

# **Community Experiences in Botswana: Sexuality and Sex Work**

## **1.0 Introduction**

Rights related to sex are marred with controversy, perceptions of taboo and preferred hidden from public discourse. Despite sexual intimacy being inherent in human nature, relationships and reproduction; conversations on pleasure, influences on wellbeing and overall efficacy are often neglected. Public health has allowed for human rights related discussions, however, still limited given the cultural, religious and legal nuances on sex.<sup>1</sup> This position paper expands on the nuances created by ambiguity in interpretation and influences that dictate the rights of sex; whether in same sex relations or work. It further expands on the intersections and disparities between human rights discourse and sustainable development in Botswana. Filling a gap of largely unavailable and neglected data.

## **2.0 Context**

The human rights-based approach is a shared response within Botswana's HIV and AIDS sector. Key populations or those most affected by HIV are recognised as Female Sex Workers (FSW) and Men who have sex with men (MSM). Funding, community led organisations and policy framing is often targeted to these two major groups. This has resulted in neglecting other marginalised groups and intersections between the two. Although transgender related rights are gaining traction in the form of changing gender markers and inclusion in the HIV and AIDS sector; they remain reflective of the elitist and exclusionary nature of rights related work. Only three cases of gender marker changes on national identity cards have been recorded to date, with a select number of organisations having institutional support and recognition domestically and globally. This reflects rights advancements in Botswana, whether in public health or strategic litigation, depending on resources and reach of individuals, organisations or networks. This results in underlying issues of poverty, inequality, non-recognition and social disposition aggravating the

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<sup>1</sup> Intersecting Decriminalisation in Botswana

current lack of efficacy, movement building and systemic impact at individual, community, organisational and country level.

### **3.0 Approach**

Three consultations were held with representatives from other geographic locations present in one. A virtual consultation was held for those who were not comfortable with group settings and preferred to share their perspectives confidentially. Participants were provided with an overview and rationale for future advocacy work, linking other initiatives led by Success Capital and Sisonke Botswana. Confidentiality and anonymity at in person consultations were guaranteed to allow for in depth sharing of perspectives and insight. All were free to withdraw from the process at any point during the consultations.

A snowball recruitment was used for the in-person consultations. One was a focus group discussion and the other, held at a separate time and location, was a discussion and anonymously filled survey. The latter was read out by a facilitator and each question explained where necessary to secure consensus among the group. This included translation, presenting examples and discussing where there might be differences in interpretation. All respondents, of which 59% were young people under the age of 30, filled their own sheets privately and subsequently submitted for further discussions independent of the survey responses. These were analysed a month after all data collection exercises were completed.

### **4.0 Findings and Discussion**

Gender expression is often cross cutting across sexual orientation and gender identity, this reflects how complex self-determination is among and outside community members. Despite shared struggles of inequality, poverty, stigma and discrimination within the sex worker and LGBTIQ+ communities; there is little understanding and solidarity at community and civil society levels. Although focus was on sexuality, issues of gender diversity were evident in discussions. In some instances, this was conflated with gender expression and where uncertain in self-determination; questionable perceptions were presented by community members that might

imply on variant sex characteristics or hormonal imbalance due to informal/backdoor hormonal therapy. This is reflective of significant challenges in recognition and determination of intersex persons in Botswana.

All community groups, FSW and LGBTIQ+, regardless of age, nationality or gender never feel comfortable financially. There is a persistent struggle for securing an income and sustaining livelihood at individual and family support structure levels. Many are led to sex work because of these circumstances. The inability to pay for utilities, personal hygiene products, groceries or supporting family, which normally includes offspring, parents and grandparents because of the high levels of poverty. This is reflected in only 18% of one of the consultation cohorts feeling economically safe 'sometimes'. Notably only 53% of community members have children, highlighting the glaring complexities of supporting other family members. Many community members, like many Batswana, stay with family because they either do not have land, resources or stable income. Common factors where community members try support family include unemployment, ineligibility for social protection and the inability to secure enough income for the household.

Only 24% of participants have completed tertiary education, with 6% in progress and 70% not having a post-secondary school degree, certificate or diploma. This could be a contributing factor to poverty within the community. However, it is worth noting that there is a high level of graduate unemployment<sup>2</sup> and under employment in Botswana. Decriminalising sex work is perceived as favourable to safeguarding livelihood for community members. The high levels of unemployment make it difficult for supporting family. Formal recognition of the profession would not only contribute to the economy but shall allow economic participation and dignity of sex workers. This includes having formal bank accounts, better regulation of client practices and accountability measures where harm is perpetuated. It will further allow for adequate protection before the law and similarly legal remedy. There would be an increase in taxes and better living standards for many families.

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<sup>2</sup> Statistics Botswana 'Labour Force Module Report for Q3 2019

Most (74%) Sex Workers and LGBTIQ+ Youth consulted voted in the last general election. This reflects how knowledgeable and engaged community members are in democratic processes. Those that did not vote had not registered in time (24%) and where they did, they did not vote (6%). Exercising political autonomy is a critical aspect of democracy. Community members might be aware of this as a result of civil society programming and/or securing basic education. It is also clear that same sex intercourse has been decriminalised. However, with the pending appeal communicated by the Attorney General, there might be a regression in this advancement. The decriminalisation of same sex intercourse is perceived to improve societal acceptance. Particularly because there is a belief that times have changed compared to more conservative influences that dominated public discourse a decade ago. This, however, is yet to be tested systemically across society.

The change in penal code for same-sex partners has not equated to community members experiencing less stigma and discrimination. However, it is perceived to allow for reporting cases of rape and other injustices aggravated by punitive laws. This might be a possibility despite the challenge of high levels of underreporting sexual abuse in Botswana. If the change in penal code could allow for better access to safe abortion, outcomes might be different. Botswana allows access to safe abortion in a limited framework, which would require survivors to go through administratively cumbersome processes with law enforcement and health practitioners beforehand. More importantly, community members acknowledge the importance of legal safe abortion to save lives. The current informal/backdoor means are often risky, unsupervised and can have a bad impact on one's health. It would also allow for better comprehensive sex education, management of early unintended pregnancies for teenagers and allow for having related conversations in society.

Punitive laws have been perceived to curtail freedom of expression. Many LGBTIQ+ youth have found it difficult to express themselves when in dress sense, when with their intimate partners or when at home. However, others were comfortable in their own skin and not deterred by law but rather cultural, religious and societal norms. This reflects why among a cohort of one of the consultations, 88% of LGBTIQ+ Youth and Sex Workers viewed mental health as a priority. In fact, some would use substances to navigate society, work or home. Safety is a key concern, as

a glaring 35% feel safe 'sometimes'. This in exact alignment to 35% of participants acknowledging that they abuse substances to distract themselves from their problems. Only 59% feel safe at home and only 6% feel safe in public. This reflects the perceived risk created by criminalisation, stigma and discrimination alike – even within spaces that should be safe.

## **5.0 Further Analysis**

The criminalisation of community members is an oxymoron. Their activities or intercourse is prohibited, whilst the law identifies and acknowledges their existence, whether explicitly, in interpretation or in legal precedence. This is often aligned to social norms, which in Botswana's context, are inherited from colonial era laws. There is no evidence that can explicitly deny that FSW and LGBTIQ+ existed in Botswana's history. This is also attributed to the impacts of colonialism; where history and norms were erased or altered to benefit those in power. The fact that the British Empire sought to prohibit these groups and their practices, would rightly acknowledge their existence wherever they occupied land. Ancestral and tacit knowledge within Botswana's history is not formally documented just as some traditional practices are not. This is because culture is passed down generations through storytelling, practices and lineage exclusive to ethnic groups and where communities would reside.

The evidence created within the human rights-based approach for public health and strategic litigation is technical. Technical in science, research and legal precedence, built of systems that already oppress groups that are not recognised, affirmed or protected in the technical production and sustenance of those systems. The curators of knowledge and law are not always members of the respective communities. This is because of the privilege provided by education, social connection, profession and other levers that dictate acceptability, norms and standards. Sex as a concept has largely been viewed as a risky behaviour within public health or practice within law. This technical composition negates the human aspects to sexual intercourse such as intimacy, pleasure, recreation or work. Beyond reproduction, behaviour or practice is acknowledging that sex could mean many things to community members.

Patriarchy continues to aggravate the vulnerabilities experienced by LGBTIQ+ Youth and sex workers. With 29% expressing that they would not feel safe even if laws were to change favourably for them. This reflects how deeply systemic toxic masculinity and perpetrators have engrossed their needs and desires for control over LGBTIQ+ Youth and sex workers. Toxic masculinity can meet with the needs of community members. As 18% turn to sexual pleasure to distract themselves from their problems. This squarely plays into toxic masculinity's hand, where victims of abuse would not deem it so as their needs would be fulfilled. Although this is specific to distracting oneself, other nuances exist in financial need, love and support. 29% turn to friends and 12% turn to family. A further 29% identified two sources of distractions from problems. This reflects an acknowledgement of mental health being priority, but possibly unhealthy and unsafe means to address mental wellbeing.

In environments where community members are not recognised or accepted; the psychological implications of being commodified are not just extractive but can be viewed as affirmative. For example, civil society interventions largely focus on the technical aspects of outcome indicators and measuring the impact of progress or lack thereof. Where there can be a mandate to serve communities but derive economic benefit from that mandate in the form of grant funding, salaries, social protection and being celebrated as change agents or activists committed to creating a better world. All whilst community members might receive critical health services or eliminated possibilities of persecution through decriminalisation; community members remain in abject poverty, social isolation and neglect. The same can be presented in sexual relationships. Where community members are commodified for mostly men or masculine counterparts regardless of sex, gender or profession. They can be in demand or sought after to fulfil lustful desire, serve as an escape from reality or simply provide pleasure to those that have power over them.

Whether it is money, love or simply fulfilling sexual needs or otherwise; the commodification of the bodies of community members is often extractive. This is based on the premise of those in power exceedingly benefiting from securing what is needed from community members. Being excluded from society, law or statistical averages does not mean there are no economic factors community members play a role in. Where often their exchange or productivity is never

recognised in formal economy or development systems. Documenting their role, whether commodified, or in their beneficial advantage to society not only allows for further discourse, but appropriately affirms their contribution. This can be in the form of reduced new HIV transmissions, improving men's productivity through providing a recreational escape from stress or spending hard earned money from sex work.

## **6.0 Conclusion and Recommendations**

### **Conclusion**

Stigma and discrimination make no exceptions to who has to face them. As they are anchored by interpretations of law, religion, culture and morality; they impact livelihood, health and other aspects of living for LGBTIQ+ youth and sex workers. These two demographics similarly experience poverty, injustice, abortion and exclusion in service delivery and development provisions. The negligence, ignorance, and disregard of LGBTIQ+ youth and sex workers have only aggravated the socioeconomic vulnerabilities many other Batswana experience. There is a need to affirm and safeguard the dignity of all Batswana, this includes those who are LGBTIQ+ and those engaged as sex workers. Universal human rights and leaving no one behind in sustainable development might the formal frameworks relevant to including marginalised communities, among others; however 'botho', as the cornerstone of the country's development aspirations should be the starting point to ensuring dignity in policy and society.

### **Recommendations**

- LGBTIQ+ and sex work programming should recognise and harness the political power of marginalised communities. Bridging their experiences towards governance, accountability and citizen participation would ensure their interests, needs and aspirations are included in policy making.
- Although economic upliftment does not avoid injustices for community members, it safeguards options for safety, autonomy and securing some level of control over their lives. Furthermore, it would allow gender affirming and better access to healthcare from private or external health facilities.

- Further research should be carried out in understanding the variant aspects of safety for community members, this would allow better interventions and emergency response mechanisms for civil society and government to support.
- Where laws might not change or readily allow for health or economic related activities of community members, policy instruments should be expanded or made more flexible to meet country outcome commitments in human rights and sustainable development.
- There should be active resource mobilisation and partnering among cross-sectional civil society organisations towards movement building and systemic focus in advocacy and programming.
- Government, civil society and the private sector should expand or create opportunities for all Batswana to be gainfully employed or engaged. This would directly impact community members more positively.
- Decriminalisation would be a start of improving the human rights situation for community members. In-building protections, institutionalising prohibition of discrimination and socialising both for marginalised communities would positively impact health, violence mitigation and economic outcomes countrywide.

## **7.0 Acknowledgements**

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Success Capital Organisation is an LGBTIQ+ Youth led, managed and serving organisation.

Sisonke Botswana Organisation is a leading sex worker led and mission driven organisation.