically emancipated. Young girls and women go back to 60%. Naris also raised the importance of how trans bodies access funding also, and noted that there is a quite work that needs to be done in that regard.

Tucker noted that Naris sold her on the idea of trans allies and asked what can she can do?

NARIS said that “we cannot speak for other bodies, so you, as Tucker, you have to create space and give trans bodies space to come and speak for themselves” [...] “but you do not play the hero because we do not owe you anything”. Naris said she does not want to be invited to a feminist convention and be violated in that space. As such, Naris spoke about that importance of keeping us educated all the time. Further, she noted that “it is about time that you find uncomfortable and be in a space that makes you uncomfortable”. Tucker ended by saying to “disturb the comfortable and comfort the disturbed”.

NININHAZWE firstly asked all the participants how many of you use or do not have a drug user as a friend or as a relative. He noted that “drug users are everywhere”.

Tucker asked Nininahazwe about the ANPUD common position of civil society for drugs.

NININHAZWE noted that this included a March 13th ministerial statement and that the document seeks to incorporate the perspectives, both ministerial and the AU action plan, and a guide that works from more NGO across the African continent.

Further, Tucker asked Nininahazwe whether he can explain how is Africa performing compared to other regions, and whether are we doing well or badly.

NININHAZWE noted that maybe it not visible immediately, however he gave the example of Seychelles or South Africa of decriminalisation of drug use. Nininahazwe noted that other countries like Ghana have a bill on the table to incorporate harm reduction provisions and have several interventions. Another example given by Nininahazwe was Ivory Coast. As well, he noted that they are beginning to change the law, and implement harm reduction mechanisms. Further, he referred to Burundi and noted that they also have implementation harm reduction approach, which includes syringes and methadone. Further, Nininahazwe said that we as as civil society must keep doing out work even through men who have sex with other men (MSM), sex workers, and to keep doing our work and engaging more. Moreover, Nininahazwe noted that it is also important to bring the evidence to the table and to seek accountability from our leaders.

Last but not least, Tucker noted that the criminalisation of drug user is the criminalisation of the North of the plants and the medicine of brown and black people, and she asked Nininahazwe how does he wants to speak to that.

NININHAZWE then noted that criminalisation of drug use is not something foreign. It was since the creation of the world because someone who does not take it, make criminal those who do take it. Lastly, it was mentioned that marijuana has been brought from Asia and it was created for a medical and scientific or spiritual purpose, however in some instances, if you say that, you criminalise the African culture.

TALKSHOW: WHAT WENT WRONG AND WHAT WENT RIGHT?

Facilitator: MICHAEL IGHODARO, AVAC and “AI Board Member”

LUCINDA VAN DEN HEEVER, Accountability International - Amplifying Lesbian Voices, DH and CoP

PASCAL IRUNGU, HOYMAS, Experience with Young KPs

ROUZEH EGHTESSADI, SAfAIDS, SRHR, gender justice, HIV and social accountability monitoring

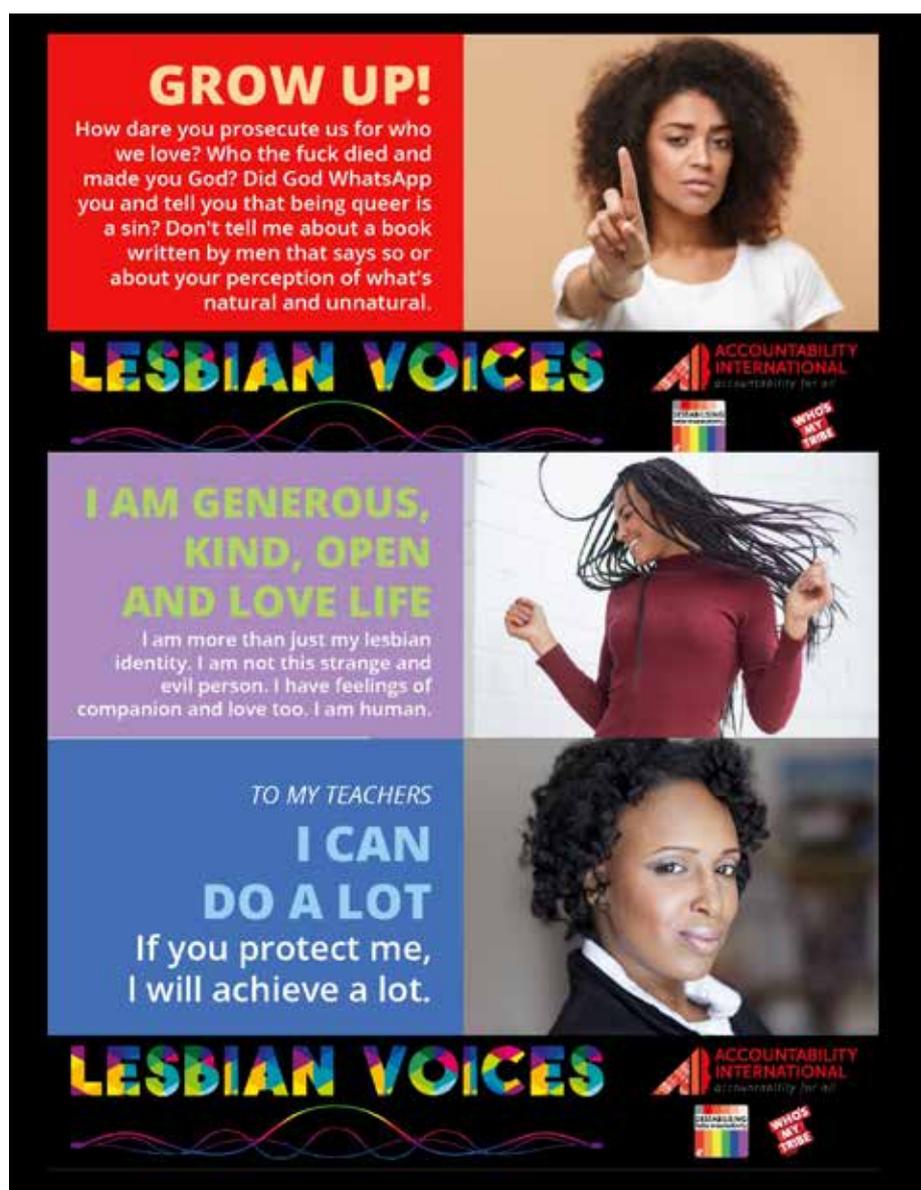
KASSIM NYUNI, Africa Network of People who use Drugs - Changing the landscape of drug policies in Africa

IGHODARO spoke about lessons learned in the field, and how we could do more to repair the field. He noted that “we have a PhD in lived realities” and that we do not need any other PhDs. He also noted that we know the so-called experts whom have been in all the committees, and that in this phase of the response to HIV, is the time for us to trust each other.

Ighodaro asked how do we as a community come to speak about using language as cis-gender and how do we involve all the communities and make sure that everyone has the same voice at the table.

VAN DEN HEEVER firstly acknowledged that is a big question, however she noted that she to speak about two things: the Lesbian Voices campaign and the fact that she identifies as a lesbian woman. van den Heever said that she was listening to everyone in the room today, and noted that there were quite few people mentioning the conflation and that there is an assumption. She spoke about the fact that there are many diversities amongst LGBT community and as well as among women. Van den Heever noted that it is important to bring this to the fore much more. Further, she noted that there are two reasons why we [Accountability International] did the Lesbian voices campaign: to really amplify and visible, and to hear the voices of lesbian women. She noted that there are also trans women or gender non-conforming persons who identify as lesbian women. Van den Heever continued by noting that the idea was that we wanted to ask African lesbian women what they wanted them to know. For example, van den Heever noted that there was a list of questions and the messages could be directed to anyone such as church, partners, families etc.

The idea of the campaign was to make their voice come through and be as authentic as possible and that we have shortened the distance between the reader and the writer. In the campaign images are not the faces of the women themselves, but they were asked to come up with their own statements and to choose an image which portrays a particular feeling. They were asked to



TALKSHOW: WHAT WENT WRONG AND WHAT WENT RIGHT? (CONT.)

choose the colors they wanted to use as a means to generate an atmosphere to the image. Furthermore, she noted that part of the campaign was to test how this would go and the campaign had 10 to 15 women who identify as lesbian. She also noted that the interesting thing was that when they had a small focus group in Cape Town, when she connected with people, the response was that of real excitement and that of 'I have an opportunity to have my voice heard' and to say something. She noted that there are not many campaigns that look at the voices of lesbian women. The Lesbian Voices campaign was an innovative and powerful campaign which hopefully will continue with in 2020, and discuss what is lesbophobia and what is that for the diversity of women and how do we include that.

IRUNGU spoke about the importance of working as an AIDS champion with young people, other sex workers such as female sex workers and trans diverse sex workers. It was noted that essentially was how can we improve the young KPs, and that it is important to start from the point of what they have and what they need. Further, Irungu noted that what keeps coming up is the lack of information, especially for the policy makers and the healthcare providers in terms of how to deal with this, as well as the the services they offer to young KPs. Furthermore, Irungu accentuated the importance of young KPs in decision-making spaces and noted that this should be something we consider if we are to design programmes for them.

Further, Ighodaro noted that there is the issue of who you have as a young person in the room and emphasised that it is time for us to move beyond and make sure the young people are the ones that make the decisions. In closing, Ighodaro addressed a last comment to Irungu and asked him what does he want us to know and what does he want us to respond to.

IRUNGU spoke about the importance of going back to information and also data. He noted that giving young people the evidence and confidence to articulate their issues is very important. Irungu referred to a case in Kenya around the criminalisation of sexuality, and said that we are keep talking about holding governments accountable, but they do not know what that means. As such, Irungu noted that they cannot even come out and talk about this. He said that this is a real issue because as much as we want young people to be on the forefront, some do not know what the issues are. Many policymakers speak for young people, but they do not really know what young people want. As a closing remark, Ighodaro mentioned that there are still many young people who break barriers such as young sex workers, young gay men, and so on.

Moving further, Ighodaro asked Eghtessadi about what is the next level of participation and what is also the next level now for us as KPs and communities. He noted that he wants to respond to his issue, but not to your proposal call, and asked what is the next thing looking at the young people. As well, Ighodaro noted that we are stagnant in many places, and that many people get infected every year, people go to prison, and that people are dying. There is a need to do more, and so, Ighodaro asked what can we do more and how can we be accountable.

EGHTESSADI noted the she did not necessarily like to use the term KP, but that she will continue to use the term until communities advise her otherwise. She spoke about SRHR and in the contexts of the SDGs. As such, she started by noting that the architecture of the African continent has been thrown away for 3 years. This is a geopolitical matter and we have heard about the global gag rule. Eghtessadi believes that if you work in SRHR, HIV, marginalized community, etc. the global gag rule has destroyed our humanity. She noted that it happened in the U.S. and then African countries do not want to hear about SRHR because they have given the power by someone from across the Atlantic. She said that SRHR "it's not pedophilia, it's not a crime. it's love."

Further, Eghtessadi noted that when we speak against the geopolitical, we will make a shape. She said that "the reality is that if we do not Afro-centrasize, we will not be going to hit the nail on the head with leadership transitioning". She noted that we cannot we pull and achieve the SDGs if we do not integrate and if we do not look at the HIV and SRHR though a development lens. Eghtessadi highlighted the need to learn and speak. Furthermore, she spoke about leadership and noted that it is not only about the political leadership, but also about our leaders. They can move the waves and they are the one that make the votes. She then continued to speak about the demographic dividend and

she noted that when young people are going to be given the information, the confidence and the dignity, they will be seen as changemakers not as noisers. Further, Eghtessadi interrogated why are not we learning from those who liberated us in those revolutions? She noted that you reminded us that the communities are the mainstream of the reality and we forget that we are also community, we are the community. She noted that when we go home, we are in the community: my family, my neighbors, etc. and spoke about that those are spaces in which we need to speak out against patriarchy. She noted that it starts at the individual level. Eghtessadi noted that “the passion, but with wisdom it builds a stronger temple”, that perseverance with knowledge, and intel and information; and that principles -being principled is vital and being united. As civil society we need to do better and have a united voice.

Ighodaro spoke about KPs and the issue of solidarity of being there for our friends and communities, and as such he asked Nyuni to speak about what can we do to make sure we respond to your issues and are adequately advocating.

NYUNI firstly noted that he is a drug user, and the Africa Network of People who use Drugs focusing on mobilizing people who use drugs in Africa to call for policy reform and meaningful participation of community, and representation. As well, Nyuni noted they are focusing on calling for interventions that affect their lives. He noted that AFNPUB is his dream network, and that as a continental network struggling to unite drug users in a huge number countries on the African continent. He noted that they will call for governments and civil society representatives for support in 2020 at the regional decision-making process at the African Union’s mechanisms. Lastly, Nyuni spoke about supporting the principle of nothing about us, without us and he noted that, as a drug user expert of our own lives, we know best what works and what does not work for us especially when it comes to health and social inclusion.

CLOSING REMARKS

PROF. SHEILA TLOU, CO-CHAIR OF THE GLOBAL HIV PREVENTION COALITION AND THE NURSING NOW GLOBAL CAMPAIGN

TLOU firstly iterated the importance and need of translation in other languages. She then thanked the participants for being here.

Tlou noted that “we need to make an effort [...] as Anglophones we are too comfortable”. She then thanked to the participants for being here, to the partners, to Ford Foundation, and to another anonymous funding partner of Accountability International, to UNAIDS, to HealthGap, to Africa KPs Experts Group, the Africa Network of People who use Drugs. Further, Prof. Tlou invited everyone to attend the launch of the HIV Financing Scorecard on December 4th, 2019. She noted that the scorecards are very important and influential. Additionally, she invited everyone to attend a plenary session on Thursday, December 5th, where Accountability International's Executive Director, Ricki T. Kgositau-Kanza will speak about the role of women in the HIV response as well as award the AILA award for 2019. Prof. Tlou further thanked the entertainers, and the moderators.

TLOU then referred to a saying from Botswana and noted that “the chief has to eat last and it has to provide enough food so that he can also eat”. Onwards from this saying Tlou spoke about the fact that when we hold leaders accountable, we need to be and to remain politicized. She spoke noted that when you should hold the government accountable, we are now becoming the implementer. On WAD we wish to speak as communities.” Healthcare is made in the communities. It fails in the hospitals.” Further, she noted that the communities should be free to choose, to thrive and to demand. Tlou said that it is the same story that we are not talking about and if we could hold our governments accountable, they could be on the same page with us. She further noted that we think better, and that with the young people and social media diversity, being ahead means to take people with us. Lastly, Tlou spoke about the fact that civil society sometimes needs money and [governments] will fund you, but “remember that when I, as minister fund you, you are no longer a watchdog and NGO, you are a GGO.” She emphasised that we need to have sharp teeth, and to bark and bit and bite deep, as civil society and watchdogs.

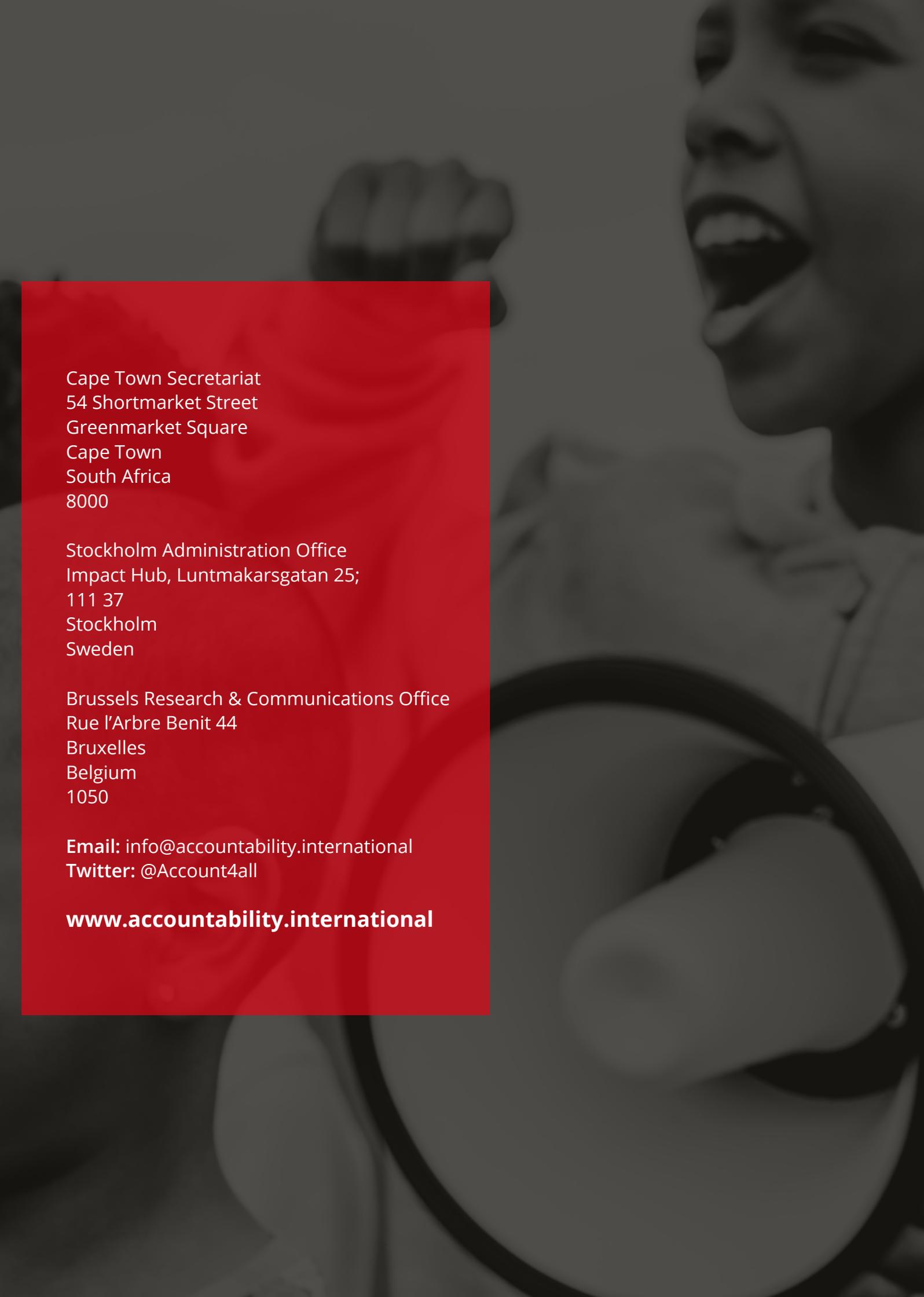
Moreover, she spoke about the need to seeking among us who has access to high level power and use those corridors [of powers]. For Africa we have the Champions for an AIDS free HIV generation. As civil society, we need to hold funders accountable and to be accountable to each other, and make sure that our programmes do move. Tlou noted that we need to make alliances and ensure that our own consistencies are accountable. We need to unify and we will coordinate and unite. She noted that our problems are the same. We need to educate. Give money to education. Knowledge is power. Education will move mountains. She noted that with education, we need research. People will emphasize evidence and evidence cannot be avoided, cannot be ignored. We need therefore to do research, and focus on lived experiences and not only on numbers. Put and use that power of saying ‘I’m African’.

Further, Tlou spoke about the power of language and noted that this is really important. Tlou iterated that the power of information is very important, and advices the audience to get out there and speak. “We need passion, perseverance and principles, and we will not give up until we win this one”.

REFERENCES

¹ UNAIDS, Global AIDS update 2019 — Communities at the Coordinator. July 2019. <https://www.unaids.org/en/resources/documents/2019/2019-global-AIDS-update>

² UNAIDS, Global AIDS update 2019 — Communities at the Coordinator. July 2019. <https://www.unaids.org/en/resources/documents/2019/2019-global-AIDS-update>



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