



ART&GLOBAL HEALTH CENTER
AFRICA

Umunthu Inclusive Society Project

**Community perceptions and experiences of Lesbian, Gay, Bisexual,
Transgender, and Intersex people**

Baseline survey for communities in southern and central Malawi

September 2022

**SOUTHERN AFRICA
LITIGATION CENTRE**



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Abbreviations

ArtGlo	Art and Global Health Centre Africa
CEDEP	Centre for the Development of People
CHREA	Centre for Human Rights, Education, Advice and Assistance
FGD	Focus Group Discussion
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
STIs	Sexually Transmitted Infections

Acronyms

Cis man: Someone who was assigned man at birth and identifies as a man

Cis woman: Someone who was assigned female at birth and identifies as a woman

Bisexual: A person who is emotionally, affectionally and/or sexually attracted to both men and women

Gay: A person who identifies as a man and who is emotionally, affectionally and/or sexually attracted to men.

Intersex: People who are born with physical or biological sex characteristics, such as sexual anatomy, reproductive organs, hormonal patterns and/or chromosomal patterns, that do not fit the typical definitions or social expectations for male or female bodies.

Lesbian: A person who identifies as a woman and who is emotionally, affectionally and/or sexually attracted to women.

Straight/ Heterosexual: People who are attracted to a different gender for example, women who are attracted to men or men who are attracted to women.

Transgender: A person whose gender identity (their internal sense of their gender) is different from the sex they were assigned at birth.



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Executive Summary

Lesbian, gay, bisexual, transgender and intersex (LGBTI) people in Malawi continuously face discrimination, stigmatization, and violence from the communities. This stigmatizing social climate prevents their full and active participation in all aspects of life, including engaging in legal, economic, and social activities. Furthermore, culture, laws, and religious beliefs underpin the exclusion of these sexual minority groups from the society. Lesbian, gay, bisexual, transgender and intersex people in the four districts where the UMUNTHU Inclusion Project is implemented are concerned about the low standard of living and safety of accessing public services. They constantly face negative expressions and insults from their families and communities.

Findings from this baseline survey confirm low level of knowledge regarding LGBTI people, among family and community members. Despite the elevated level of discrimination, stigmatization, and violence that LGBTI people face in justice, education, and health care institutions, they still manage to seek redress for their concerns. However, when LGBTI people report to the police and courts on being a victim of crime, there is usually ineffective action to address their situation. Hence, the hostile social and legal environment enforces LGBTI people to deal with matters personally and hide their gender identity and sexual orientation from the public out of fear of hatred. Further, the baseline survey has established that LGBTI people lack vibrant support networks and movements in their communities and have limited knowledge of exercising fundamental human rights.

Culture, laws, and policies pose challenges for primary justice actors to generate and implement initiatives aimed at creating opportunities for LGBTI people. Going forward, interventions should focus on engaging policy makers to reform the laws. Primary justice actors should effectively address LGBTI concerns and grievances. Communities and traditional leaders need extensive understanding of gender and sexual diversity and human rights of LGBTI people. Peer leaders representing LGBTI communities need comprehensive knowledge to better act on their roles and provide support to their fellow members. In summary, creating a more inclusive society needs inclusive mindset, policies, and law reforms.

Introduction

1.1 Background

Lesbian, gay, bisexual, transgender and intersex people experience elevated levels of discrimination, stigmatization, and violence. They do not have access to appropriate legal and psychosocial support. In addition, the lack of understanding and empathy of primary justice actors and policy makers towards LGBTI people makes it difficult to bring positive change. The existing LGBTI support networks and movements lack the capacity to represent and respond to violations of rights of LGBTI people. The baseline survey was conducted based on this background to understand the experiences of LGBTI people in four districts in Malawi. The survey reflects the life experiences of LGBTI people, regarding the legal system, access to police and protection services, health, employment, education, and other social services, especially with regard to discrimination, stigmatization, and violence they face. The scope of the survey also encompassed exploring the public perceptions towards LGBTI people.

1.2 Methodology

1.2.1 Sample and Data Collection

Overall, the baseline survey involved 75 respondents, 25 respondents for the community survey, 13 LGBTI key informants and 37 members for the focus group discussions comprising of primary justice actors drawn from various institutions such as, police, victim support unit, magistrates, traditional authority leaders and community policing forums. The respondents for the baseline survey were purposively sampled. Data collection was conducted between 11 to 16 September 2022 in all the four project-implementing districts of Phalombe, Chikwawa, Dedza, and Mchinji.

1.2.2 Design and Data analysis

This baseline study employed a mixed method design to capture both qualitative and quantitative data. Quantitative data was analysed using Excel and Excel pivot tables, an advanced data analysis software. All interviews in the present study were coded using Dedoose qualitative data analysis software.

1.3 Ethical considerations

The study made sure that necessary ethical approvals and permissions were obtained from relevant bodies in all four districts. Research ethical dimensions such as informed consent and the right to withdraw were followed.

1.4 Limitations

The survey was limited to four districts in southern and central Malawi because they are donor-targeted areas. It was only possible to meet two traditional authorities from the 4 districts. The other two districts Phalombe and Mchinji were represented by the chief advisors.

2.0 Results and Discussion

The study revealed positive and encouraging findings. It was found that primary justice actors have, in a general sense, positive attitudes towards LGBTI people, and their majority supports equal rights and equal access to services for LGBTI people. It was pointed out during the focus group discussions that being bound by the constitution is the only limitation of primary justice actors to provide more effective support for LGBTI people. Nevertheless, the situation is different when it comes to the acceptance of LGBTI people by family and community members. Culture and religious beliefs play a significant role in determining community perceptions towards LGBTI people. The results sections explain key issues for LGBTI people as established by the baseline survey.

2.1 Demographics

52% of the respondents identified themselves as Cis man, 13% Cis woman, 1% were transman while 9% identified themselves as transwoman. In terms of the sexual orientation, a larger percentage (72%) were heterosexual people, 12% gay people, 9% were bisexual people while 7% were lesbian. The age of LGBTI people ranged from 18 to 39 years with 76% of the respondents aged below 30 years old. Almost 71% of the LGBTI people had at least secondary school education, while 10% had primary school education. About 18% of the respondents had tertiary education. Most of the LGBTI people were not employed.

Figure 1 shows gender identity of the respondents for the baseline survey.

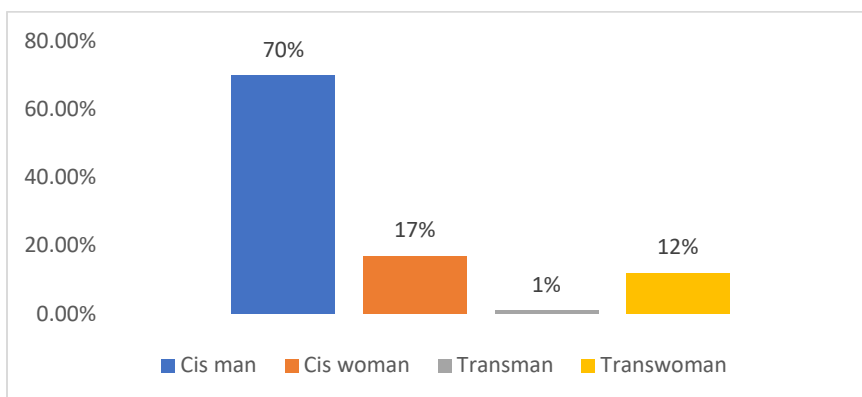
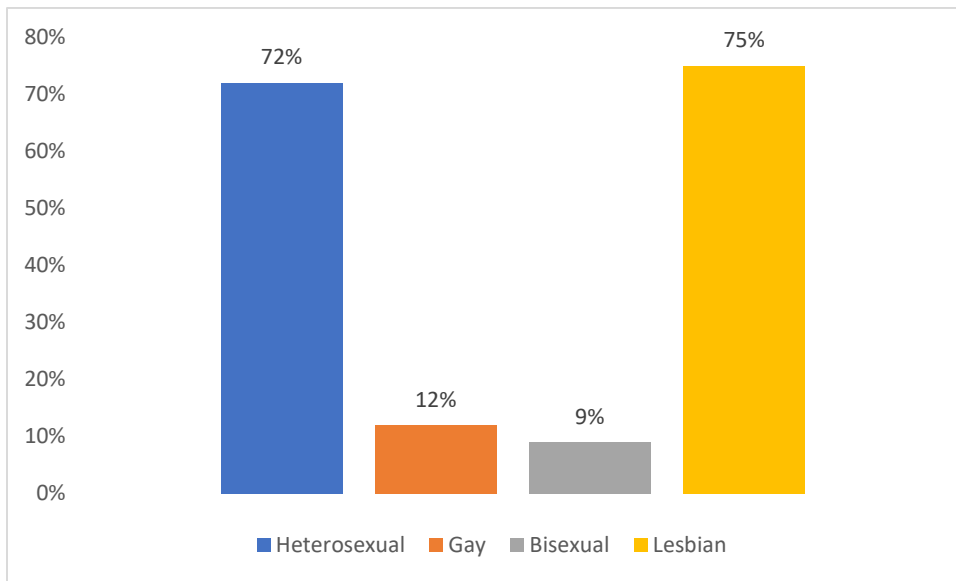
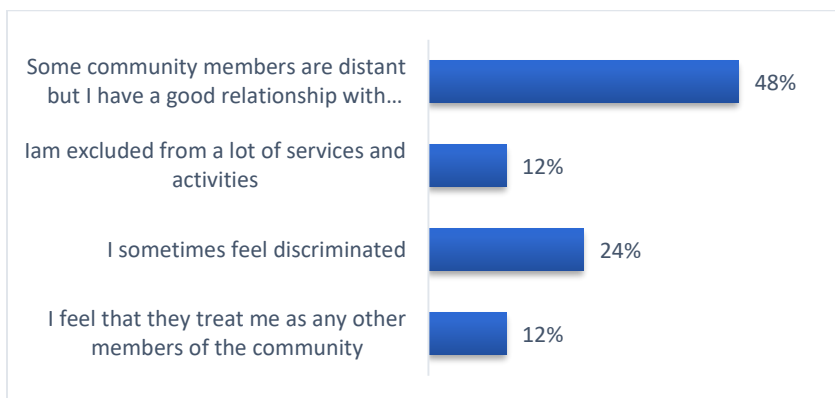


Figure 2 shows the sexual orientation of the respondents



2.2 LGBTI people experiences in the community

There are mixed feelings regarding LGBTI people experiences living in the same community. A small fraction (12%) feels a sense of belonging to the community and live as any other community member, 24% of the respondents feel discriminated while 12% of LGBTI people are excluded from a number of services and activities. Forty-eight percent of LGBTI people confessed to have a good relationship with their family but feel that community members are distant to them. Figure 3 shows experiences of LGBTI people living as sexual minority in a community.





2.3 Community perceptions towards LGBTI people

The situation in the communities is often unfavourable and unbearable for LGBTI people. There is low knowledge of LGBTI people, too much negative attitude, resistance to change beliefs and mind set at the family and community level. Lesbians, gay, bisexual, transgender and intersex people face intolerance, discrimination, stigmatization, increased verbal, and psychosocial abuse. People use words such as bate, lesbians, gay, whores in a derogative manner and sometimes the community members whisper whenever they see an LGBTI person. The key informant interviews revealed that, LGBTI people cannot actively participate in community activities because of so much hate expressed towards them. What is more, they are not considered as human beings and their voices are not taken into account. People in the community regard them as satanists and barren people.

As one key informant explained:

“I am a victim of discrimination and verbal abuse perpetrated by the community members; I am the founder of Sex Workers Empowerment Alliance in Dedza, but I left the organisation when members started insulting me after revealing my sexual orientation.” (Key informant, bisexual, Dedza)

2.4 Relationship with family and friends

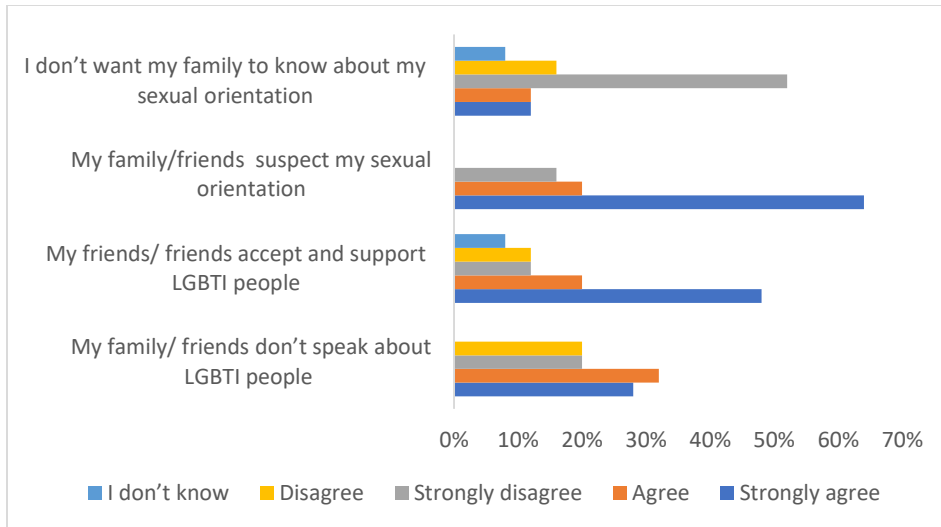
The survey established that 84% of the respondents’ families and friends suspect of their sexual orientation. The families did not learn about that directly from their LGBTI members but they either noticed it through their conduct or learned it through a third source. Some LGBTI people experience a rejection of their sexual orientation from their biological families which can trigger psychosocial support and self- stigmatization.

As one respondent explained:

“Someone revealed my identity to my parents. Something they did not know but were only suspecting. My dad ended up beating me up and chased me out of the house.” (Transgender repondent, Phalombe)

However, at least 66% of the friends of LGBTI people accept the respondents’ sexual orientation while 60% of the respondents’ families and friends do not speak of issues concerning LGBTI people. Interestingly, 52% of the respondents would still want their family to know about their sexual orientation.

Figure 4 shows LGBTI views regarding disclosure of gender identity and sexual orientation to friends and family.



2.4 Primary justice actors' perceptions towards LGBTI people

Primary justice actors acknowledged the existence of LGBTI community in Malawi. While some have never met any LGBTI person, others confirmed to have met LGBTI people in the communities and in line of duty. They know LGBTI people by their code of conduct which includes dressing, behaviour, and their association with people of same sex. Sometimes, it is hard for primary justice actors to identify them, especially to identify those men who are bisexual and are married. 3 to 4 FGD participants said that they considered LGBTI people as disabled, cursed people, outcasts, and people with mental problems. In addition, they are regarded as people whose practices are contrary to culture, law of nature and forbidden by God.

The baseline survey established that there is a misconception regarding LGBTI people with 2 to 3 respondents in the focus group discussion associating an LGBTI person only with sexual activities. However, all Magistrates in the four surveyed district, chiefs in Dedza and police from Phalombe showed a level of understanding and empathy towards sexual minority groups. They confirmed that they recognise and apply universal human rights when exercising their duties. The aforementioned



primary justice actors understand that a person can be an LGBTI and still not involved in sexual practices with the same sex.

The below statements affirm the support primary justice actors provide to LGBTI people:

“I was sexually abused by a man and my family took me to the hospital. The matter was reported to the police and the culprit was sentenced to 3 years.” (Gay person, Mchinji)

“A transwoman committed an offence. At the police station the person refused to stay in male cell claiming that he was a woman. The officer on duty put him in the corridor.” (FGD, Police, Chikwawa).

“A gay man was beaten at the pub by his client upon realising that he deceived him to be a woman when in real sense he was a man. The magistrate court helped the gay man and charged the straight man” (FGD, Dedza).

2.5 Access to social services

The findings show that there is a high-level of discrimination and stigmatization while accessing services from education and health institutions. LGBTI people are discriminated even in the job market. Upon discovering their sexual orientation, colleagues in the workplace verbally abuse them. They may lose their job due to their sexual orientation as employer tend to lay them off. Most of the respondents do not attend school because they are afraid of the verbal abuse of their friends and teachers upon discovering their sexual orientation.

The respondents described their experience of discrimination as follows:

“There was an opportunity to get hired by one organization in our community. However, they said they do not hire transgender people.” (Transgender respondent, Phalombe)

“I stopped going to school because teachers were speaking bad of my identity.” (Gay respondent, Chikwawa)

2.5.1 Medical services

The findings show that lesbian, gay, bisexual, transgender and intersex people experience a lot of discrimination and abuse when seeking medical care in the hospitals than any other places. The



challenges identified included lack of attention, delayed, or denied medical attention. Discrimination in medical facilities puts the lives of LGBTI people at risk through the denial of necessary care. For example, after a lesbian person in Phalombe disclosed to a doctor that she had STIs contracted from sex with another woman, the doctor refused to provide medication. It is usually difficult to go to the voluntary counselling testing centres with partners because health personnel ask LGBTI people a lot of questions. Key informants in Chikwawa district also reported challenges in relation to accessing and using medical services. The respondents complained that efforts to address challenges in accessing medical services have not been sustainable. Even though medical personnel attended UMUNTHU workshops, they do not help LGBTI people access services effectively.

Some negative experiences pointed out by the respondents include:

“I met a doctor who sent me back from the hospital saying that I seemed playful, and he did not like how I was expressing myself.” (Gay respondent, Phalombe)

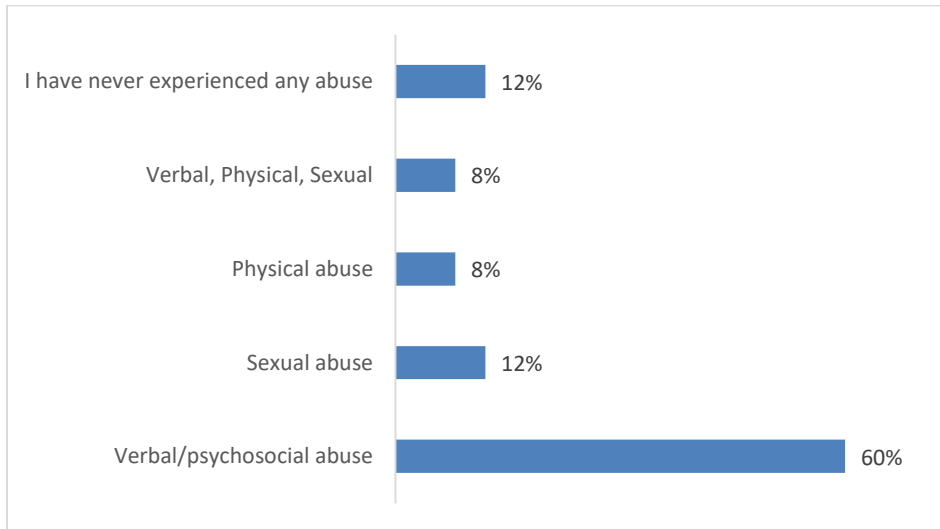
“At a government hospital, the doctor sent me out to wait for everyone to be helped. I was insulted and he said that what I am doing is unlawful.” (Bisexual respondent, Mchinji)

2.6 Violence, discrimination, and stigmatization against LGBTI people

Community beliefs that perpetuate the notion that LGBTI are satanic people contribute to a culture of violence towards them. They are targeted with multiple forms of violence. Foremost, LGBTI people are victims of verbal and psychosocial abuse from the communities followed by sexual and physical abuse. Results from this survey indicate that 60% of LGBTI people experience verbal and psychosocial abuse. Furthermore 8% of the respondents have experienced all forms of violence mentioned while 12% have never experienced any other forms of violence. Lesbian, gay, bisexual, transgender and intersex people face sexual and physical abuse committed by their clients and community members respectively. The violence against LGBTI is further intensified by the fact that there is hatred and jealousy among LGBTI members.

Focus group discussion participants explained that they purposively refrain from supporting LGBTI members of their community because if a leader openly support LGBTI people, the community

members will look at him/her as an ally or LGBTI person. On the other hand, primary justice actors in Phalombe mentioned that LGBTI people are discriminated deliberately to teach them better ways of living in the communities. Figure 5 shows forms of violence LGBTI people face.



2.7 Protection/ Legal services for LGBTI people

Focus group discussion participants agreed on a range of violations LGBTI people face because of their gender identity and sexual orientation. However, they were quick to mention that they cannot officially support their sexual practices because it is illegal in Malawi and once found in the act police is obliged to make an arrest. Although primary justice actors provide legal services to LGBTI people, there are no records for most of the victims’ discriminatory treatment in their offices because LGBTI do not declare their gender and sexual orientation.

The survey also established that in certain incidents police rush to accuse and beat LGBTI people without listening to their side of story. If the case involves any sexual practices, it automatically considered as a crime. As confirmed by the following statement:

“I had a fight with my friends. We went to the police station seeking redress. Upon reaching there, the guy I had a fight with changed the story and started telling the police that the fight broke because I wanted to sleep with him. This changed the direction of the case as I didn't get the help I needed”. (Gay respondent, Chikwawa)

The findings show that 61% of LGBTI people do not seek help when their human rights are violated. In the few instances where they seek redress for human rights breaches, there is an extremely limited legal recourse. The currently available redress mechanisms risk the exposure of LGBTI identity to discrimination and stigmatization by primary justice actors and community. The legal assistance offered by the justice system in Malawi through the magistrates is usually bound to the constitution. The intense cultural, religious, and constitutional repression makes the LGBTI people's lives difficult in the community. From the focus group discussion in Phalombe, the primary justice actors consistently mentioned that the law does not explicitly provide protection against LGBTI discrimination and exclusion. From the focus group discussion in Chikwawa district, the justice system does guarantee equal rights to LGBTI people, but this does not extend to the community because of culture and beliefs.

As supported by the statement below.

“When I am abused, I do not go anywhere because we are already judged by everyone.” (Lesbian respondent, Mchinji).

2.8 Preferred primary justice actors by LGBTI people

Lesbian, gay, bisexual, transgender and intersex people would prefer seeking help from police and social welfare office. The reason behind is that the social welfare office is aware of LGBTI people human rights and provides safety unlike other actors who are always insulting and use abusive language. On the other hand, police are another primary actor whom violated LGBTI people are comfortable to go to. According to an LGBTI community member, *“if we go to the police, they will help us because it is their responsibility to protect every person despite gender identity and sexual orientation.”*

Another respondent pointed out that:

“There was one family that reported me to the police station claiming that I had taught their son to be gay. Luckily enough the police helped me to enlighten them that their child was born like that.” (Gay respondent, Dedza)

2.9 Knowledge and respect for LGBTI human rights

The majority of LGBTI people are aware of their human rights such as the right to health, right to access legal services, right to participate in community activities, right to be employed, freedom of association, freedom of expression, freedom of religion and freedom of choice of a partner. However, these human rights are not fully respected in the community. While LGBTI people can access most services, others mentioned that the respect depends on communities one lives.

The responses revealed that:

“To a smaller extent, there is respect in the health care system while community members do not care about us” (Key informant, Mchinji)

“While they have human rights, it is their responsibility not to infringe other people’s rights and they should not force or recruit other people.” (FGDs, Phalombe, Chikwawa, Dedza)

2.10 Movements and support networks for LGBTI people

Most LGBTI people are aware of organisations such as ArtGlo, CEDEP, MANERELA+, Jhpiego that work together with minority groups, but they do not have any vibrant LGBTI support networks or movements available in their communities. Nevertheless, they are willing to have them to access security, legal, health and psychosocial support services. Currently, Chikwawa, Phalombe and Mchinji districts have no movements or support networks available for LGBTI. Key informants in Dedza disclosed their plans to start another LGBTI movement known as Key population in addition to the current Dedza warriors.

2.11 Challenges and coping mechanisms for LGBTI people

Lesbian, gay, bisexual, transgender and intersex people are denied health, education, and legal services. They face discrimination from friends, church, and service providers. Community members do not accept them, and they do not have capacity to start income generating activities. Furthermore, the people who pretend to be LGBTI are making it hard for people to believe those who were born with a particular gender identity.

Lesbian, gay, bisexual, transgender and intersex people resolve their challenges on their own. They prefer not to talk to anyone sometimes when they report to the police, they do not get the necessary help. Sometimes they talk to friends and family members and choose to ignore what other people say because they developed self-acceptance. In addition, lesbian, gay, bisexual, transgender and intersex people seek help from organizations such as CHREA. The following statements confirm how respondents manage their challenges.

“I confront the person who has wronged me” (Key informant, Mchinji)

“I just refrain from talking to the boys, I associate myself with girls.” (Gay, Phalombe)

3.0 Conclusion and Recommendations.

The survey has established that LGBTI people are entitled to social services regardless of gender identity and sexual orientation. LGBTI people should be safe to disclose their identity to the primary justice actors to get necessary help. They should have access to a safe space and a full range of services, including emotional and mental health. The findings in this study point out the need for programmes and interventions that decrease discrimination. Areas of focus that have been identified are:

- Lobbying for implementation of antidiscrimination laws that explicitly protects LGBTI people, especially in the areas of employment, education, healthcare and when accessing legal services.
- Raising community leaders’ awareness about LGBTI people, gender, and sexual diversity.
- Working with biological families to raise awareness about needs, and support issues for LGBTI people.
- Increasing involvement and awareness of the primary justice actors to respond to specific issues of LGBTI human rights violations.
- Establishing vibrant support networks and movements that will provide security, legal and psychosocial support.