

# Achieving an AIDS-Free Generation for Gay Men and Other MSM in Southern Africa



## Country Profile: ZAMBIA

Despite tremendous progress scaling up AIDS treatment, care, and prevention services over the past decade, the epidemic among gay men, other MSM, and transgender individuals continues to grow. With an adult HIV prevalence rate of 12.5 percent, and an estimated prevalence of 33 percent among MSM, Zambia remains one of the most heavily impacted countries in the world, yet programs funded to reverse the epidemic often neglect this population. Though international donors have adopted policies to address the epidemic among key populations, these commitments are not being upheld by current levels of funding or implementation.

Stigma and discrimination against this population are commonplace. Laws that criminalize same-sex practices further marginalize and prevent access to life-saving programs. As a result, these men and women struggle to obtain the most basic health services, such as condoms, lubricant, and HIV testing.

In the report, **Achieving an AIDS-Free Generation for Gay Men and Other MSM in Southern Africa**, amfAR, The Foundation for AIDS Research and The Johns Hopkins University Center for Public Health and Human Rights document the current state of the AIDS response for gay men, other MSM, and transgender individuals in six Southern African countries: Botswana, Malawi, Namibia, Swaziland, Zambia, and Zimbabwe. What follows is a summary of the findings and recommendations for Zambia. For the full report, please visit [www.amfar.org/gmtreport](http://www.amfar.org/gmtreport). All data current as of May 2013.

### LIMITED FUNDING FOR MSM-SPECIFIC PROGRAMS

In 2009, roughly 80 percent of Zambia's national HIV/AIDS response was funded by donors, primarily the United States government (mostly through PEPFAR), and The Global Fund to Fight AIDS, Tuberculosis and Malaria.<sup>1</sup>

### The Global Fund to Fight AIDS, Tuberculosis and Malaria

Despite being one of the top recipients of Global Fund support worldwide, a negligible amount of this funding has been directed to MSM-specific interventions and none to transgender individuals.

Zambia submitted proposals to Global Fund Rounds 1, 4, 8, 9 and 10. In the country's Round 8 proposal, "sexual minorities" were included as a group for whom civil society funding should be increased, and a total of \$85,213—or 0.03 percent of the entire budget—was earmarked for a population size estimate of MSM.<sup>2</sup> This activity has not, as of yet, been implemented.

In its Round 10 proposal, the government cited a lack evidence on and inclusion of MSM in its national HIV program as a weakness. In spite of this, the proposal contained no evidence of actual programs or funding for gay men, other MSM, and transgender populations and The Global Fund did not require Zambia to include any.



Zambia applied for but did not receive funding in Round 9. The Round 9 proposal mentioned MSM as a high-risk group that should be targeted for population size estimates and other special studies, but those activities were not specifically outlined in the proposal's budget.

## United States Government

Zambia received nearly \$1.12 billion from PEPFAR from FY2004–FY2009.<sup>3</sup> Despite including prevention for MSM as a priority in its 2010 Country Operational Plan (COP), no specific activities or funding allocations to support MSM have been made since 2008.

The 2007 and 2008 COPs proposed directing \$105,000 and \$50,000, respectively, to MSM-related activities.<sup>4,5</sup> These funds were earmarked for projects to estimate population size and HIV prevalence among MSM in the country. The 2009 COP noted that results from these projects would be finalized and disseminated that year. However, the 2010 COP made no mention of these data and instead reported that, "...sex between men remains illegal and taboo...the hidden nature of th[is] sub-group increases the difficulty in reaching them for surveillance purposes or prevention activities."<sup>6</sup>

Prevention activities for MSM were included as a priority in 2010, and population size estimates for most-at-risk populations were included in 2011. In neither the 2010 nor 2011 COPs were specific activities or funding allocations made for MSM.

## PUNITIVE LAWS, STIGMA, AND DISCRIMINATION<sup>7</sup>

Under amendments made to the Zambian Penal Code in 2005, anyone convicted of engaging in same-sex practices—referred to as “unnatural offences”—is subject to 25 years and to life in prison.<sup>8</sup>

What is criminalized?	What are the punitive measures?
Any person consenting to anal sex	Felony charges, punishable by 25 years to life in prison
Any person attempting to commit anal sex	Felony charges, punishable by seven to 14 years in prison

Though it is difficult to determine the full extent to which Zambia's laws are enforced, a number of recent high profile arrests have reinforced the precarious legal position and lack of rights among MSM.<sup>9</sup>

## Funding and programs in Zambia rarely target MSM and there continues to be a gap in essential HIV prevention programming.

The criminalization of same-sex practices has made addressing the needs of MSM in the country extremely difficult. For example, attempts made by the National AIDS Council (NAC) to conduct studies and surveillance activities on most-at-risk populations have been impeded by the current legal environment.

Compounding the legal restrictions on same-sex practices is widespread stigma and discrimination. Discrimination is fuelled by influential religious leaders, who often oppose the decriminalization of same-sex practices, as well as negative media coverage of LGBT issues—many journalists have even openly stated that they support harassment of these men and women, including violence and abuse.

To date, the government has yet to speak out against the widespread stigma and discrimination that grips Zambia. While this may be partially due to the country's repressive legal regime and largely conservative electorate, most government officials appear to be disinclined to take action because they themselves vocally support the condemnation of same-sex practices. Following the recent arrests of gay activist Paul Kasonkomona in April, and Philip Mubiana and James Mwape in May, Zambian Home Affairs Minister Edgar Lungu was quoted as saying, “Those advocating gay rights should go to hell, that is not an issue we will tolerate.”<sup>10</sup>

## MOVING FORWARD

UNAIDS's new Investment Framework, The Global Fund's 2012–2016 Strategy Framework, and PEPFAR's *Blueprint for Creating an AIDS-Free Generation* all emphasize the need to target MSM and transgender individuals. However, to date, implementation lags far behind these policies.

Despite the many challenges that persist, there are also signs of opportunity.

Zambia's most recent National AIDS Strategic Framework (2011–2015), for example, has identified MSM as a high-risk population, yet there are currently no programs specifically designed to target them. At the time of writing, the NAC was awaiting authorization from the Ministry of Health to conduct an MSM research study, and another study supported by CDC was in the protocol stage.

## RECOMMENDATIONS

- The government of Zambia should decriminalize same-sex practices between consenting adults, as well as promote other equitable policies related to full access to public and private services.
- Donors should require that a share of their funding be directed toward the needs of gay men, other MSM, and transgender individuals. Part of this effort might be supporting civil society advocacy aimed at reducing discriminatory services in the health sector and the decriminalization of same-sex practices.
- The Global Fund Country Coordinating Mechanism should include an LGBT representative. The Global Fund should also insist on greater allocation of funds to address the specific needs of gay men, other MSM, and transgender individuals, and clearly state that it intends to reject any application that does not follow this policy.
- A civil society coalition should be created to push for the inclusion of gay men, other MSM, and transgender individuals in all HIV-related program planning. One step in this process should be sensitizing and creating awareness among NGOs on the importance of engaging with these men and women on HIV-related issues. Such a step would begin to influence the allocation of resources in a manner that allows GMT-targeted programs to be developed and supported.

## ENDNOTES

- 1 Government of Zambia (2006). NAC's joint midterm review of the national AIDS strategic framework 2006-2010 technical report. Available at [www.nac.org.zm](http://www.nac.org.zm)
- 2 Global Fund (2009). Zambia Round 8 proposal to Global Fund to Fight AIDS, Tuberculosis, and Malaria. Available at [www.theglobalfund.org/grantDocuments/ZAM-R08-HA\\_Proposal\\_0\\_en](http://www.theglobalfund.org/grantDocuments/ZAM-R08-HA_Proposal_0_en)
- 3 PEPFAR (2010). Partnership to fight HIV/AIDS in Zambia. Available at: [www.pepfar.gov/countries/zambia/index.htm](http://www.pepfar.gov/countries/zambia/index.htm)
- 4 PEPFAR (2008). Zambia 2008 COP. Available at <http://www.pepfar.gov/documents/organization/113029.pdf>
- 5 PEPFAR (2009). Zambia 2009 COP. Available at <http://www.pepfar.gov/documents/organization/140427.pdf>
- 6 PEPFAR (2010). Zambia 2010 COP. Available at [www.pepfar.gov/documents/organization/145741.pdf](http://www.pepfar.gov/documents/organization/145741.pdf)
- 7 Itaborahy L (2012). State-sponsored homophobia: A world survey on laws criminalizing same-sex sexual acts between consenting adults. International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). Available at [http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2012.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2012.pdf)
- 8 The text of the Penal Code is available at [www.parliament.gov.zm/downloads/VOLUME%207.pdf](http://www.parliament.gov.zm/downloads/VOLUME%207.pdf)
- 9 BBC. Zambia gay rights activist Paul Kasonkomona arrested. Available at: <http://www.bbc.co.uk/news/world-africa-22069904>
- 10 Mail & Guardian. High profile homosexuality cases return to Zambia's courts. Available at: <http://mg.co.za/article/2013-06-04-high-profile-cases-against-homosexuality-return-to-zambias-courts>

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