

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



## Country Profile: MALAWI

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. In Malawi, the rate of new HIV infections has slowed significantly over the last eight years, but prevalence among MSM remains high at 21.4 percent.<sup>1</sup> 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 Malawi. 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

There are no government HIV/AIDS programs specifically designed to target gay men, other MSM, or transgender individuals in Malawi. As such, programming for these men and women relies largely on international donors, namely the United States government, through PEPFAR. Both The Global Fund and U.S. government have made efforts to adopt progressive policies toward gay men, other MSM, and transgender individuals, but

implementation of these policies has been inconsistent on the ground.

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

Malawi has never received funding for MSM-specific activities from The Global Fund. Of the three rounds for which the country has submitted successful proposals—Rounds 1, 5, and 7—none outlined specific activities to address this population. Indeed, the Round 7 proposal rationalized the exclusion of MSM by claiming that “high-risk practices such as injecting drug use and men having sex with men are not common in Malawi.”

In a shift, Malawi included activities designed to estimate the population size and needs of MSM, as well as empower the population and challenge HIV-related stigma and discrimination in its Round 10 proposal. The proposal included \$2,610,623 for MSM-specific activities over a five-year period (less than 1 percent of the total \$561,450,164 requested) but was not approved by The Global Fund.



## United States Government

There was no mention of MSM in the five-year Partnership Framework signed by the governments of the U.S. and Malawi in 2009, and the population was mentioned just once in the country's 2008 and 2009 country operational plans (COPs).

In 2010, \$2,108,741, or 7.3 percent of the total eligible COP, was dedicated to MSM-specific activities including the promotion of safer-sex practices and partner reduction, as well as an activity intended to identify the size of the population and provide information on risks faced by these individuals.<sup>2</sup> However the 2011 COP did not mention MSM.

## PUNITIVE LAWS, STIGMA, AND DISCRIMINATION<sup>3</sup>

Same-sex practices are illegal in Malawi and punishable by up to 14 years in prison with the possibility of corporal punishment in some cases.

What is criminalized?	What are the punitive measures?
Any person seeking or engaging in anal sex; seeking or engaging in any same-sex sexual practices	Felony charges*, punishable by up to 14 years in prison, with corporal punishment allowed
In public or in private, seeking or engaging in any same-sex sexual practices. The law specifically prohibits both practices between men and between women	For men: felony charges, punishable by up to five years in prison, with corporal punishment allowed  For women: offense charges, punishable by up to five years in prison

\* Felony cases are those criminal cases involving “an offense punishable by incarceration for a year or more.”<sup>4</sup>

The government's willingness to enforce these laws received widespread media attention in 2010 with the case of Steven Monjeza and Tiwonge Chimbalanga, two men who were sentenced to 14 years in prison on three charges of committing “unnatural practices” between males and “gross indecency.” The men were released on “humanitarian grounds” following international pressure, though it was clear that many Malawian officials supported the conviction.<sup>5</sup>

The legal restrictions on same-sex practices in the country are compounded by widespread discrimination, which has caused many in the population to remain underground. High levels of stigma have also limited the uptake of healthcare services. A 2009 U.S. Department of State Human Rights report on Malawi found that “approximately 34 percent of gay men in

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the country had been blackmailed or denied services such as housing or healthcare due to their sexual orientation.”<sup>6</sup> As a result, those who do visit health facilities often do not receive comprehensive care because they are unwilling to reveal their sexual orientation or other important information.

Such barriers to fully engaging with health care services has led to large numbers of gay men, other MSM, and transgender individuals being uninformed about the epidemic, as well as the state of their own health. One study of HIV prevalence among MSM from 2009 found that 95 percent of those discovered to be living with HIV during the course of the research were previously unaware of their status.<sup>7</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.

President Banda has indicated that she would like to overturn the country's ban on same-sex practices.<sup>8</sup> However, repeal would require the approval of parliament and given that most Malawians appear to oppose decriminalization, the level of political support for such a reform is unclear.

New efforts to address stigma and discrimination within government health care facilities are also underway. In 2011, amfAR supported Fenway Health, The Johns Hopkins Bloomberg School of Public Health, and Centre for the Development of People (CEDEP) to complete training for health service providers to increase their cultural and clinical competence in addressing the needs of MSM in Blantyre. MSM peer educators from CEDEP, supported by USAID, amfAR, Open Society Foundations, and AIDS Fondet also act as health system navigators to guide their peers to providers who have participated in the training.

## RECOMMENDATIONS

- The government of Malawi 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 Ministry of Health should initiate training and awareness-raising programs among all health personnel on issues affecting gay men, other MSM, and transgender individuals in order to combat discrimination within health care facilities.

## ENDNOTES

- 1 Baral S et al. HIV prevalence, risks for HIV infection, and human rights among men who have sex with men (MSM) in Malawi, Namibia, and Botswana. *PLoS ONE*. 2009; 4(3): e4997.
- 2 PEPRAR (2010). Malawi 2010 COP. Available at [www.pepfar.gov/documents/organization/145727.pdf](http://www.pepfar.gov/documents/organization/145727.pdf)
- 3 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)
- 4 American Bar Association. Resolution adopted by the House of Delegates: August 8-9, 2011.
- 5 BBC News Africa (2012). Malawi to overturn homosexual ban, Joyce Banda says. Available at [www.bbc.co.uk/news/world-africa-18118350](http://www.bbc.co.uk/news/world-africa-18118350)
- 6 CEDEP Research. Available at [www.cedepmalawi.org/programmes.html](http://www.cedepmalawi.org/programmes.html)
- 7 Beyrer C et al. Bisexual concurrency, bisexual partnerships, and HIV among southern African men who have sex with men. *Sexually Transmitted Infections*. 2010; 86(4): 323-327.
- 8 BBC News Africa (2012). Malawi to overturn homosexual ban, Joyce Banda says. Available at [www.bbc.co.uk/news/world-africa-18118350](http://www.bbc.co.uk/news/world-africa-18118350)

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