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**Homosexuality in Africa: The Causes of State Discrimination based on  
Orientation**

**Sean Whipple  
000913485**

## Introduction

In today's western politics, we have a plethora of groups who advocate on behalf of the LGBTQ (Lesbian, Gay, Bisexual, Transgendered, and Queer) community for the legalization of same-sex marriage, hospital visitation rights, rights of attorney, adoption rights, and various others. Western democracies tend to associate these rights with common civil liberties. While the lobbying process for continued rights for the homosexual community can become heated, homosexuality in the west, for the most part, is no longer merely a question of status legality. That is to say that it is rare amongst western nations to find countries where homosexuality is still illegal.

However, for the rest of the world, this is not the case. If we look at specific parts of the world: the Caribbean, Asia, the Middle East, the South Pacific, we find that many countries in these areas have laws which call for the criminalization of same-sex intercourse. Still none of these areas has as high a percentage of countries that condemn homosexuals as African nations.

According to a 2007 survey done by the International Gay and Lesbian Association (IGLA), 40 of 53 nations in Africa in some way criminalized same-sex intercourse.<sup>1</sup> As of 2011, there are only 37 out of 54 countries where same-sex intercourse is illegal. Djibouti is somewhat ambiguous on its laws; however, it is generally assumed that the act of homosexuality is still considered illegal and will be assumed as such for the purpose of this paper. From 2007 to 2011, the percentage of legally discriminatory countries in Africa fell from 75% to 69%. This still leaves Africa as one of the most disproportionately represented areas in the world as far as discrimination based on sexual orientation; given that almost one-third of all these countries are

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<sup>1</sup> Anderson, Ben. (2007). "The Politics of Homosexuality in Africa." *Africana*. Vol. 1. Pp. 126

located in Africa.<sup>2</sup>

The case of Africa provides a much different study than much of Western culture. It is a continent that provides a full spectrum in the state treatment of homosexuality, running the gambit from the death penalty in countries like Sudan and Algeria, to the country of South Africa where same-sex marriage has been legal since 2006<sup>3</sup>. What makes this variance even more interesting is the relative disassociation between Africa and homosexuality for many social scientists, journalists, and Africans themselves.

“...homosexuality as it exists nowadays is unknown to traditional African societies. There was no man-to-man sex... In contrast, traditional chiefs of priests in the process of their enthronization were known to have lived in isolation and therefore participated in ‘recurrent’ masturbation to satisfy their sexual desires.

This is what was perceived as homosexuality.”<sup>4</sup>

This has been, even with a multitude of publications arguing the opposite, a generally accepted thought. It is widely perceived that European colonization was the leading cause of homosexuality in Africa. However, this is not the case. Authors like Wayne Dynes have written on the subject, giving key examples which would give the supposition that there is no pre-colonial exception to homosexuality in Africa.

Given the textual references to pre-colonial homosexuality in Africa, we must assume that the presence or lack of legislation regarding homosexual activity in African nations does not derive from a lack of historical practice. This rationale would ultimately lead us to a simple answer; fundamentally, that no historical context of homosexuality would either cause

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<sup>2</sup> Anderson, (2007).126.

<sup>3</sup> Nullis, Claire. (2006). Same Sex Marriage Law Takes Effect in S. Africa. The Washington Post. <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/30/AR2006113001370.html>.

<sup>4</sup> Capo-Chichi, Virgil. (2007). Homosexuality in Africa: Myth or Reality? An Ethnographic Exploration in Togo, West Africa. Pp. 2.

indifference nor fear amongst African states in the development of policies revolving around homosexuality. However, given cited practices of homosexuality, how may one be able to explain the prevalent discrimination on the African continent, and the varying policies regarding homosexuality amongst these countries?

Over the discourse of this essay, I will discuss several of the variables which may better help to explain the situation in Africa. Using a quantitative research method, information was gathered regarding the level of treatment and punishment enacted by state laws, residual sentiments of discrimination from the period of African colonization, major religious populations of countries, the type of government a country employs, and the length of time which a country has kept a stable form of democratic regime. It is with this latter variable that I stem the basis of this paper.

In looking toward other nations who have legalized homosexuality, and given other amenities to the LGBTQ community, these nations are typically democracies. However, one cannot assume that democracy will innately lead to the legalization and anti-discrimination of homosexual populaces. As time continues to age western democracies, it seems normal to find that the conditions of the LGBTQ communities in these nations ameliorate.

It is under the conditions presented in this introduction that I would like to suggest the major points and hypotheses of this paper:

1.1 That countries where there is a Christian majority are less likely to have legislation criminalizing homosexuality and,

1.2 That countries where there is a Muslim majority are more likely to have more severe punishments for homosexuality as an offence.

2. That different European powers have affected modern nations legislation in regards to

homosexuality during the second wave of imperialism in the 19<sup>th</sup> and 20<sup>th</sup> century.

3.1 That democratic nations are less likely to have legislation criminalizing homosexuality,

3.2 And that countries who have had a longer historical presence and stability of democratic institutions are less likely to criminalize homosexuality than their non-democratic and younger democratic counterparts.

## **Christianity and Islam**

It is widely accepted that most religious institutions and homosexuality cannot co-exist without conflicting ideologies. However, when looking towards western democracies, we see a relative acceptance of homosexuality, even with a large Christian presence. Argentina, even today, is a Catholic established state as per its constitution.<sup>5</sup> Despite the heavy influence of the Catholic ideology in Argentina, the country legalized same-sex marriage in 2010.<sup>6</sup> A large proportion of western democracies have employed anti-discriminatory policies to help eliminate discrimination against the LGBTQ community in their respective countries.

It is under this premise that I would suggest, then, that the presence of Christianity in Africa would lead to less discrimination than the alternative religion: Islam. The African continent is divided into two major religious sections: Islam predominantly in the north, and Christianity through much of the south. (For the purpose of this paper, that nations with a predominantly Catholic presence are considered to be Christian and this paper will not make a greater distinction leaving Africa dichotomized between Islam and Christianity).

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<sup>5</sup> CONSTITUCIÓN ARGENTINA [Constitution] Article 1, Section 2. (Arg.).

<sup>6</sup> Miller, Sara. (2010). In Latin America first, Argentina legalizes gay marriage; Argentina today became the first country in Latin America to embrace same-sex marriage nation wide. Until now, only cities had legalized such rights, as did Mexico City in December. LexisNexis Academic.

In its simplest of forms, both Christianity and Islam treat homosexuality in a similar respect. Both The Qur'an and The Bible condemn, at least left to the generally accepted interpretations, homosexual interaction. However, there does seem to be some differentiation between the two religions in their practice of this morality.

“Homophobia generally means a fear of homosexuals or homosexuality. The Islāmic viewpoint is not homophobic; disapproval is different from fear. Heterosexism has been defined as heterosexuals believing they are superior which justifies imposing values. In Islām it is not a question of superiority or inferiority, but one of right or wrong, in the same way that Islām says that theft is wrong or that murder is wrong”.<sup>7</sup>

On this, we can assume that Islam is built off a heterosexist tradition; that homosexuality is a moral wrong and heterosexuality is the proper sexuality which humans should live by.

Christianity, however, can probably be seen more as a homophobic entity.

Tocqueville proposes in his book, Democracy in America, -that Christianity is innately meant to foster a collective feeling of humanity rather than one of discrimination. Various Christian sects regard the topic of homosexuality differently. Some condemn homosexuality while others willingly and openly accept homosexual members and are willing to ordain same-sex marriages within their church. Based on this, I continue to assert that a country with a majority population of Christians would be more tolerant of homosexuality and the laws governing that state would reflect this.

Of the 54 countries in Africa, 47 were used in order to measure this data. The exceptions were Côte d'Ivoire, Guinea, South Sudan, Tanzania, and Nigeria each of which either had no data, or had data which led to believe that the division between Muslims and Christians was not significant enough to determine a majority, Djibouti which, though clearly has a Muslim majority, pending the validity of its criminality of homosexuality was not used, and Mauritius

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<sup>7</sup> Hewitt, Ibrahim. (2004). What Does Islām Say?: Abortion, Adoption, AIDS, Animal Welfare ... London: Muslim Educational Trust.

who's population is mostly Hindu (48%).<sup>8</sup>

**Figure 1.1**<sup>9</sup>

	Christian Maj.	Muslim Maj.	
Homo. Legal	12	4	16
Homo. Illegal	20	11	31
	32	15	47

Correlation:  $|\phi| = .11$

Association:  $|\gamma| = .26$

Looking at Figure 1.1, we see the breakdown of these 48 states. In scanning the table, there does not seem to be much hope for the variable being that the states where homosexuality is illegal in predominantly Christian countries outnumber those where there is a Muslim majority. Even the correlation itself is rather disappointing at .11.

However, in looking at the breakdown of countries in Africa, we can see that there are twice as many Christian countries as Islamic. As the normal trend would suggest, based on the principle allocation of Islamic nations, we would see four more nations falling under the Christian Majority/Homo. Illegal category. Instead, they fall in the Homo. Legal category. While it is not necessarily a significant figure, it does provide some hope for the variable at least more so than the correlation would lead us to believe. This means of the predominantly Muslim nations, only 25% of these do not legally discriminate against homosexuality, while 37.5% of

<sup>8</sup> CIA - The World Factbook. Central Intelligence Agency. <https://www.cia.gov/library/publications/the-world-factbook/geos/mp.html>.

<sup>9</sup> Created using information from ILGA - INTERNATIONAL LESBIAN, GAY, BISEXUAL, TRANS AND INTERSEX ASSOCIATION. <http://ilga.org/>. and CIA - The World Factbook. Central Intelligence Agency. <https://www.cia.gov/>.



Christian nations, a 12.5% difference, do not discriminate.

Also, being that the variables are nominal and dichotomous, it seems relevant to provide the associational gamma ( $\gamma$ ) value. The  $\gamma$ -value shows a much greater association between the two variables. We can see that there is a 26% reduction in the assumption of the legality of homosexuality when taking the religious majority of a country into account.

While there is some correlation and association between religion and homosexuality, it is not significant enough to be described as the leading factor to discrimination of homosexuals in Africa. There is clearly differentiation in how Christianity and Islam treat homosexuality on a macroscopic level as was discussed earlier. However, in Africa it seems that the Christian nature Tocqueville references has fallen behind and homophobia remains in the state institutions, inhibiting the legalization of homosexuality. This statement does not come as an empirical statement, as much as it is a general assumption where Africa does not seem to be following the trend of western, typically Christian, democracies.

The first hypothesis seems to null according to the information above. Even with the small amount of association present, I cannot say I am confident that the information is sufficient enough to declare the hypothesis valid. However, we will come back to the question of religion after the colonization section of the paper. There are some interesting points which may be useful to discuss, however, this is not the appropriate section until we have looked at the effects of colonization on the continent.

Moving on to the second part of the first hypothesis, I first and foremost would like to restate that I feel no personal bias against the Islamic religion; however, there are various conceptions of Islam and homosexuality. Whether these are necessarily justifiable hypotheses, or crude stereotypes, I cannot definitely say. This is the point of testing this hypothesis.

**Figure 1.2<sup>10</sup>**

	Christian Maj.	Muslim Maj.	
<10 year Sentence, or precedent	11	6	17
>10 year Sentence or Labour Camps	10	6	16
	21	12	23

\*This chart depicts only Male-to-Male punishment

Correlation:  $|\phi| = .02$

Association:  $|\gamma| = .05$

The relationship between these two variables is more disappointing than the previous variable. A correlation of .02 is nearly non-existent as it pertains to the hypothesis. There is some cause to believe that there may still be some truth, albeit rather insignificant to the data proportion, that only Islamic nations employ the death penalty for homosexuality. These nations are Somalia, Sudan, (northern) Nigeria, and Mauritania. However, we cannot definitively say which would be normatively worse: the death sentence or life in prison which is the punishment in Uganda and other nations.<sup>11</sup> By this logic, I cannot accordingly code the morality of different punishments, and must rather code them equally. Still, despite some normative reasoning, there is clearly not enough empirical evidence to support the hypothesis. In this case, we will move on from the hypothesis and accept it as invalid.

## **Colonization**

It is no historic secret that much of Africa was colonized by European powers between

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<sup>10</sup> Created using information from ILGA

<sup>11</sup> (2011). Uganda; Beyond the International Outcry -- Is Uganda As Homophobic As They Say? Africa News. LexisNexis Academic.

the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. Because of this period, much of the African continent has suffered due to civil wars between tribes, political and economic instability, and various other perversions at the hands of their colonizers.

These detriments on the African continent can historically be linked to European colonization. However, if we go back to the point Anderson (2001) rose about Europeans and homosexuality, it may be fair to associate the two variables.

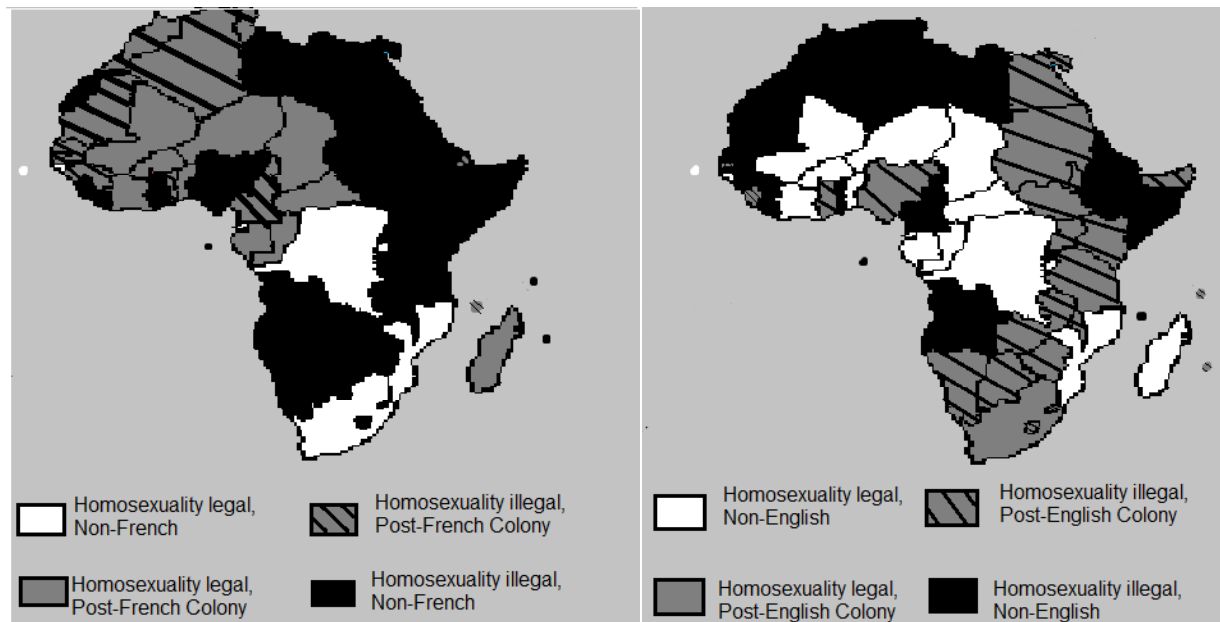
“Amory (1997) also seeks to dispel the myth of African homosexuality as introduced by ‘the white man’, insisting not only that ‘there is a long history of diverse African peoples engaging in same-sex relations’, but also that ‘the white man’ was most probably the source of African homophobia that perpetuates contemporary persecution”.<sup>12</sup> In this section, I will look to see if the different colonizers have had any variation in their effects on these independent African nations after their colonization. (In this paper, we disregard Germany’s presence on the African continent. The three colonies having belonged to Germany before World War I: modern Tanzania, Cameroon, and Namibia, are respectively coded to those countries which claimed rights to these nations as prescribed by the UN charter. This paper and information below is constructed under the perception that the European power at the time of independence has a stronger effect than prior ruling countries).

Both figures 1.3 and 1.4 depict Africa’s colonial period in conjunction with laws regarding sexual orientation for post-English (right) and post-French (left) colonies. I begin with French and English colonies simply because they are they were the most prominent on the continent, having owned 41 (40 ½ as it concerns Somalia today) of the 54 countries in present day Africa.

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<sup>12</sup> Anderson, (2007). 125.

Figure 1.3 & 1.4<sup>13</sup>



Even at a glance, it is clear that the post-French colonies are much more tolerant in their legislation of sexual orientation. Many of the countries in the ring around the Gulf of Guinea are old French territories. By comparison, there is clearly more white space on the map referencing English colonial rule, and the overlap of English rule and illegalization of homosexuality is overwhelming.

At the time of African colonization, it is important to note that the legality of homosexuality in France and England were very different. England had criminalized homosexuality in the 16<sup>th</sup> century during the rule of Henry VIII and continued through the 20<sup>th</sup> century.<sup>14</sup> France, on the other hand, had abolished the criminality of homosexuality after the

<sup>13</sup> Created using information from ILGA, and CIA - The World Factbook.

<sup>14</sup>Bailey & H. Montgomery Hyde. (1970). *The Love That Dared Not Speak Its Name: A Candid History of Homosexuality in Britain*. Pp. 147-148.

French Revolution in 1791.<sup>15</sup> Given this, Anderson’s argument that criminalization of homosexuality may be part of the remnants of colonization and imperialism seems much more logical and viable as a variable.

Figure 1.5<sup>16</sup>

	France	UK		Spain	Portugal	Belgium	Italy	
Homo. Legal	10	1	11	1	3	2	0	17
Homo. Illegal	10	20	30	0	2	1	##	35
	20	21	41	1	5	3	3	52 <sup>#</sup>

# - Neither Liberia nor Ethiopia were taken into account for this data. Liberia was established by the U.S. and Ethiopia remained an independent facton.  
 ## - Normally Italy is contributed to three colonies: Liberia, Ethiopia, and Somalia. However, Somalia cannot be counted twice as it would give misrepresentation to the data and was attributed to the UK portion as the UK was a stronger, dominating presence.

Correlation of France and UK:  $|\phi| = .51$   
 Association of France and UK:  $|\gamma| = .9$

Association Overall:  $|\lambda| = .18$

Unlike the variable of religion, this variable offers a much stronger and more promising relationship to the legality of homosexuality. The table in figure 1.5 gives a breakdown of old French and English colonies as they relate to their laws on homosexuality, offering the four other colonies as supplemental information. French colonies are split evenly between those which have legalized and illegalized homosexuality, where England’s old colonies are strikingly dissimilar. Of these old colonies, only one modern state, South Africa, has legalized homosexuality.

For the moment, let us continue to look solely at the old French and English colonies. The Phi ( $\phi$ ) correlation here, .51, would suggest that there is a strong correlation between the two variables. It becomes obvious that there is a significant difference today in Africa from

<sup>15</sup> Copley, Antony. (1989). Sexual Moralities in France 1780-1980: New Ideals on the Family, Divorce and Homosexuality.

<sup>16</sup> Created using information from CIA - The World Factbook.

legislation that was disbanded nearly two centuries ago in the United Kingdom. A  $\gamma$  association here at .9 also suggests more favourable conditions for the variable. This suggests that in taking into account the imperial power (between England or France), we can eliminate 90% of the error in our assumptions.

Even with an overall Lambda ( $\lambda$ ) association of .18, there is still some suggestion of a fair enough a coefficient to assume a relative relationship between all colonizers and legislation regarding homosexuality. In this case, old Spanish and Portuguese colonies offer a bit of a strange place as both had similar legislation to that of English case and clearly affect the overall association. While these outliers may affect the overall associational value, I would suggest that it is of a minor importance given the sheer proportion of post-French and English colonial influence in comparison to the others.

Another point which provides further assistance in this assertion is the differentiation in treatment between male-to-male (m-m) intercourse and female-to-female (f-f) intercourse. Of the 37 countries where homosexuality is barred, only 26 of these countries illegalize both m-m and f-f. The other 11 only prohibit m-m sexual intercourse. These countries are: Egypt, Ghana, Lesotho, Malawi, Mauritius, Namibia, Nigeria, Seychelles, Sierra Leone, Swaziland, Zambia, and Zimbabwe (Egypt and Nigeria being special cases, Egypt is unclear in its laws regarding f-f however, it is rarely punished and is suggested not to occur, and Nigeria has legal f-f in the Christian south, but illegal f-f in the Muslim north).<sup>17</sup> All 11 happen to be old English colonies.

This is a clear reflection of the old English law of 1533 which stated,

“Forasmuch as there is not yet sufficient and condign punishment appointed and limited by the due course of the Laws of this Realm for the detestable and abominable Vice of Buggery committed with mankind of  
beast: It may therefore please the King's Highness with the assent of the Lords Spiritual and the

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<sup>17</sup> ILGA

Commons of this present parliament assembled, that it may be enacted by the authority of the same, that the same offence be from henceforth adjudged Felony...<sup>18</sup>

This only gives further credit to the assertion that there is differentiation amongst the precedence of different colonizers. In more than half of the nations in Africa previously belonging to the crown of England, there is still clear reflection of the past laws installed under their rule.

While certain cases seem to go against my second hypothesis, most notably old Spanish and Portuguese colonies, I still retain that there is substantial evidence to support the hypothesis. There is clear association between the criminality of homosexuality and the post-rule of the French and English, and various instances of reflection in the laws of the colonial period present. With this, I am comfortable in claiming that the second hypothesis is valid.

### **A Possible Liaison between Colonization and Religion**

As aforementioned, I would like to take another glance at the variable of religion. After discussing the findings made for the colonization variable, I believe that there may yet be hope for the religion variable as it concerns Christianity and Islam.

Perhaps, then, removing old English colonies from the original calculations done in Figure 1.1, we may see some different results. The assumption here is that perhaps African nations who were not English colonies are affected differently than those who were in the context of religion. Then, by removing these nations which are more affected by precedent of law rather than religion, we may see a different conclusion. Typically, I would say this is ineffective and may give the wrong impression in regards to religion. However, in this case I feel it may be necessary to get a more accurate picture of how religion in Africa may affect legislation toward homosexuality. Being that only one of the original English colonies, South Africa, seemed to overturn legislation regarding the criminality of homosexuality, it may be fair,

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<sup>18</sup> Bailey & Hyde. (1970). 147-148.

then, to assume that English colonies, Islamic or Christian, may effectively be influenced by the archaic English penal code, rather than their own religious doctrine.

**Figure 1.6**

	Christian Maj.	Muslim Maj.	
Homo. Legal	10	4	14
Homo. Illegal	9	8	17
	19	12	31

Correlation:  $|\phi| = .19$

Association:  $|\gamma| = .38$

Despite the logic behind the argument, if we look at Figure 1.6, not much has changed. There is a slightly better correlation and association. However, the change is not significant enough to deem the first hypothesis valid. A .08 raise in correlation is far less significant than had been expected. However, the raise in association at .12 is somewhat more impressive. An association of .38 is considered relatively strong, eliminating 38% of error when assuming religion without the presence of the old English colonies. While the associational jump is more impressive than the correlation, it still does not live up to my expectation.

There is clearly normative evidence to support the hypothesis that Christianity in nations is more conducive to the legality of homosexuality. Unfortunately, the empirical data does not reflect these normative points. For whatever reason, I have a strong desire to not let this hypothesis fail. Unfortunately, after trying various methods to get a desired correlation, it has become clear that there is slight to no difference between Christianity and Islam in Africa as it relates to the state treatment of homosexuality. Perhaps with continued manipulation of the variable, one may find some correlation. However, for the purposes of this paper it would be



unethical to continue manipulating the variable. Thus, I will move on and call the first hypothesis null

## **Democracy**

“As a citizen of a modern Western democracy it is easy to assume that homosexuality is a civil liberty similarly debated throughout the world. However while gay rights remain contentious even in the most liberal forums, their popular dissemination and subsequent prevalence in today’s democratic discourse is not universal.”<sup>19</sup>

While the discussion on gay rights is definitely not universal, even in democratic nations, homosexuality in most Western democracies is legal. We see various levels of rights being put into policy in these countries. Some nations are content in receiving same-sex marriage, others push for legislation regarding visitation rights, adoption rights, insurance benefits, co-habitation; however, except in some rare cases the question of legality is typically no longer an issue. While I make no claim whatsoever that Africa may be considered on the same level of modernization as the west, the presence of democracy in Africa may well hold some possibility insight into those countries who have liberalized their laws in regards to homosexuality, and a possible future of continued liberalization.

It is with the most interest that I look at the case of South Africa. South Africa is the only country on the continent which was an old English colony that has legalized not only homosexuality, but same sex-marriage as well in 2006, becoming the fifth nation in the world to do so.<sup>20</sup> After independence, South Africa struggled through various wars, regime changes, the Apartheid movements, etc. With the overthrow of the Apartheid regime in 1994, South Africa established a democratic government through its constitution in 1997, and has maintained a

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<sup>19</sup> Anderson. (2007).123.

<sup>20</sup> LaFraniere, Sharon. (2006). South African Parliament Approves Same-Sex Marriages. LexisNexis Academic.

stable democratic system since.<sup>21</sup>

Beginning with the first part of the third hypothesis, we must look at which countries are democratic, and how it affects the likelihood of these nations criminalizing homosexuality. However, this is not as easy as it may sound. Primarily, we must have a sense of what makes a nation democratic. In this paper, we will construct two tests: the first using information from the CIA World Factbook. The CIA has compiled a profile for each country designating the status of its government ranging from republics, democracies, constitutional monarchies, one party rules, etc. This test will separate countries according to their democratic practice simply by name. The second test will be done using Freedom House's system of rating democracies. This one is naturally more preferential for our purposes as Freedom House is an international organization. It may offer less of an American bias to be had from the American CIA, and offers a more detailed expansion of the actual freedoms to be had within each nation, where the CIA Factbook offers only the title of government.

Freedom House categorizes countries by their democratic freedom on a scale of 1-7, one being the most democratic and 7 being the least democratic. From here, they have derived a scale depicting countries as: Free (1-2), Partially Free (3-4), and Not Free (5-7). For this test, we will consider anything Free and Partially Free to be democratic while those that are Not Free will be considered non-democratic.

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<sup>21</sup> (2011). Freedom House. <http://www.freedomhouse.org/>.

**Figure 1.7 & 1.8**

		CIA - World Factbook					Freedom House		
		Dem.	Non-Dem.				Dem.	Non-Dem.	
Homo. Legal		17	0	17			10	7	17
	Homo. Illegal	30	7	37			22	14	36
		47	7	54			32	21	53

Correlation:  $|\phi| = .26$

Correlation:  $|\phi| = .02$

\* Freedom House has not yet collected information on South Sudan for 2010 as it only became an independent nation in 2011 leaving table 1.7 short one country.

Both tests are represented in figures 1.7 and 1.8 respectively. Unfortunately, neither yielded a correlation which was expected. Given the supposition between democracy and legality of homosexuality, one would naturally have expected better results from these tests. However, the charts clearly show much disassociation from the original assumption.

Clearly both sources disagree on the presence of democracies in Africa. However, the information I am most interested in noting is that the proportion of democracies who have criminalized homosexuality is relatively similar in both tables. From the CIA data, we find that 64% of African democracies criminalize forms of homosexuality. From Freedom House, we find that, though there are fewer democracies, 67% of these democratic nations still criminalize same-sex relations. Despite which form of ‘democracy’ we discuss, we have arrived at a proportionate two-thirds of African democracies continue to criminalize same-sex activity making it difficult for the hypothesis to hold.

While it may seem like a lost connection, it is at least notable to point out that according to the data provided by the CIA World Factbook, that there are no non-democracies which have legalized homosexuality. While this may mean some hope for the hypothesis, it is refuted by the

presence of seven non-democratic nations in the Freedom House test. While these seven may be democratic in name, we cannot necessarily conclude that they fit the standard democratic requirements. By proxy, it is necessary to assume that the Freedom House data is more dependable, dousing much hope for this hypothesis.

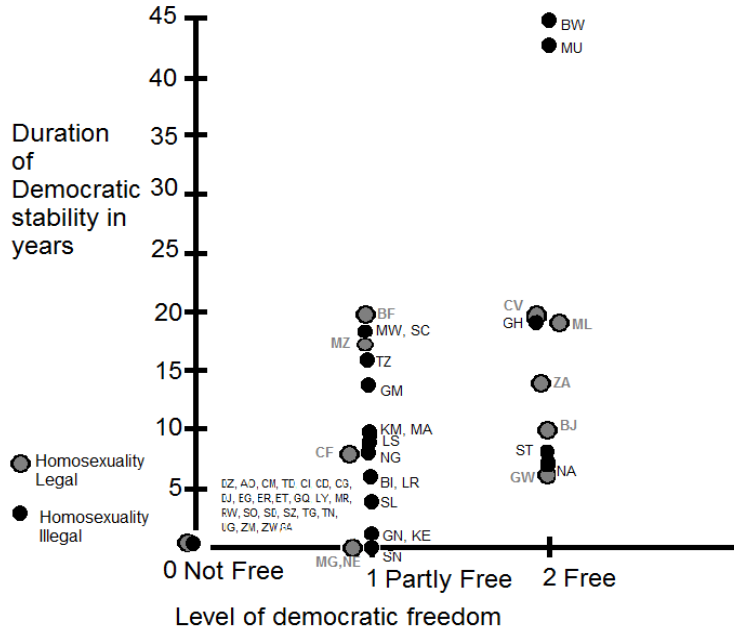
Moving on to the second portion of the third hypothesis, Figure 1.9 shows the distribution of countries rating them on their legal status of homosexuality, their democratic tendency, and the amount of time in years that they have maintained a stable democracy.

Figure 1.9 provides some rather telling information. We see Botswana and Mauritius exceedingly advanced in their democracies well beyond any other having democratized 45 and 43 years respective; by far the oldest in Africa. This type of dispersion was highly unexpected. The mean, in years, of democratic age for nations which criminalize homosexuality is 6.75, where for countries where homosexuality is legal is a 6.82. While the latter may be higher, it is not even remotely significant enough to say that the hypothesis regarding duration of democratic rule holds any validity. Without these two huge outliers, Botswana and Mauritius, the information would be significantly different. The mean for criminal countries would only be 4.55 years; however, we cannot simply deny the long-term democratic presence of these two countries.

The ten oldest democracies in Africa, further broken down in figure A.2 in the appendix, offer no greater assistance for the hypothesis. Of these ten, six are countries with criminalized homosexuality. This asserts that one cannot necessarily differentiate democracies and non-democracies in regards to their laws on homosexuality. However, what may be worth noting is these six nations are each old English colonies. When expanding this 15 of the 32 democratic nations, as described by Freedom House, are old English colonies, with the other twelve being

French, four Portuguese, and one Belgian.

Figure 1.9<sup>22</sup>



England, clearly having led the spreading of democracy in Africa, has also, as we proved earlier, helped to spread heteronormative principles into the policies of African nations. Having influence nearly half of African democracies, it is then no surprise that there is a minimal relationship between democracy and legal status of homosexuality in Africa.

## Conclusion

The overall conclusions of this paper turned out to be exceedingly disappointing for the tested hypotheses. However, despite the shortcomings in many of the variables presented, there was information gathered which gives some important insight in the dealings of African policies towards homosexuality.

### 1.1 Countries where there is a Christian majority are less likely to have legislation criminalizing homosexuality. *No*

Being that I put much expectation in this variable, it is difficult to concede that the

<sup>22</sup> Created using information from ILGA, CIA - The World Factbook, and Freedom House.

correlation between these two variables is not substantial enough to consider this hypothesis valid. Despite the quality of normative reasoning behind the hypothesis, it is obvious that the relation is not relevant in practice.

**1.2 Countries where there is a Muslim majority are more likely to have more severe punishments for homosexuality as an offence. *No***

Given the contextual background of information regarding the difference between Christian and Islamic perceptions of homosexuality, it seems odd that there is nearly no correlation between these two variables. Unlike the other hypothesis, there is clear evidence showing that this hypothesis is completely invalid and there is no relevance between the two variables. Islamic nations and Christian nations tend to implement similar proportions of punishment.

**2. Different European powers have affected modern nations legislation in regards to homosexuality during the second wave of imperialism in the 19<sup>th</sup> and 20<sup>th</sup> century. *Yes***

Amazingly, this turned out to be the only hypothesis which had any validity. This hypothesis test gave us the highest results in prediction and may yet yield important information regarding policy in African nations. It became clear that the policies of old English nations, at least those referring to sexuality, are very much reflective of the policies during the time of colonization.

**3.1 Democratic nations are less likely to have legislation criminalizing homosexuality. *No***

Given how responsive western democracies have been to the civil movements of the LGBTQ community, it is rather surprising how little connection there is in the variable for Africa. Evidently, homophobia is still prevalent even in the institutional inter-workings of many of these nations.

**3.2 Countries who have had a longer historical presence and stability of democratic institutions are less likely to criminalize homosexuality than their non-democratic and younger democratic counterparts.**

As well as with the primary portion of this hypothesis, the correlation between the variables was minor. Of the ten oldest democracies, only four did not criminalize homosexuality;

further down the spectrum, there did not seem to be much relation between the age of democratic stability and legalization of homosexuality. Interestingly enough, there seems to be more of a correlation to democracy and the old English empire than there were to democracy and homosexuality laws.

Despite the failures in most of our variables, a strong correlation for the second hypothesis does reveal much about the politics of sexuality in Africa. As nations were created, much of the homophobic sentiment from colonizers clearly permeated into the establishment of governments and laws. While there are likely to be other factors involved, for now it is safe to assume that policies which were instilled during the time of colonization are likely to have greatly influenced policies still in place in modern Africa, with exceptions of course. While the other hypotheses came out negative, it does not necessarily mean they were not worthwhile looking into. These failed hypotheses have only furthered out knowledge on where not to look for a better comprehension of sexual politics on the African continent.

## Appendix

Figure A.1<sup>23</sup>

Country	MM	FF	Christ	Musl	Pun MM	Pun FF	EU Colo	Govt	Time
DZ	1	1	0	1	2	2	France	(0) Rep.	0
AO	1	1	1	0	1	1	Port.	(0) Rep.	0
BJ	0	0	1	0	0	0	France	(2) Rep.	~11 (1990)
BW	1	1	1	0	2	2	UK	(2) Parl. Rep.	~45 (1966)
BF	0	0	0	1	0	0	France	(1) Parl. Rep.	~20 (1991)
BI	1	1	1	0	2	2	Belg.	(1) Rep.	~6 (2005)
CM	1	1	1	0	2	2	France	(0) Rep	0
CV	0	0	1	0	0	0	Port.	(2) Rep.	~20 (1991)
CF	0	0	1	0	0	0	France	(1) Rep.	~7 (2004)
TD	0	0	0	1	0	0	France	(0) Rep.	0
KM	1	1	0	1	2	2	France	(1) Rep.	~10 (2001)
CI	0	0	0	0	0	0	France	(0) Rep.	0
CD	0	0	1	0	0	0	Belg.	(0) Rep.	0
CG	0	0	1	0	0	0	France	(0) Rep.	0
DJ	1	1	0	1	-99	-99	France	(0) Rep.	0
EG	1	-99	0	1	2	-99	UK	(0) Mil. Rep.	0
GQ	0	0	1	0	0	0	Spain	(0) Rep.	0
ER	1	1	1	0	2	2	Italy	(0) Trans.	0
ET	1	1	1	0	3	3	N/A	(0) Fed. Rep.	0
GA	0	0	1	0	0	0	France	(0) Rep.	0
GM	1	1	0	1	3	3	UK	(1) Rep.	~14 (1997)
GH	1	0	1	0	3	0	UK	(2) Dem.	~19 (1992)
GN	1	1	0	0	2	2	France	(1) Rep.	~1 (2010)
GW	0	0	0	1	0	0	Port.	(1) Rep.	~6 (2005)

<sup>23</sup> Created using information from (2010). International Religious Freedom Report. U.S. Department of State. <http://www.state.gov/g/drl/rls/irf/2010/index.htm>, Freedom House, CIA - The World Factbook, and ILGA



KE	1	0	1	0	3	0	UK	(1) Rep.	~1 (2010)
LS	1	0	1	0	5	0	UK	(1) Parl. Const. Mon.	~9 (2002)
LR	1	1	1	0	1	1	N/A	(1) Rep.	~6 (2005)
LY	1	1	0	1	3	3	Italy	(0) Auth.	0
MG	0	0	1	0	0	0	France	(1) Rep.	~1 (2010)
MW	1	0	1	0	3	0	UK	(1) Dem.	18 (1993)
ML	0	0	0	1	0	0	France	(2) Rep.	~19 (1992)
MR	1	1	0	1	4	4	France	(0) Mil. Junta	0
MU	1	0	0	0	2	0	UK	(2) Parl. Dem.	~43 (1968)
MA	1	1	0	1	2	2	France	(1) Const. Mon.	~10 (2001)
MZ	0	0	1	0	1	1	Port.	(1) Rep.	~17 (1994)
NA	1	0	1	0	5	0	UK	(2) Rep.	~7 (2004)
NE	0	0	0	1	0	0	France	(1) Rep.	~1 (2010)
NG	1	0,1*	0,1!	0,1!	3,4#	0,4##	UK	(1) Rep.	~8 (2003)
RW	0	0	1	0	0	0	Belg.	(0) Rep.	0
ST	1	1	1	0	6	6	Port.	(2) Dem.	~8 (2003)
SN	1	1	0	1	2	7	France	(1) Rep.	0
SC	1	0	1	0	3	0	UK	(1) Rep.	~18 (1993)
SL	1	0	1	0	3	0	UK	(1) Dem.	~4 (2007)
SO	1	1	0	1	4	4	UK/ Italy	(0) Trans.	0
ZA	0	0	1	0	0	0	UK	(2) Rep.	~14 (1997)
SS	1	-99	0	0	3	-99	UK	(-99) Rep.	0
SD	1	1	0	1	4	4	UK	(0)Rep.	0
SZ	1	0	1	0	2	0	UK	(0)Mon.	0
TZ	1	1	-99	-99	3	3	UK	(1) Rep.	~16 (1995)
TG	1	1	1	0	2	2	France	(1) Trans.	0
TN	1	1	0	1	2	2	France	(0)Rep.	0

UG	1	1	1	0	3	3	UK	(1)Rep.	0
ZM	1	0	1	0	3	0	UK	(1)Rep.	0
ZW	1	0	1	0	2	0	UK	(0) Parl. Dem.	0

\*Female-Female intercourse is restricted by law only in the Islamic north of Nigeria.

!Nigeria is predominantly Christian in the south and Muslim in the north with a relatively equal split of both religions

# Male-Male intercourse is treated differently between the north and south. The north usually giving the death sentence and a 10< sentence in the south.

## Female-Female intercourse is not punished in the south but punishable by death in the north.<sup>24</sup>

MM -- Male to Male intercourse illegal?

0-No 1-Yes -99-Unkown

FF -- Female to Female intercourse illegal?

0-No 1-Yes -99-Unkown

Christ -- Is the majority of the population Christian?

0-No 1-Yes -99-Unkown

Musl -- Is the majority of the population Muslim?

0-No 1-Yes -99-Unkown

Pun MM/FF -- What is the [most critical] form of punishment for Male to Male/Female to Female intercourse if any?

0-None

1-Fines

2-Imprisonment < 10 years

3-Imprisonment > 10 years

4-Death

5-Codified by precedent

6-Labour Camps

7-Undefined

-99-Unkown

Colo -- What European power was the major colonizer of this nation?

Govt -- What kind of government does the nation have? (As of 2011)

In parentheses, the rating of democracy as prescribed by Freedom House

0-Not Free 1-Partly Free 2-Free

Time -- How long (in years) has a form of stable democratic rule been present in the country?

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<sup>24</sup> (2008). Human Rights Report: Nigeria. U.S. Department of State.

<http://www.state.gov/g/drl/rls/hrrpt/2008/af/119018.htm>.

**Figure A.2**

Country	Time (years)	Level of Dem.	Colonizer	Religion
Botswana (Illegal)	45	2	UK	Christian
Mauritius (Illegal)	43	2	UK	Hindu
Cape Verde (Legal)	20	2	Portugal	Christian
Burkina Faso (Legal)	20	1	French	Muslim
Ghana (Illegal)	19	2	UK	Christian
Mali (Legal)	19	2	France	Muslim
Malawi (Illegal)	18	1	UK	Christian
Seychelles (Illegal)	18	1	UK	Christian
Mozambique (Legal)	17	1	Portugal	Christian
Tanzania (Illegal)	16	1	UK	Unknown*

\* Tanzania's census does not ask for religious identification. It is assumed that there is a majority of Christians, however, it cannot be fully ascertained.<sup>25</sup>

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<sup>25</sup> (2008). International Religious Freedom Report. U.S. Department of State.  
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