



CEDEP

30



Lessons Learned

Advocacy Approaches
in Malawi

ACRONYMS

- CEDEP: Center for the Development of People
- DNHA: Department of Nutrition and HIV/Aids),
- LGBTI: Lesbian, gay, bisexual, transgender, & intersex
- NAC: National Aids Commission
- MOH: Ministry of Health
- MSM: Men who have sex with men
- NGO: Nongovernmental organization
- OSISA: Open Society institute of Southern Africa
- UNAIDS: United Nations Program on HIV/AIDS

BACKGROUND INFORMATION ON CEDEP

The Centre for the Development of People (CEDEP) is a registered human rights organisation under the Trustees Incorporation Act of 1962. The organisation was established in November 2005 in order to address the needs and challenges of minority groups in Malawi in the context of human rights, health and social development. Such minority groups are Prisoners, Sex workers and people in same sex relationship and any other such minority groups whose rights are often neglected.

The main goal of CEDEP is to create a legally and socially accepting environment where minority groups have an improved livelihood. The organisation objectives are; to advance the human rights of minority groups through advocacy and lobbying, to promote human rights and health of minority groups through civic education, training, capacity building, networking and research, and provide support services for the improvement of the welfare of minority groups in accordance with their needs.¹

Purpose of the assignment

The purpose of this assignment is to:

- a. Produce an advocacy booklet to popularize Centre for the Development of People (CEDEP) advocacy approaches.

The booklet will contain best practices that will be learnt from the advocacy work that CEDEP has been involved in since its inception.

- b. Use towards reporting successes of CEDEP'S work for purposes of increasing CEDEP's visibility as well as for funding purposes
- c. Target future donors to boost CEDEP'S work in fundraising for advocacy
- d. Disseminate information regarding advocacy to stakeholders at both national and international level

Specific Objectives of the Consultancy

- a. Collect information on best practices, personal experiences and lessons learned from the advocacy interventions around the areas mentioned in the Section on Methodology below.
- b. Capture advocacy approaches through photographs including of persons sharing interesting experiences as far as they have consented to it.
- c. Develop a reader friendly document on CEDEP'S advocacy best practices

METHODOLOGY

The assignment took a period of 50 days and will include literature review, interviews with key stakeholders, policy makers. In this regard interviews were conducted with CEDEP officials, academic researchers, and civil society organizations, officials from Government Ministries and Departments as well as international organizations, Members of Parliament, Traditional Leaders and Religious leaders. Lastly Men having sex with Men (MSM) and CEDEP peer educators were also interviewed. The interviews were conducted based on a questionnaire which was developed.²

CEDEP ADVOCACY APPROACHES

CEDEP advocacy programmes involve awareness campaign through workshops, targeted meetings, conferences, print and electronic media.

CEDEP has employed several advocacy approaches. These are basically approaches to various stakeholders and key players in the field of human rights broadly as well as HIV/AIDS related issues.

These approaches will be discussed as follows:

- a. Research and Public health approach
- b. Human rights and governance approach
- c. Policy advocacy approach
- d. Media approach
- e. Traditional and Religious Leaders approach
- f. Legal approach
- g. Political Leaders approach

Research and Public Health Approach

Under this approach CEDEP has engaged in research into areas such as health, HIV/AIDS, and men having sex with men. In 2008, CEDEP in collaboration with the Open Society Institute and the Sexual Health and Rights Project, USA, Johns Hopkins School of Public Health, USA, Center for Public Health and Human Rights, USA, and Open Society Institute of Southern Africa (OSISA), conducted an HIV sero prevalence study among 200 MSM in Malawi. The study suggested that MSM are also at risk for HIV infection, and that these epidemics may be propagated by a lack of targeted prevention programming and social marginalization.

Result analysis revealed an HIV prevalence of 21.4 % (43/201), with 95.3% unaware of their HIV status (41/43). The survey further revealed that there is low and inconsistent condom use, MSM are particularly reluctant to reveal their sexual orientation to a healthcare staff. This attitude is linked to fear of being rejected and lack of trust in the health care system. MSM have also low knowledge on how they can protect themselves from HIV/AIDS and STIs. Sex with multiple partners was also noted to be common. The most immediate success story emanating from research like this one was the recognition of MSM as a target group in the National HIV Prevention Strategy (2009 to 2013).

Flowing from the research activities of CEDEP is its public health approach. The approach was employed after initial struggles with a purely human rights approach. CEDEP has used epidemiology and other strategic information to effectively policy makers and other key stakeholders to look at the public health dimension of issues related to MSM. Since research has clearly showed that HIV/AIDS prevalence rates have generally decreased but remain high amongst MSM, it has been accepted by authorities that this is a matter worth addressing as a public health matter. The most immediate success story emanating from research and public health approach is the recognition of MSM as a target group in the National HIV Prevention Strategy (2009 to 2013).

In addition CEDEP has been accepted as a partner in HIV/AIDS related matters by National Aids Commission as well as Department of Nutrition and HIV/AIDS (DNHA). CEDEP entered into an agreement with NAC to implement HIV peer education programs and signed memorandum of understanding with the Department of Nutrition and HIV/AIDS to fund a population size-estimation study. This was completely inconceivable a few years ago.

Human Rights and Governance Approach

CEDEP has also used this approach of taking up the issue of MSM not as a health related issue only but as a human rights and governance issue. This approach has undoubtedly propelled CEDEP to the status of one the most recognizable human rights organizations in Malawi.

This approach has necessitated CEDEP to raise MSM as a minority rights issue within Malawi's human rights legal framework and international human rights instruments. The Constitution of Malawi provides for non discrimination on any other ground³, and CEDEP has consistently argued that discrimination of MSM is against the Constitution.

Apart from raising the issue on the local scene as a human rights issue, CEDEP has taken to international human rights forums to highlight the plight of MSM in Malawi. Such forums include the African Commission, the United Nations Human Rights Committee and the United Nations Human Rights Council.

This has been achieved by the submission of shadow reports under the African Charter on Human and People's Rights, the International Covenant on Civil and Political Rights and the Universal Periodic Review. The human rights approach has broadened the profile of CEDEP.

CEDEP has also been active as a human rights organisation in raising broader governance issues both at local and international scenes. Between 2010 and 2012 when Malawi's human rights and governance situation significantly deteriorated under the Bingu Mutharika administration, CEDEP was one of the two leading organizations which led a robust coalition of civil society organizations' in mobilization populist resistance to the Bingu administration⁴.

KEY EVENT

Perhaps CEDEP's major success story has been the infusion of the human rights approach into the public health approach which the organization adopted early. This integration happened in 2010 though not necessarily of CEDEP's own making. Tiwonge Chimbalanga and Steven Monjeza, a Malawian gay pair got engaged in a public ceremony. They were swiftly arrested and charged with violation of the Penal Code, Section 153 which prohibits carnal knowledge against the order of nature. They were sentenced to 14 years in prison. They were pardoned by a Presidential decree but only after sustained pressure from members of the international community including the Secretary General of the United Nations. This event gave CEDEP a huge opportunity to form a network not only on MSM issues but human rights defenders broadly. It also for the first time brought the issue of gay rights into public domain triggering debate not only on the morality of such matters but also whether the law used to prosecute the two was in line with the Constitution of Malawi. The support rendered to the gay couple by CEDEP raised the profile of the organization and it has not looked back since.

Policy Advocacy Approach

CEDEP has over the years engaged key policy makers in areas such as health and law in a bid to influence Government policies in these areas especially in relation to MSM.

It has been shown above that in terms of public health significant progress has been made in incorporating MSM issues. In this sector key policy makers include the Ministry of Health, Department of Nutrition and HIV/Aids (DNHA), National Aids Commission (NAC). It is through such engagement that both NAC and DNHA have opened up and have provided funding for CEDEP activities⁵. At the policy and advocacy level, CEDEP is participating in the development of the HIV/AIDS Bill; and is also one of the main players working on Global Fund proposal development and implementation processes. This feat was totally inconceivable not long ago.

In the legal sector CEDEP has engaged with Ministry of Justice and Constitutional Affairs as well as the Law Commission, two key institutions in terms of law reform. This comes against the background of the fact that Malawi still criminalizes homosexual acts in its penal laws. CEDEP has also engaged with the Ministry of Justice by sitting on several National Task Forces on State Party Reporting which is coordinated by the Ministry. These include Task Force on Universal Periodic Review, Task Force on ICCPR, Task Force on the African Charter, Task Force on ICESCR, Task Force on CAT. This inclusion is in clear recognition of CEDEP's recognizable profile as a human rights organization.

CEDEP has also engaged with the Police as law enforcers on the rights of minorities. The Police are key where minorities are abused or detained on the grounds of their orientation. In that regard CEDEP has conducted training sessions with Police officers on how they can handle such situations⁶.

While the advocacy approach with health policy makers has yielded significant results, it can be concluded that CEDEP's attempts to influence legal policy makers for radical changes in the law has not succeeded yet. This is largely due to the fact that the key decision makers on the changes in the law are not necessarily those in the legal sector but are in essence the political leaders.

In 2012 CEDEP also engaged the Minister of Justice in a radio discussion in which he announced a moratorium on all laws used to prosecute gays for homosexual acts.⁷ The moratorium was issued pending a decision by Parliament on these laws. It must be observed that firstly Parliament has not discussed the laws yet; secondly there have been questions on the legality of the moratorium as pronounced by the Minister of Justice.

However on a practical level, no persons have been arrested or prosecuted in relation to the Penal Code offences previously used against gay people.

Media Approach

CEDEP has also engaged the media in its advocacy approach. The media has in that regard been used as a forum to stir debate on issues related to MSM. CEDEP has held several workshops with media practitioners to sensitize them on minority rights issues as well as how to report on these issues⁸. This has improved reporting of minority rights issues in both print and electronic media, and in general the attitude of media practitioners towards these issues. Since 2011, CEDEP and CHRR also run a weekly column in the Weekend Nation newspaper, a weekend paper of high circulation in Malawi. This column has ensured consistent public discussion of minority issues. The column has recently been translated into local language and aired on two radio stations⁹.

Traditional Leaders and Religious Leaders Approach

CEDEP has sought to engage traditional leaders and religious leaders. These two groups represent the most conservative sectors of the Malawi populace and have proved to be the most resistant to any attempts to advance minority rights¹⁰. Such engagement has been through sensitization workshops. While the discussions with traditional leaders and religious leaders have been cordial, there is no doubt they remain a group on which CEDEP has to spend more time and energy in terms of advocacy as they remain an influential and vocal sector.

Legal Approach

CEDEP has sought to influence legal reform specifically in relation to de-criminalization of homosexual acts. The most high profile involvement of CEDEP in this regard came in 2010 when two gay men were arrested and prosecuted for unnatural acts under the Penal Code¹¹. CEDEP essentially assisted the two men with legal counsel to represent them. It was really the first incident to propel CEDEP to national and international recognition. The significance of this case is that it provided the first major debate on minority rights in Malawi. It also launched CEDEP's crusade for major legal reforms in this area.

CEDEP has recently in 2013 joined a High Court case as amicus curie. In this case the High Court is expected to rule on the constitutionality of penal laws that criminalize homosexual acts as unnatural acts. This ruling will have major repercussions on Malawi's acceptance of minority rights.

In addition there have been significant moves regarding legal reform since the coming in of the Banda administration in 2012. This includes the reference of penal laws on homosexual acts for review by the Law Commission¹². The Directorate of Public Prosecutions has since 2012 also suspended prosecution of offences under those laws. It is however still thought that unless these laws are repealed or declared unconstitutional, their continued presence on the statute books presents a remaining threat to sexual minorities¹³.

In early 2014 CEDEP organized a Moot Trial competition at Chancellor College Law School of the University of Malawi presided over by officials from the Judiciary. This approach is highly commendable.

Political Leaders Approach

CEDEP has through sensitization workshops engaged political leaders in order to influence their decision making regarding minority rights issues. Firstly CEDEP engaged all major political parties to give them a better understanding of minority rights issues¹⁴. Secondly CEDEP organized a workshop with Members of Parliament. There are clear indicators that both political parties and MPs will require more of such sessions. Political leaders have largely remained cagey and non committal when it comes to taking a stand on minority rights.

In a recent political debate by Presidential Running Mates of the four major parties in the 2014 Presidential elections, none of the candidates were clear on their parties' stance on gay rights issues¹⁵.

CHALLENGES

CEDEP's approach to advocacy as narrated above has faced a number of challenges. Firstly CEDEP's approach to embrace a broader human rights and governance agenda has pitted the organization against Government particularly the Bingu administration.

The organization was severely vilified and persecuted as evidenced by the arrest of its officers and the raiding of its offices in Blantyre in 2009.

Secondly, CEDEP has not been spared discriminatory tendencies by other civil society organization mainly during the Bingu regime for fear of reprisals.

Thirdly CEDEP faces a serious challenge in its advocacy programmes to explain the difference between advocating for minority rights and for gay marriages. It has generally been understood, whether by design or not, that CEDEP advocates for gay marriages. It is therefore imperative for CEDEP to properly articulate what it is advocating for.

Fourthly, while CEDEP has had a major impact in advancing minority rights issues in Malawi, its impact in the MSM community requires to be enhanced. This will necessitate CEDEP to significantly expand its peer education operations to areas than Lilongwe where it's based.

LESSONS LEARNT

1. **Enhanced Reputation** - It is evident that CEDEP has in less than ten years and in the face of many trials become one of Malawi's leading human rights NGOs . It has tremendously enhanced the status of sexual minority issues in Malawi. This status has been achieved by the diversification of issues for advocacy by the organization to include broader governance and social issues affecting the Malawi nation. This was largely evident during the country wide mass demonstrations in 2011 against economic and governance conditions in Malawi. While this status highly commendable CEDEP should not risk abandoning its core status as an NGO advocating for minority rights in Malawi.
2. **Combined Advocacy Approach** - The combined approach of public health and human rights has yielded significant results as shown above. It is therefore recommended that CEDEP considers broadening packaged approaches to advocacy programmes such as designing interventions that link MSM and LGBTI health and human rights struggles with those affecting the general population e.g. issues around gender inequities, democracy space,

misuse of power and authority, and improved access to quality services, among others This approach would be useful in targeting key players and policy makers such as traditional leaders, religious leaders and political leaders. CEDEP advocacy has been less successful with conservative players such as traditional leaders, religious leaders and political leaders who remain the most influential in society yet the most resistant to sexual minority issues. This may be because the message taken to these sectors by CEDEP has been through the conventional means and approaches.

3. **Making Minority Rights a Malawi issue** - The issue of minority rights is mostly viewed as an imposition of foreign values on the people of Malawi. In that regard it is key that CEDEP as a local NGO advocating for minority rights should tailor its advocacy messages as a Malawi issue. It can be deduced the following approaches have helped in localizing the message of minority rights as a Malawi issue;

- a. Use of locally trained Malawian peer educators to reach out to MSM community
- b. Use of vernacular languages in radio programs in explaining minority rights,

However it is an approach which should be enhanced,

4. **Change Champions** - CEDEP should identify what can be termed as change champions as the next generation of minority rights advocates. While the advocacy programmes with current policy makers are necessary and have been largely successful, significant efforts should also be targeted towards groups that can facilitate change in the long run. In that regard the approach taken to engage law students at the Law school as future legal practitioners is highly commended and should be used with other sectors such as medical school, police training schools.

ANNEX 1

INTERVIEW QUESTIONNAIRE FOR DOCUMENTATION OF CEDEP'S LESSONS LEARNT PROJECT

1. Illustrate with clear examples the extent to which you have participated in CEDEP advocacy programmes.
2. What are some of the challenges that have been encountered in such advocacy programmes? Please mention some practical experiences to illustrate the challenges.
3. What are some of the successes that have been encountered in advocacy programmes? Please mention some practical experiences to illustrate the successes.
4. What is one event or experience that stands out for you about CEDEP advocacy programme?
5. What key lessons have you learnt from the CEDEP advocacy programme?
6. What can be done differently to improve the efficiency of the CEDEP advocacy programmes?
7. How would you describe your attitude of sexual minorities after the CEDEP advocacy programme?
8. What message would you want to give to CEDEP about its advocacy programmes and approaches?
9. Compare CEDEP's advocacy programmes and approaches during the Bingu administration and the Banda administration. State how successful the advocacy has been with each administration and what would be the reasons for that.
10. Any other comments?

FOOTNOTES

1. For a comprehensive description of CEDEP and all its activities visit www.cedepmalawi.org
2. The questionnaire is attached hereto as Annex 1. The responses to the questionnaires are on file with the researcher.
3. Section 20 of the Constitution of Malawi.
4. The other organization was Center for Human Rights and Rehabilitation. Bingu wa Mutharika was President of Malawi from 2004 to 2012. His last two years in office were characterized by serious human rights and economic challenges for Malawi.
5. As confirmed by Gift Trapence, CEDEP Director in an interview.
6. One such training session occurred in Mangochi, a very popular tourist town on Lake Malawi.
7. See Malawi suspends anti-gay laws as MPs debate repeal at <http://www.theguardian.com/world/2012/nov/05/malawi-gay-laws-debate-repeal>
8. This is according to print media practitioner who was interviewed.
9. The stations are Zodiak, the biggest private radio station in Malawi and Joy radio.
10. In the words of one MSM as interviewed.
11. The case of Steve Monjeza and Tiwonge Chimbalanga was well publicized. The two were convicted but received a Presidential pardon after severe pressure from the international community including Ban Ki Moon, the UN Secretary General.
12. This decision was announced by President Banda in her first State of the Nation address in May 2012.
13. Some MSM interviewed hold the view that nothing much has changed on the legal reform front since the Banda administration.
14. Held in August 2013.
15. See Running Mates offer no hope for gays at <http://mw-nation.com/running-mates-offer-hope-gays/>
16. See Case Study – The Center for the Development of People (CEDEP) in Malawi, 2013.
17. Ibid



Lessons Learned publications in this series:

32. Moving beyond individual counselling of LGBTI people to address central psychosocial issues on community level in Tshwane (Pretoria)
31. Bonela Challenging structural barriers through the Gender and Sexual Minority Rights Coalition in Gaborone (Botswana)
30. CEDEP Advocacy Approaches in Malawi
29. GALZ Lessons learnt amongst MSM in the uptake of Male Circumcision (Zimbabwe)
28. Uptake of Post-Exposure Prophylaxis (PEP) by Men who have Sex with Men in Tshwane (Pretoria).
27. OUT's Peer Education Programme for MSM / LGBT's in Tshwane, Pretoria
26. The Pink Ballot Agreement
25. Peer Education Programme (Malawi)
24. Schorer Monitor
23. Health, culture and network: Interventions with homosexuals living with HIV/AIDS at Rio de Janeiro polyclinics
22. Telling a story about sex, advocating for prevention activities – informational materials about safe sex and harm reduction for gay men and MSM from 14 to 24 years.
21. Mainstreaming of LGBTI/MSM/WSW issues in all areas of service provision: Empowering Service Providers and Policy Makers in Botswana through trainings
20. Now we are talking! – Developing skills and facing challenges.
19. Towards a Comprehensive Health Care Service Model for Transgender People in Ecuador
18. Comparative analysis and account of the outreach process to implement a method to change behaviors of youngsters with homo/lesbo erotic feelings in Costa Rica
17. Methodology for behavioral change in teenagers with same sex feelings, from the Greater Metropolitan Area, in Costa Rica
16. Breeding Ideas: building up a young peer educators' network.
15. Prevention Images: notes about a photography workshop with young MSM and people living with HIV/AIDS in Rio de Janeiro
14. Advocacy campaign to prohibit hate lyrics targeted at men having sex with men during a dance hall concert in Suriname.
13. Interactions between young multipliers and young gays and bisexuals in internal and external activities in Rio de Janeiro (Brazil).
12. Information Stands: Prevention Project aimed at young gay men from Tegucigalpa (Honduras)
11. Ndim'lo (This is me) Photovoice with lesbian and bisexual women in the Western Cape, South Africa
10. Me&3 Campaign for lesbian and gay individuals in Pretoria (South Africa)
9. Sensitization of the National Police by transgender organizations in Ecuador
8. Exercising 'Knowledges': Implementing training and prevention activities.
7. Public Incidence Activities: In search of public spaces accessible to teenagers with same sex feelings in the Greater Metropolitan area of Costa Rica. "Specific Case: Incidence with the National Institute for Women - INAMU - Costa Rica"
6. My body, your body, our sex: A Sexual Health Needs Assessment For Lesbians and Women Who Have Sex With Women, Durban, South Africa
5. Working with buddy groups in Zimbabwe
4. 'MAN TO MAN', a joint approach on sexual health of MSM in the Netherlands via the Internet
3. Lessons learned from project "Visual information on sexual health and the exercise of citizenship by the GLBTI beneficiaries of the Organization in Quito, Ecuador".
2. Coffee afternoons: Prevention Project aimed at young gay men from Tegucigalpa (Honduras)
1. Womyn2Womyn (W2W) quarterly open day, for lesbian and bisexual (LB) women at the Prism Lifestyle Centre in Hatfield, Pretoria (South Africa)

available at:

<http://lessons-learned.wikispaces.com/English>

ISBN: 978-90-6753-043-9