

# Sexual Orientation / Gender Identity References<sup>1</sup>

U.S. Department of State

Human Rights Reports for 2010

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[2010 Country Reports on Human Rights Practices](#)

## **Introduction**

A third trend [in 2010], and one that points in a negative direction, was the continuing escalation of violence, persecution, and official and societal discrimination of members of vulnerable groups, often racial, religious, or ethnic minorities or disempowered majorities. In many countries this pattern of discrimination extended to women; children; persons with disabilities; indigenous; lesbian, gay, bisexual, and transgender (LGBT) persons; and members of other vulnerable groups who lacked the political power to defend their own interests. Often members of these groups were denied economic opportunity or the ability to abide by their social or cultural traditions or practices or were restricted in their ability to speak freely, to assemble peacefully, or to form associations or organizations.

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Persons around the world continue to experience discrimination and intimidation based on their sexual orientation or gender identity. Honduras saw an upsurge in killings of members of the LGBT community by unknown perpetrators. Meanwhile, in many African, Middle Eastern, and Caribbean nations, same-sex relations remain a criminal offense, and through such laws and other measures the state reinforces and encourages societal discrimination and intolerance. In Uganda, for example, intimidation and harassment of LGBT individuals worsened during the year, and some government and religious leaders threatened LGBT individuals.

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2010 marks the 35th year that the State Department has produced the annual *Country Reports on Human Rights Practices*. This year's report covers human rights conditions in 194 countries. What began as the response to a Congressional mandate to report on the human rights situation in those countries that were receiving U.S. assistance in the mid 1970s has blossomed

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<sup>1</sup>Note that HIV/AIDS-related excerpts from the *Human Rights Reports* can be found at [www.glaa.org](http://www.glaa.org).

into a detailed analysis of human rights conditions in all countries that are members of the United Nations. The country reports provide an overview of the human rights situation around the world as a means to raise awareness of human rights conditions, in particular as these conditions affect the well-being of women, children, racial and religious minorities, trafficking victims, members of indigenous groups and ethnic communities, persons with disabilities, sexual minorities, refugees, and members of other vulnerable groups.

## **Africa**

### **Angola**

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law does not criminalize homosexuality or sodomy, although discussing homosexuality in society was highly taboo. The constitution defines marriage as between a man and a woman, but the law does not differentiate between male to male or female to female sex. NGOs have reported a small but underground lesbian, gay, bisexual, and transgender community in Luanda. On June 25, the television station TPA broadcasted a program where a member of the gay community discussed discrimination and intimidation based on sexual orientation.

### **Benin**

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were no reports of overt societal discrimination or violence based on a person's sexual orientation.

### **Botswana**

Some human rights problems remained, including abuse of detainees by security forces, poor prison conditions, and lengthy delays in the judicial process. There were reports of restrictions on press freedom. Societal problems included discrimination and violence against women; child abuse; trafficking in persons; and discrimination against persons with disabilities, gays and lesbians, persons with HIV/AIDS, and persons with albinism. There was societal discrimination against the San people, and the government's continued narrow interpretation of a 2006 high court ruling resulted in the majority of San who originally relocated from the Central Kalahari Game Reserve (CKGR) being prohibited from returning to or hunting in the CKGR. The right to strike was restricted, and child labor was a problem.

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#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The country has no law criminalizing sexual orientation. However, what the law describes as "unnatural acts" are criminalized, and there is widespread belief this is directed toward gay,

lesbian, bisexual, and transgender persons. The police do not target homosexual activity, and there were no reports of violence against persons based on their sexual orientation or gender identity during the year. However, there were reports of societal discrimination and harassment of gay, lesbian, bisexual, and transgender persons. An independent organization LEGABIBO (Lesbians, Gays, and Bisexuals of Botswana) attempted to register as an NGO to advocate for the rights of gay, lesbian, transgender, and bisexual persons, but the government refused to allow it to do so.

## **Burkina Faso**

### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law does not discriminate on the basis of sexual orientation in employment and occupation, housing, statelessness, or access to education or health care. However, societal discrimination based on sexual orientation and gender identity remained a problem. Religious and traditional beliefs do not tolerate homosexual conduct, and lesbian, gay, bisexual, and transgender (LGBT) persons were reportedly occasional victims of verbal and physical abuse. There were no reports that the government responded to societal violence and discrimination against such persons.

LGBT organizations had no legal presence in the country but existed unofficially. There were no reports of government or societal violence against such organizations.

## **Burundi**

Human rights abuses during the year included security force killings, torture, and mistreatment of civilians and detainees; official impunity; societal killings and vigilante justice; harsh, life-threatening prison and detention center conditions; prolonged pretrial detention and arbitrary arrest and detention; detention and imprisonment of political prisoners and political detainees; lack of judicial independence and efficiency; official corruption; restrictions on privacy and freedom of speech, assembly, and association; sexual violence and discrimination against women and children; discrimination against gays and lesbians and persons with albinism; and restrictions on labor rights.

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### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law criminalizes homosexual acts, and anyone who has sexual relations with a person of the same sex can be fined or sentenced to between three months' and two years' imprisonment. At year's end no one was prosecuted under this provision.

Although discrimination existed, it was not always overt or widespread. Families sometimes disowned children who refused to deny their homosexual identity, and gays and lesbians often entered opposite-sex marriages due to social pressure. The lesbian, gay, bisexual, and transgender (LGBT) rights organization Humure reported that 90 percent of the men they surveyed who engaged in male-to-male sex were married. Representatives of the LGBT community stated that after the 2009 passage of the revised penal code criminalizing same sex

relations, they were subjected to more discrimination, but the number of cases remained small. The government took no steps to counter discrimination against gays and lesbians.

## **Cameroon**

Human rights abuses included security force killings; security force torture, beatings, and other abuses, particularly of detainees and prisoners; harsh and life-threatening prison conditions; and arbitrary arrest and detention of citizens advocating secession, local human rights monitors and activists, persons not carrying government-issued identity cards, and others. There were incidents of prolonged and sometimes incommunicado pretrial detention and of infringement on privacy rights. The government harassed and imprisoned journalists, restricted freedoms of speech, press, assembly, and association, and impeded freedom of movement. Official corruption was pervasive at all levels. Societal violence and discrimination against women, female genital mutilation (FGM), trafficking in persons (primarily children), and discrimination against pygmies and gays and lesbians occurred. The government restricted worker rights and the activities of independent labor organizations. Child labor, hereditary servitude, and forced labor, including forced child labor, were problems.

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Violence and discrimination against women, trafficked persons, ethnic minorities, and gays and lesbians were problems.

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### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Homosexual activity is illegal and punishable by a prison sentence of six months to five years and a fine ranging from 20,000 to 200,000 CFA francs (\$40 to \$400). During the year three persons in Douala and two in Yaounde were arrested for suspected homosexual activity. Authorities prosecuted at least four persons under this law during the year. Homosexual persons generally kept a low profile because of the pervasive societal stigma, discrimination, and harassment as well as the possibility of imprisonment. Gays and lesbians suffered from harassment and extortion by law enforcement officials. False allegations of homosexuality were used to harass enemies or to extort money.

On December 28, the Douala first instance court released from pretrial detention Alain Nje Penda, who was arrested for alleged homosexual acts in November 2009.

Several lesbian, gay, bisexual, and transgender organizations operated. There was a pattern of discrimination against members of such groups; however, no official cases were available for citation.

## **Cape Verde**

### **Societal Abuse, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Legal provisions helped provide protection for homosexual conduct; however, societal discrimination based on sexual orientation or gender identity continued to be a problem. There were no lesbian, gay, bisexual, or transgender persons' organizations active in the country.

### **Central African Republic**

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The penal code criminalizes homosexual behavior. The penalty for "public expression of love" between persons of the same sex is imprisonment for six months to two years or a fine of between 150,000 and 600,000 CFA francs (\$300 and \$1,200). When the relationships involve a child, the sentence is two to five years' imprisonment or a fine of 100,000 to 800,000 CFA francs (\$200 and \$1,600); however, there were no reports that police arrested or detained persons they believed to be involved in homosexual activity.

While there is official discrimination based on sexual orientation, there were no reports of the government targeting gays and lesbians. However, societal discrimination against homosexual conduct persisted during the year, and many citizens attributed the existence of homosexual conduct to undue Western influence.

### **Chad**

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were no known lesbian, gay, bisexual, and transgender (LGBT) organizations. There were few reports of violence or discrimination against LGBT persons, in large part because most such persons were discreet about sexual orientation due to social and cultural strictures against homosexuality. The law prohibits but does not define "unnatural acts," and there was no evidence that the law was used against LGBT persons during the year.

### **Comoros**

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexual acts are illegal. They can be punished by up to five years' imprisonment and a fine of 50,000 to 1,000,000 Comoran francs (\$139 to \$2,778). However, no case of this nature has come before the courts. No public debate on the issue has been held, and persons engaging in homosexual activity did not publicly discuss their sexual orientation due to societal pressure. There are no lesbian, gay, bisexual, and transgender organizations in the country.

### **Democratic Republic of the Congo**

## Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The constitution prohibits discrimination based on political, sexual, or religious orientation. There was not a large openly gay or lesbian community due to the social stigma associated with homosexuality. A law that was promulgated during the country's colonial era and still in force prohibits homosexual conduct as punishable by up to two years' imprisonment; however, the law was rarely enforced. The most recent arrest under this law was in 1996, when several individuals were arrested in Pointe Noire and briefly detained for homosexual behavior.

There were no known cases of violence or discrimination against gays, lesbians, or transgendered individuals during the year. While discrimination may exist due to the social stigma surrounding homosexuality, no such cases were reported to the NGOs or covered by the media.

### **Republic of the Congo**

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### **Cote d'Ivoire**

## Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Societal stigmatization of the lesbian, gay, bisexual, and transgender (LGBT) community was widespread, and the government did not act to counter it during the year. There were few LGBT organizations in the country. Arc en Ciel, the primary NGO representing the LGBT community, operated freely; however, the government required the organization to amend its by-laws to include non-LGBT members before the organization's status was officially approved.

There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, gay men were subjected to beatings, imprisonment, verbal abuse, humiliation, and extortion by police, gendarmes, and members of the armed forces.

## **Djibouti**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no known reports of societal violence or discrimination based on sexual orientation. Societal norms did not allow for the public discussion of homosexuality, and persons did not openly acknowledge having a homosexual orientation.

## **Equatorial Guinea**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws criminalizing sexual orientation; however, societal stigmatization and traditional discrimination against gay men and lesbians was strong, and the government made little effort to combat it.

## **Eritrea**

Human rights abuses included abridgement of citizens' right to change their government through a democratic process; unlawful killings by security forces; torture and beating of prisoners, sometimes resulting in death; abuse and torture of national service evaders; harsh and life-threatening prison conditions; arbitrary arrest and detention, including of national service evaders and their family members; executive interference in the judiciary and the use of a special court system to limit due process; and infringement of privacy rights. National service obligations are effectively open-ended although the government does not acknowledge this circumstance. There is no due process and persons remain in jail for years. The government severely restricted freedoms of speech, press, assembly, association, and religion. The government also limited freedom of movement and travel for all citizens, foreign residents, the UN, humanitarian and development agencies; it harassed and tightly controlled the movements of foreign diplomats. Foreign diplomats are required to apply for travel permits in writing 10 days in advance, even for consular emergencies, and travel permit applications were often not answered or refused. Restrictions continued on the activities of national and international nongovernmental organizations (INGOs). Female genital mutilation (FGM), although prevalent in rural areas, declined significantly in urban areas, according to trusted sources. Societal abuse and discrimination against women, members of the Kunama ethnic group, gays and lesbians, members of certain religious groups, persons with disabilities, and persons with HIV/AIDS remained areas of concern. There were limitations on worker rights, and the government was party to forced labor on its citizenry. Children were engaged in forced labor.

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There were credible repeated reports of the following detention practices and outcomes: release after providing proof of completion of national service requirements, release after being threatened with death for continued religious activity, release after being threatened with death for continued homosexuality activity, release after recanting of religious faith or declaring allegiance to the Eritrean Orthodox Church, release after paying a fine equivalent of hundreds or

thousands of dollars or having another Eritrean put up their house as collateral, release after unpaid forced labor such as picking vegetables for several months, release just before imminent death caused by torture during detention, unconditional release, indefinite detention, inadequate provision of food, torture and confinement in crowded unsanitary conditions subject to extreme temperatures (see section 1.c.).

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#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexuality is illegal, and individuals continue to be prosecuted under article 600 of the penal code. During the year there were unconfirmed reports that the government carried out periodic roundups of individuals considered gay and lesbian, and gays and lesbian faced severe societal discrimination. The government accused foreign governments of promoting the practice to undermine the government. There were uncorroborated reports that known gays and lesbians in the armed forces were subjected to severe abuse. There were no known lesbian, gay, bisexual, or transgender organizations in the country.

#### **Ethiopia**

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexuality is illegal and punishable by imprisonment under the criminal code. Instances of homosexual activity involving coercion or involving a minor (ages 13 to 16) are punishable by imprisonment prison term of anywhere from three months to five years. Where children under 13 years of age are involved, the law provides for imprisonment of five to 25 years. There were some reports of violence against lesbian, gay, bisexual, and transgender individuals; however, reporting was limited due to fears of retribution, discrimination, or stigmatization.

The AIDS Resource Center in Addis Ababa reported that the majority of self-identified gay and lesbian callers, 75 percent of whom were male, requested assistance in changing their behavior to avoid discrimination. Many gay men reported anxiety, confusion, identity crises, depression, self-ostracizing, religious conflict, and suicide attempts.

In 2008 nearly a dozen religious figures adopted a resolution against homosexuality, urging lawmakers to endorse a ban on homosexual activity in the constitution. The group also encouraged the government to place strict controls on the distribution of pornographic materials. At year's end no action had been taken on the resolution.

#### **Gabon**

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Discrimination and violence against lesbian, gay, bisexual, and transgender (LGBT) persons was a problem, and LGBT individuals often kept their status secret from the community for fear of being harassed or discriminated against.

## **The Gambia**

Human rights problems included government complicity in the abduction of citizens; torture and abuse of detainees and prisoners, including political prisoners; poor prison conditions; arbitrary arrest and detention of citizens, including incommunicado detention; denial of due process and prolonged pretrial detention; restrictions on freedom of speech and press; violence against women and girls, including female genital mutilation (FGM); forced child marriage; trafficking in persons; child prostitution; discrimination against homosexual activity; and child labor.

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### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law establishes prison terms ranging from five to 14 years for any male that commits in public or private any act of gross indecency, procures another male, or has actual sexual contact with another male; however, to date, no one has been prosecuted. There is no similar law targeting women. Many citizens shunned lesbian, gay, bisexual, and transgender (LGBT) individuals.

In a March 2009 speech before the National Assembly, President Jammeh called homosexual conduct "strange behavior that even God will not tolerate." The president previously described homosexual conduct as a criminal practice and told police to arrest persons practicing homosexual activity and to close motels and hotels that accommodated them. In 2008 the president ordered all LGBT persons to leave the country within 24 hours and threatened to cut off their heads. Despite this statement, there were no reported incidents of physical violence against LGBT individuals. There were no LGBT organizations in the country.

There is strong societal discrimination against LGBT individuals, but officially there are no laws that deny such individuals access to citizenship, employment, housing, education, or healthcare.

## **Ghana**

Human rights problems included the following: use of excessive force by police, which resulted in deaths and injuries; ethnic killings and vigilante violence; harsh and life-threatening prison conditions; police impunity; prolonged pretrial detention; arbitrary arrest of journalists; corruption in all branches of government; violence against women and children, including female genital mutilation (FGM); societal discrimination against women, persons with disabilities, gays and lesbians, and persons with HIV/AIDS; trafficking in women and children; ethnic discrimination and politically motivated violence; and child labor, including forced child labor.

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### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law makes consenting homosexual acts a misdemeanor, and strong sociocultural beliefs discriminated against and stigmatized same-gender sex. There were no registered Lesbian, Gay, Bisexual, and Transgender (LGBT) organizations. LGBT persons faced widespread discrimination,

as well as police harassment and extortion attempts. Gay men in prison often were subjected to sexual and other physical abuse.

On June 4, more than one thousand protesters in Takoradi, Western Region, participated in a peaceful rally against reports of gay and lesbian activities in their city. This was reportedly the first antigay protest in the country.

On December 22, the acting head of the CHRAJ spoke against discrimination during a radio interview on Accra-based CITI FM. She stressed that gays and lesbians should not be condemned based on societal attitudes and that the constitution provides for freedom from discrimination.

## **Guinea**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no laws criminalizing sexual orientation, although there were deep social, religious, and cultural taboos against homosexual conduct. There were no official or NGO reports of discrimination against individuals based on their sexual orientation. However, during the opening of the UN Human Rights office in Conakry, the prime minister announced his belief that homosexuality is wrong and should be forbidden by law. He also said that sexual orientation should not be regarded as a basic human right. There were no lesbian, gay, bisexual, or transgender organizations active during the year, but there were no legal impediments to the operation of such groups.

## **Guinea-Bissau**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws that criminalize sexual orientation; however, social taboos against homosexuality restricted freedom of sexual orientation. There were no reported violent incidents or human rights abuses targeting individuals based on their sexual orientation or identity. There was no official discrimination based on sexual orientation or gender identity in employment or access to education and health care. However, the law only recognized heterosexual married couples as entitled to larger government housing.

## **Kenya**

The following human rights problems were reported: abridgement of citizens' right to change their government in the last national election; unlawful killings, torture, rape, and use of excessive force by security forces; mob violence; police corruption and impunity; harsh and life-threatening prison conditions; arbitrary arrest and detention; arbitrary interference with the home and infringement on citizens' privacy; prolonged pretrial detention; executive influence on the judiciary and judicial corruption; restrictions on freedom of speech, press, and assembly; forced return and abuse of refugees, including killing and rape; official corruption; violence and discrimination against women; violence against children, including female genital mutilation

(FGM); child prostitution; trafficking in persons; interethnic violence; discrimination based on ethnicity, sexual orientation, and HIV/AIDS status; lack of enforcement of workers' rights; forced and bonded labor; and child labor, including forced child labor.

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There were numerous instances of mob violence and vigilante action resulting in serious injury. On February 12, near Mombasa, an armed mob of between 200 and 300 persons surrounded the Kenya Medical Research Institute (KEMRI), a government health center that provides HIV/AIDS services. Police arrived, took two KEMRI employees into custody for their protection but did not arrest members of the mob. On the same day the mob beat a man who had come to the health care center and were about to set fire to him when the police took the beaten man into custody. The mob then gathered outside the police station. The following day, a mob severely beat a KEMRI volunteer, who was also taken into protective custody. Over the next week, mobs in the same area attacked and beat other persons suspected of being gay (see section 1.d. and 6).

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The constitution and law prohibit discrimination based on race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth. Government authorities did not enforce effectively many of these provisions. There was also evidence that some government and opposition officials tolerated, and in some instances instigated, ethnic violence. The law criminalizes homosexual activity.

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Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The penal code criminalizes "carnal knowledge against the order of nature," which is interpreted to prohibit homosexual activity and specifies a maximum penalty of 14 years' imprisonment. A further statute specifically criminalizes male-to-male sex and specifies a maximum penalty of 21 years' imprisonment. However, there were no reported prosecutions of individuals for sexual orientation or homosexual activity during the year.

Lesbian, gay, bisexual, and transgender (LGBT) advocacy organizations, such as the Gay and Lesbian Coalition of Kenya (GALCK), were permitted to register and conduct activities. There was frequent and widespread societal discrimination based on sexual orientation during the year.

For example, during the year persons put up "not wanted" posters of the GALCK president and other LGBT activists around Nairobi. The posters also had bible verses depicting homosexuality as a sin.

On February 12, near Mombasa, an armed mob of between 200 and 300 persons surrounded KEMRI. Police arrived, took two KEMRI employees into custody for their protection but did not arrest members of the mob (see section 1.c.). Over the next week, mobs in the same area attacked and beat other persons suspected of being gay.

**Lesotho**

The law does not address sexual orientation. It was unknown whether lesbian, gay, bisexual, and transgender (LGBT) persons faced discrimination in employment, housing, access to health care, access to education, or other areas. Homosexual conduct is taboo in society, and is not openly discussed. There were no reports of violence against LGBT persons during the year.

## **Liberia**

### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits sodomy, and the culture is strongly opposed to homosexuality. "Voluntary sodomy" is a misdemeanor with a penalty of up to one year's imprisonment; however, no convictions under the law occurred in recent years. There were no reported instances of violence based on sexual orientation. There were no lesbian, gay, bisexual, or transgender organizations in the country.

## **Madagascar**

### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law does not prohibit discrimination against lesbian, gay, bisexual, and transgender (LGBT) activity, and there was general societal discrimination against the LGBT community.

Sexual orientation and gender identity were not widely discussed in the country, with public attitudes ranging from tacit acceptance to outright physical violence, particularly against transvestite sex workers. Local NGOs reported that most organizations that worked with the LGBT community did so as health service providers, often in the context of their work to combat the spread of HIV/AIDS. LGBT sex workers were frequently targets of aggression, including verbal abuse, stone throwing, and even murder. In recent years there has been an increased awareness of "gay pride" through positive media exposure, but general attitudes have not changed.

The penal code provides for a prison sentence of two to five years and a fine of two to 10 million ariary (\$1,000 to \$5,000) for acts that are "indecent or against nature with an individual of the same sex under the age of 21." There are reports of official abuses occurring at the community level, such as administrative officials denying health services to transvestite men or breaking confidentiality agreements, although no cases have ever been pursued in court.

## **Malawi**

## Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexual activity is illegal and is punishable by up to 14 years in prison in addition to corporal punishment.

On May 20, Tiwonge Chimbalanga and Steve Monjeza were found guilty of "carnal knowledge against the order of nature" and "gross indecency" and were sentenced to the maximum penalty of 14 years in prison with hard labor. On May 29, President Mutharika unconditionally pardoned them. Mutharika stated that he granted the pardon for humanitarian reasons only and stressed that homosexuality was still a crime in the country.

Societal violence and discrimination based on sexual orientation occurred. The Center for Development of the People (CEDEP) reported that several cases of violence resulting in serious injury were perpetrated against gay men during the year. These attacks were not reported to police.

A 2008 study by CEDEP found that approximately 34 percent of gay men in the country had been blackmailed or denied services such as housing or healthcare due to their sexual orientation. Additionally, 8 percent of those surveyed said they had been beaten by police or other security forces due to their sexual orientation.

### **Mali**

Principal human rights problems included arbitrary or unlawful deprivation of life, police abuse of civilians, poor prison conditions, arbitrary detention, lengthy pretrial detention, prolonged trial delays, executive influence over the judiciary, lack of enforcement of court orders, restrictions on freedom of speech and assembly, official corruption and impunity, domestic violence and discrimination against women, female genital mutilation (FGM), trafficking in persons, societal discrimination against black Tamasheqs, discrimination based on sexual orientation, societal discrimination against persons with HIV/AIDS, slavery-like practices and hereditary servitude relationships between ethnic groups, and child labor.

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## Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were no publicly visible lesbian, gay, bisexual, and transgender (LGBT) organizations in the country. The free association of LGBT organizations was impeded by a law prohibiting association "for an immoral purpose"; in 2005 the then governor of the District of Bamako cited this law to refuse official recognition to a gay rights association. Although there was no official discrimination on the basis of sexual orientation, in practice, societal discrimination was widespread.

### **Mauritania**

The following human rights problems were reported: security force abuse of suspects and detainees; prison overcrowding; restrictions on media freedom; official corruption; violence and

societal discrimination against women; abuse and sexual exploitation of children; some abuse based on sexual orientation; discrimination against persons living with HIV/AIDS; restrictions on labor rights, antiunion discrimination, and child labor.

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#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law does not criminalize homosexuality; however, it criminalizes the act of sodomy, and this prohibition is equally applied to gay, lesbian and heterosexual couples.

Lesbian, gay, bisexual, and transgender victims of verbal abuse or violence within the family reported such incidents to local NGO Collectif Arc en Ciel; however, victims refused to file complaints with police for fear of reprisal.

On September 14, the daily *L'Express* reported that a group of young men assaulted a gay man by throwing a rock at him. The victim, who suffered a leg fracture, filed a complaint against his assailants. A police investigation was ongoing at year's end.

At year's end there were no reports of governmental or societal discrimination based on sexual orientation in employment and occupation, housing, statelessness, or access to education or health care.

#### **Mozambique**

##### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were occasional reports of such discrimination, and the LDH reported cases of discrimination against gay men and lesbians in the courts. The Workers Law includes an article that prevents discrimination in the workplace based on a number of factors, including sexual orientation.

The government does not track and report discrimination or crimes against individuals based on sexual orientation or gender identity, nor were such abuses reported in the media.

#### **Namibia**

Human rights problems included police use of excessive force; prison overcrowding and poor conditions in detention centers; arbitrary arrest, prolonged pretrial detention, and long delays in trials; criticism of nongovernmental organizations (NGOs); harassment and political intimidation of opposition members; and official corruption. Societal abuses included violence against women and children, including rape and child abuse; discrimination against women, ethnic minorities, and indigenous people; child trafficking; discrimination and violence based on sexual orientation and gender identity; and child labor.

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## Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law does not prohibit homosexual conduct; however, sodomy between males is illegal, and the practice of homosexual activity was discouraged.

Unlike in previous years, there were no reports that politicians made derogatory public comments about the lesbian, gay, bisexual, and transgender (LGBT) community.

In May the LGBT community held a march to protest the sentencing of a gay couple in Malawi; police provided an escort. However, Out-right Namibia, an organization that advocates for LGBT rights, reported that police generally did not take complaints of violence against LGBT persons seriously. Out-right Namibia claimed police often ridiculed LGBT persons when they reported cases of abuse.

Societal discrimination against the LGBT community continued. In July the company Cash Crusaders denied employment to Annanias "Tingy" Haufiku, a transvestite. The company manager allegedly told Haufiku the company did not employ "mofies" (gays). The LAC filed a case on Haufiku's behalf, and it continued at year's end.

### **Niger**

## Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There are no laws criminalizing sexual orientation. There were no known organizations of lesbian, gay, bisexual, or transgender persons and no reports of violence against individuals based on their sexual orientation or gender identity. However, gay persons experienced societal discrimination.

### **Nigeria**

Human rights problems during the year included the abridgement of citizens' right to change their government; politically motivated and extrajudicial killings by security forces, including summary executions; torture, rape, and other cruel, inhuman or degrading treatment of prisoners, detainees, and criminal suspects; harsh and life-threatening prison and detention center conditions; arbitrary arrest and detention; prolonged pretrial detention; denial of fair public trial; executive influence on the judiciary and judicial corruption; infringement on citizens' privacy rights; restrictions on freedom of speech, press, assembly, religion, and movement; official corruption and impunity; violence and discrimination against women; the killing of children suspected of witchcraft; female genital mutilation (FGM); child abuse and child sexual exploitation; societal violence; ethnic, regional, and religious discrimination and violence; vigilante killings; trafficking in persons for the purpose of prostitution and forced labor; discrimination against persons with disabilities; discrimination based on sexual orientation and gender identity; child labor; forced and bonded labor; and abductions by militant groups.

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## Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexual activity is illegal under federal law, and homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted Sharia law, adults convicted of engaging in homosexual activity may be subject to execution by stoning, although no such sentences have been imposed.

Because of widespread taboos against homosexual activity, very few persons openly demonstrated such conduct. There were no public gay pride marches. The NGOs Global Rights and The Independent Project provided lesbian, gay, bisexual, and transgender (LGBT) groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness. The government or its agents did not impede the work of these groups during the year.

No action was taken against persons who in 2008 stoned and beat members of the House of Rainbow Metropolitan Community Church, an LGBT-friendly church in Lagos. The attacks occurred after four newspapers published photographs, names, and addresses of church members.

As of year's end the trial of 18 men, originally charged in 2008 with sodomy and subsequently charged with vagrancy, had been postponed multiple times. All defendants were able to post bail, set at 20,000 naira (\$133), and were released. No resolution of the case was announced by year's end.

### **Rwanda**

There were reports of abuse of suspects by security forces and local defense members, and prison and detention center conditions remained generally harsh. Security forces arbitrarily arrested and detained persons. Prolonged pretrial detention was a problem. There were restraints on judicial independence and limits on freedoms of speech, press, association, and religion, particularly in the preelection period. The government forcibly returned refugees. Official corruption and restrictions on civil society remained problems. Societal violence and discrimination against women, trafficking in persons, and discrimination against the Twa and the lesbian, gay, bisexual, and transgender (LGBT) community occurred. There were restrictions on labor rights, and child labor occurred.

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## Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Some members of the LGBT community reported societal discrimination and abuse during the year. According to a 2008-09 study in Kigali, gays claimed to have been verbally and physically abused in workplaces, bars, prisons, and elsewhere.

### **Sao Tome and Principe**

## Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There is no law criminalizing sexual orientation; however, there was societal discrimination based on sexual orientation.

## **Senegal**

### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexual activity, which is indirectly referred to in the law as "unnatural sexual intercourse," is a criminal offense. In the recent past, gays, lesbians, bisexual, and transgender (LGBT) persons have often faced criminal prosecution and widespread discrimination, social intolerance, and acts of violence.

Unlike the previous year, the media did not report acts of hatred or violence against LGBT persons. On November 30, Human Rights Watch released a report entitled *Fear of Life: Violence against Gay Men and Men Perceived as Gay in Senegal*. The report discussed cases of violence against gay men and the legal and cultural milieu that fosters such violence. While the cases cited in the report were from 2009 and earlier, NGO observers speculated that the drop in cases during the year was due to several factors. First, past violence against gays and lesbians may have caused many gay men in the country to go underground. Second, increased international attention may have caused the government to curtail prosecutions and other official discrimination. Finally, successful legal challenges to the law used to prosecute homosexuality may have helped curtail its use by prosecutors.

## **Seychelles**

### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law does not specifically prohibit discrimination based on sexual orientation, and there were no reports that such discrimination occurred.

## **Sierra Leone**

Major human rights problems included security force abuse and use of excessive force with detainees, including juveniles; harsh conditions in prisons and jails; official impunity; arbitrary arrest and detention; prolonged detention, excessive bail, and insufficient legal representation; interference with freedom of speech and press; forcible dispersion of demonstrators; widespread official corruption; societal discrimination and violence against women, discrimination based on sexual orientation; female genital mutilation (FGM); child abuse; trafficking in persons, including children; and forced and child labor.

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### Societal Abuses, Discrimination, and Acts of Violence based on Sexual Orientation and Gender Identity

The constitution does not offer protection from discrimination based on sexual orientation. A law from 1861 still in force prohibits male homosexual acts; however, there is no legal prohibition against female-to-female sex. The 1861 law carries a penalty of life imprisonment for indecent assault upon a man or 10 years for such an attempted assault. However, the law was not enforced in practice due to the secrecy surrounding homosexual conduct and the tendency for communities to discriminate against individuals rather than to enforce legal codes.

There were a few organizations working to support gay, bisexual, lesbian, and transgender persons. Because such individuals were not culturally accepted, particularly among men, the groups had to remain underground and hidden for fear of discrimination or violence against their members. Gay pride parades and other public displays of solidarity could not safely take place. There were unofficial reports of beatings by police and others, particularly targeting men dressed as women, but formal complaints were not filed due to fear of reprisal. Lesbian girls and women were also victims of "planned rapes" that were initiated by family members in an effort to change their sexual orientation.

Social discrimination based on sexual orientation occurs in nearly every facet of life for known gays and lesbians, and many choose to have heterosexual relationships and family units to shield them. In the areas of employment and education, sexual orientation is the basis for abusive treatment, which has led individuals to leave their jobs or courses of study. It is difficult for gays and lesbians to receive the health services they need, due to fear that their confidentiality rights would be ignored if they were honest about their ailments; many choose not to be tested or treated for sexually transmitted infections. Secure housing is also a problem for gays, lesbians, bisexuals, and transgender persons. Gay children frequently are shunned by their families, leading some to turn to prostitution to survive. Adults can lose their leases if their sexual orientation becomes public.

## **Somalia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Sexual orientation was considered a taboo topic, and there was no public discussion of this issue in any region of the country. There were no reports of societal violence or discrimination based on sexual orientation.

## **South Africa**

Principal human rights problems included police use of lethal and excessive force, including torture, against suspects and detainees, which resulted in deaths and injuries; vigilante and mob violence; prison overcrowding and abuse of prisoners, including beatings and rape by prison guards; arbitrary arrest; lengthy delays in trials and prolonged pretrial detention; forcible dispersal of demonstrations; pervasive violence against women and children; societal discrimination against women, persons with disabilities, and the lesbian, gay, bisexual, and transgender (LGBT) community; trafficking in persons; violence resulting from racial and ethnic tensions and conflicts with foreigners; and child labor, including forced child labor and child prostitution.

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The constitution and law prohibit discrimination on the grounds of race, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, sexual orientation, or marital status. However, entrenched attitudes and practices often resulted in the denial of these rights in practice.

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#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The post-apartheid constitution outlaws discrimination based on sexual orientation, and in 2006 the country legalized same-sex marriage. There were no reports of official mistreatment or discrimination. However, in its annual Social Attitudes Survey released in 2008, the Human Sciences Research Council found widespread public intolerance of homosexual activity, with 80 percent of respondents believing sex between two persons of the same gender to be "wrong" and "un-African."

Rights groups reported that the LGBT community was subject to societal abuses including hate crimes, gender violence targeting lesbians, and killings. The Triangle Project, the country's largest lesbian and gay rights organization, reported it received each week in Cape Town 10 new cases of lesbian women being targeted for "corrective" rape, in which men raped lesbians to punish them for being lesbian and to change their sexual orientation.

The trial of seven men accused of the 2006 murder of Zoliswa Nkonyana, a lesbian, in Cape Town, was postponed several times during the year. On September 15, the trial was again postponed because one of the defense attorneys had not arrived in court. While the court was waiting, four of the accused escaped their holding cell at the court, but were rearrested four days later. A police sergeant at the jail was also arrested for allegedly helping the men escape. In December the trial was postponed to March 2011.

#### **Sudan**

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits sodomy, which is punishable by death. There were no reports of antisodomy laws being applied. There were no known lesbian, gay, bisexual, or transgender organizations.

#### **Swaziland**

Human rights problems included inability of citizens to change their government; extrajudicial killings by security forces; mob killings; police use of torture, beatings, and excessive force on detainees; police impunity; arbitrary arrests and lengthy pretrial detention; arbitrary interference with privacy and home; restrictions on freedoms of speech and press and harassment of journalists; restrictions on freedoms of assembly, association, and movement; prohibitions on political activity and harassment of political activists; discrimination and violence against women; child abuse; trafficking in persons; societal discrimination against members of

the lesbian, gay, bisexual, and transgender (LGBT) community; discrimination against mixed-race and white citizens; harassment of labor leaders; restrictions on worker rights; and child labor.

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#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Societal discrimination against the LGBT community was prevalent, and LGBT persons generally concealed their sexual preferences. Colonial-era legislation against sodomy remains on the books; however, it has not been used to arrest homosexual persons. Gays and lesbians who were open about their sexual orientation and relationships faced censure and exclusion from the chiefdom-based patronage system, which could result in eviction from one's home. Chiefs, pastors, and members of government criticized homosexual conduct as neither Swazi nor Christian. Some gay and lesbian Swazis told the UNAIDS executive director they were often turned away at HIV testing clinics because of their sexual orientation. Societal discrimination exists against gays and lesbians; however, there were no reported legal cases during the year. It is difficult to know the extent of employment discrimination based on sexual orientation because victims are not likely to come forward, and most gays and lesbians are not open about their sexual orientation.

#### **Tanzania**

Principal human rights problems in both Tanzania and Zanzibar included the following: use of excessive force by military personnel, police, and prison guards, as well as societal violence, which resulted in deaths and injuries; abuses by Sungusungu traditional citizens' anticrime units; harsh and life-threatening prison conditions; lengthy pretrial detention; judicial corruption and inefficiency, particularly in the lower courts; restrictions on freedoms of press and assembly; restrictions on the movement of refugees; official corruption and impunity; societal violence against women and persons with albinism; child abuse, including female genital mutilation (FGM); and discrimination based on sexual orientation. Trafficking in persons and child labor remained problems.

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#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexuality is illegal on the mainland and in Zanzibar. On the mainland the offense is punishable by up to five years in prison. The law in Zanzibar establishes a penalty of up to 25 years' imprisonment for men who engage in homosexual relationships and seven years for women in lesbian relationships. Since the burden of proof in such cases is significant, the law is rarely applied, and there were no reports that anyone was punished under the law during the year. In the past individuals suspected of being gay or lesbian were instead charged with loitering or prostitution. Gays, lesbians, bisexual, and transgendered (LGBT) persons faced societal discrimination, which restricted their access to healthcare, housing, and employment.

During the year a coalition of NGOs worked together to advocate for the rights of LGBT persons, including the repeal of the penal code provision criminalizing homosexuality. However, societal

discrimination forced organizations advocating for these rights to operate discreetly, often impeding the efficacy of their outreach and advocacy.

## **Togo**

Human rights problems in the country included: security force use of excessive force, including torture, which resulted in deaths and injuries; official impunity; harsh and life-threatening prison conditions; arbitrary arrests and detention; lengthy pretrial detention; executive influence over the judiciary; infringement of citizens' privacy rights; restrictions on freedoms of press, assembly, and movement; official corruption; discrimination and violence against women; child abuse, including female genital mutilation (FGM), and sexual exploitation of children; regional and ethnic discrimination; trafficking in persons, especially women and children; societal discrimination against persons with disabilities; official and societal discrimination against homosexual persons; societal discrimination against persons with HIV; and forced labor, including by children.

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Only heterosexual men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV, but women were more likely than men to seek treatment and refer their partners.

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### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law provides that a person who engages in a homosexual act may be punished by one to three years' imprisonment and fined 100,000 to 500,000 CFA francs (\$208 to \$1,041). Eight persons were arrested for "indecent assault" and were in prison awaiting trial at year's end.

There was societal discrimination based on sexual orientation.

## **Uganda**

Serious human rights problems in the country included arbitrary killings; vigilante killings; mob and ethnic violence; torture and abuse of suspects and detainees; harsh prison conditions; official impunity; arbitrary and politically motivated arrest and detention; incommunicado and lengthy pretrial detention; restrictions on the right to a fair trial and on freedoms of speech, press, assembly, and association; restrictions on opposition parties; electoral irregularities; official corruption; violence and discrimination against women and children, including female genital mutilation (FGM), sexual abuse of children, and the ritual killing of children; trafficking in persons; violence and discrimination against persons with disabilities and homosexual persons; restrictions on labor rights; and forced labor, including child labor.

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On December 13, Ethics and Integrity Minister Nsaba James Buturo prevented the UHRC and OHCHR from screening a documentary on Ugandan human rights defenders. Buturo alleged that the film promoted homosexuality. In the film, one human rights defender criticized Uganda's draft "antihomosexuality bill" for violating the rights of Ugandan citizens by forcing health care

workers to report individuals believed to be gay or lesbian to authorities. In a December 15 press conference, the UHRC defended the documentary and criticized Buturo for violating the UHRC's constitutional independence.

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In its 2009 annual report, released in October 2010, the UHRC reported registering 785 human rights complaints against 858 individuals, including 106 UPDF members, 285 police officers, 86 other security agencies, 29 prison warders, and 343 private citizens. Of the 785 complaints, 31 percent involved allegations of torture or cruel, inhuman, or degrading treatment and punishment. The UHRC also examined the country's draft antihomosexuality bill and determined that the proposed legislation violates the Ugandan constitution and international law. The report called on the government to pass pending antitorture legislation; improve prison conditions, particularly for women and children; eliminate illegal detention and prolonged pretrial detention practices; use murder statutes to prosecute cases of child sacrifice; and provide security forces with increased human rights education programming.

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#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Lesbian, gay, bisexual, and transgender (LGBT) persons faced discrimination and legal restrictions. It is illegal to engage in homosexual acts, based on a 1950 legal provision from the colonial era criminalizing "carnal acts against the order of nature" and prescribing a penalty of life imprisonment. No persons had been convicted under the law. On October 12, police in Kampala arrested one individual for alleged homosexuality, and on October 15 a court in Kampala charged the individual with homosexuality and released him on bail. Hearing of the case was pending at year's end.

In September 2009 parliamentarian David Bahati introduced a draft "antihomosexuality bill" that would impose punishments ranging from imprisonment to the death penalty on individuals twice convicted of "homosexuality" or "related offenses" to include "aiding and abetting" homosexuality, "conspiracy to engage" in homosexuality, the "promotion of homosexuality," or "failure to disclose the offense" of homosexuality to authorities within 24 hours. This draft legislation remained in the committee stage during the year but resulted in increased harassment and intimidation of LGBT persons. Although the government did not endorse the draft legislation, several senior members of government and President Museveni's Cabinet openly expressed homophobic sentiment despite the High Court's December 2008 ruling that constitutional rights apply to all persons, regardless of sexual orientation.

LGBT persons were subject to societal harassment, discrimination, intimidation, and threats to their wellbeing during the year. Individuals openly threatened members of the LGBT community and their constitutional rights during several public events. For example, on April 15 in Jinja, Pastor Martin Ssempe led a march against homosexuality, and during an April 17 event against homosexuality at a church in Kampala, Ssempe showed a pornographic slideshow to audience members, which included several children. During these rallies participants openly threatened LGBT individuals.

In its annual report for 2009, released in October 2010, the UHRC determined that the draft antihomosexuality bill violates the Ugandan constitution and international law.

On October 10, an obscure local tabloid published the names, photographs, and, in some cases, residential locations of several LGBT activists under the headline "Hang Them." On November 1, the High Court issued an injunction blocking the tabloid from further publication of information pertaining to homosexuality pending resolution of a court case filed by three LGBT activists, including David Kato. The case was pending at year's end.

On December 13, Ethics and Integrity Minister Nsaba James Buturo prevented the UHRC and UN OHCHR from screening a documentary on Ugandan human rights defenders that Buturo alleged promoted homosexuality. In the film, one human rights defender criticized Uganda's draft antihomosexuality bill for violating the rights of Ugandan citizens by forcing health care workers to report alleged gay and lesbian individuals to authorities. In a December 15 press conference, the UHRC defended the documentary and criticized Buturo for violating the UHRC's constitutional independence.

The April 2009 case against activists Fred Wasukira and Brian Mpadde, accused of involvement in homosexual acts, was pending. In September, police dismissed the June 2009 case in which Charles Ayeikoh was accused of homosexual acts.

## **Zambia**

Human rights problems included unlawful killings; torture, beatings, and abuse of suspects and detainees by security forces; official impunity; life-threatening prison conditions; arbitrary arrests and prolonged pretrial detention; long trial delays; arbitrary interference with privacy; restrictions on freedom of speech, press, assembly, and association; government corruption; violence and discrimination against women; child abuse; trafficking in persons; discrimination based on sexual orientation and against persons with disabilities; restrictions on labor rights; forced labor; and child labor.

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The constitution and law prohibit discrimination based on race, ethnic group (tribe), gender, place of origin, marital status, political opinion, color, disability, language, social status, or creed. However, the government did not effectively enforce the law, and violence and discrimination against women and children, discrimination based on sexual orientation, trafficking in persons, and discrimination against persons with disabilities remained problems.

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### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes homosexual behavior and provides penalties of 15 years' to life imprisonment for individuals who engage in "unnatural" (homosexual) acts. A lesser charge of "gross indecency" carries penalties of up to 14 years' imprisonment. The government enforced the law that criminalizes homosexual conduct and did not respond to societal discrimination. Societal violence against homosexual persons occurred, as did societal discrimination in employment, housing, and access to education or health care. There were active groups

promoting rights of such persons, but the MoHA Registrar of Societies continued to refuse to register them. Groups held social gatherings but did not participate in open demonstrations or marches. There were also social impediments to the operation and free association of organizations for LGBT persons.

On September 20, five male students from Kabulonga Boys High School in Lusaka appeared in court on charges of gross indecent practices between persons of the same sex for allegedly having performed sexual acts on other male students. If convicted they face minimum of seven years' and maximum of 14 years' imprisonment. The case remained pending at year's end.

## **Zimbabwe**

The following human rights violations also continued: government restrictions on domestic and international human rights NGOs; violence and discrimination against women; trafficking of women and children; discrimination against persons with disabilities, ethnic minorities, the lesbian, gay, bisexual, and transgender (LGBT) community, and persons with HIV/AIDS; harassment and interference with labor organizations critical of government policies; child labor; and forced labor, including by children.

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### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Leadership in both ZANU-PF and MDC, including President Mugabe and Prime Minister Tsvangirai, publically denounced the LGBT community and warned against the inclusion of LGBT rights in the constitution. Over a period of years, Mugabe publicly denounced the LGBT community, blaming it for Africa's ills and declaring its members to be worse than "pigs and dogs." Although there was no statutory law proscribing homosexual conduct, common law prevents gay men, and to a lesser extent, lesbians, from fully expressing their sexual orientation and, in some cases, criminalizes the display of affection between men. The criminal code definition of sodomy includes "any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act." Sodomy carries a penalty of up to one year in prison or a fine up to \$5,000. There were no known cases of sodomy charges being used to prosecute consensual homosexual activity.

Gays and Lesbians of Zimbabwe (GALZ), the sole organization dedicated to advancing the rights of the LGBT community in the country, experienced discrimination and harassment. On May 21, police, armed with a search warrant, raided the GALZ office to search for dangerous drugs and pornographic materials, citing contravention of Censorship and Entertainment Control Act. The police forced GALZ employees Ellen Chademana and Ignatius Muhambi to provide passwords to their personal e-mail accounts and arrested them for possession of pornographic materials. In a second raid police charged the employees with contravening the Criminal Law (Codification and Reform) Act for undermining the authority of President Mugabe after finding a picture of the president along with the plaque of a foreign gay and lesbian activist. Police also raided the house of the director of GALZ on May 25. Police denied ZLHR lawyers access to the employees from May 21 to May 23 and granted the first initial visit on May 24. Four self-identified police officers removed the two employees from their cell on the evening of May 25 and beat them in the face and knees during the course of an interrogation. ZLHR lawyers observed that the two

had swollen faces, had plastic bags tied to their feet, and struggled to speak during a consultation following the beating. On May 25, ZLHR lawyers filed an urgent application at the High Court appealing the legality of the arrest and detention. On May 26, the two appeared before the magistrate court and were remanded from custody on \$200 bail. Chademana's hearing, postponed six times from July 1 as the government's witnesses failed to turn up, finally commenced on August 2 and ended on November 18. On December 16, Chademana was acquitted on the charge of possessing pornographic materials. Muhambi's trial started on June 30, and after multiple hearings he was acquitted of the charge of possessing pornographic materials on July 23. Both still faced charge of undermining the president at year's end.

The government censorship board continued to confiscate materials sent to GALZ from outside the country and refused to release the material, claiming that it was "indecent." In 2008 GALZ filed three lawsuits against the censorship board, seeking the release of the materials. Due to the courts' refusal to act, three cases from 2008 were pending at year's end.

General homophobia and restrictive legislation made it difficult for the LGBT community to feel safe about being open about their sexuality in public. Because of significant social pressure, some families reportedly subjected men and women to "corrective" rape and forced marriages to encourage heterosexual conduct; the crimes were rarely reported to police. Women, in particular, were subjected to rape by male members of their own families.

On December 1, approximately 30 members of an LGBT NGO participated in a march in Bulawayo to celebrate "16 days of activism on violence against women." Police ordered the members to leave the venue of commemoration, citing as their reason the illegality of homosexuality.

Members of the LGBT community reported widespread societal discrimination based on sexual orientation. Many persons who identified with the LGBT community did not seek medical care for sexually transmitted diseases or other health issues due to fear that health providers would shun them. In the 2006-07 Presidential HIV/AIDS Strategic Plan, the government agreed to address HIV/AIDS among gay men. However, as of year's end, the government had not made any effort to address the health needs of this population. Many LGBT persons reported leaving school at an early age, decreasing their capacity for economic gain. Coupled with socioeconomic discrimination, higher rates of unemployment and homelessness among members of the LGBT community were reported.