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## ABOUT INGSA

*INGSA provides a forum for policy makers, practitioners, academics, and academics to share experience, build capacity and develop theoretical and practical approaches to the use of scientific evidence in informing policy at all levels of government.*

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INGSA's primary focus is on the place of science in public policy formation, rather than advice on the structure and governance of public science and innovation systems. It operates through:

- Exchanging lessons, evidence and new concepts through conferences, workshops and a website;
- Collaborating with other organisations where there are common or overlapping interests;
- Assisting the development of advisory systems through capacity-building workshops;
- Producing articles and discussion papers based on comparative research into the science and art of scientific advice.

The following case study was developed by INGSA Africa for a training session for the 2016/17 Fellows cohort of the African Science Leadership Program (ASLP) of the University of Pretoria held on the 28th of March 2017 in Pretoria, South Africa.



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# Ileojogbon: a fictitious case study

## Legislating Homosexuality

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*Prepared by INGSA Africa Steering Committee*

### **CONTEXT**

Ileojogbon is a low-income country in tropics of Africa with a population of 37 Million people and a GDP per capita of US \$ 300. The major sources of income for the country are coffee, cotton, vanilla, and tourism.

Recently, Ileojogbon has been the recipient of harsh criticism from some of its middle-income allies/trading partners in Africa and countries in Europe and North America over its pursuit of a Private Member's bill to curb homosexuality in Ileojogbon. The bill, not moved by the Government, is known as the "anti-homosexuality" bill meant to criminalize homosexuality in Ileojogbon. The current bill (which may become a law if the country's parliament debates it, votes to turn it into an Act of parliament, and the President of Ileojogbon assents to the Act) provides for 20-25 year prison terms for anyone deemed, by society, to be openly homosexual or in a homosexual relationship. It also provides for 2-3 year jail terms for those who knowingly harbor homosexuals. Additionally, the current bill provides for life imprisonment for any homosexual who trains a child or young adult to become a homosexual. The bill is currently being amended to also include lesbian and transgender communities so that it is more comprehensive and thorough in its reach.

Moreover, the bill enjoys widespread support amongst the ruling and opposition parties. Members of Parliament (MPs) of both parties have joined forces to support the bill and also mobilized some civil society organizations to support the bill. However, there are some MPs who are hesitant to publicly comment on the issue, but have been known to break ranks with their parties on matters they have openly or silently disagreed upon with their party structures. Religious leaders of the most dominant religions (Christianity, Islam, and Traditional) in the country have issued statements through their joint platform, the Inter-Religious Platform of

Elders, in support of the bill as a moral obligation. About 50% of the cultural leaders in the country have also supported the bill publicly. The other 50% remain silent and choose not to comment when media outlets ask questions about the issue. Those in support of the bill claim that homosexuality is not part of Ileojogbonian culture.

On the other hand, human rights advocates, legal scholars, gender studies professors, anthropologists, historians, novelists, and sociologists have also publicly raised their voices against the bill. They claim that the bill is draconian, inhumane, and an infringement on fundamental human rights. They also claim that there is a diversity of human sexuality across cultures, nations, and continents. They also claim that cultures in Africa have long tolerated and accepted non-heterosexual practices as long as they were kept private. Advocates against the bill claim that any attempt to politicize sexuality is to win cheap votes and encourage prejudice in society. They also claim that Ileojogbon should join the 21st century and be more accepting of minorities in all their forms. All these groups have sway over public opinion of government and they have won some hard-fought battles on sensitive issues in the past (e.g. voter fraud, female genital mutilation, corruption, land tenure, forced migration, and access to antiretroviral therapy).

## **THE OPPORTUNITY FOR SCIENCE ADVICE**

The Prime Minister, as the leader of government business in the Parliament of Ileojogbon, has exactly 3 months within which to present a position on the bill and its amendments. At that point, she will have to get the buy-in of the entire cabinet on any position she takes in order to give an official government response to the Private Member's bill in parliament.

The Prime Minister of Ileojogbon has requested top scientists in her country to provide her with advice on the supposed spectrum of sexuality in her country. Specifically, the Prime Minister would like specific answers to the following questions:

1. Are homosexuality, lesbianism, and any other expressions of sexuality other than heterosexuality a matter of genetics?
2. Can non-heterosexual expression be cultivated in human beings, especially children and young adults?
3. Are homosexuals and other non-heterosexuals a danger to society in terms of physical, psychological, and cultural violence?
4. What is the role of homosexuality in disease transmission?

5. Is there scientific evidence of increased infection among homosexuals for certain diseases (e.g. HIV)? Is there associated health risk for the community?

Ultimately, the Prime Minister would like these top scientists to advise her on whether Ileojogbon should adopt a law criminalizing homosexuality, lesbianism, and any other forms of sexuality other than heterosexuality.

**How would the science academy go about assembling sound evidence to answer this question within two (2) months so that the Prime Minister has enough time to take scientific information and recommendations into consideration as she table a position paper on this issue to the full cabinet? You have budget constraints and the number of scientists willing to serve on any committee to answer these questions is low, except, of course, those scientists who are already publicly seen to be in support of or against the anti-homosexuality bill.**

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## **Ileojogbon: a fictitious case study**

### **Group exercises**

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#### **QUESTIONS TO CONSIDER**

- What issues to consider in preparing a report?
- What perspectives and considerations should be reflected in any advice given? (including steps taken to build evidence)
- What is the role of the national academy?
- What might be the limits to the academy's role in this case?
- What principles and guidelines of science advice did you apply or think were important?