

Custom Report Excerpts

Angola

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status, but not sexual orientation or gender identity; however, the government did not effectively enforce these prohibitions. Violence and discrimination against women, child abuse, child prostitution, trafficking in persons, and discrimination against persons with disabilities were problems.

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

The law criminalizes same-sex sexual activity, although there were no reported cases of this law being enforced. A draft penal code to replace the existing code (which was adopted in 1886 and, with several amendments, was valid at year's end) was passed in 2011, but was awaiting approval by the national assembly. Nevertheless, the draft code was used intermittently by the justice system and recognizes the right to same-sex relationships. The constitution defines marriage as between a man and a woman. NGOs reported a small underground lesbian, gay, bisexual and transgender (LGBT) community in Luanda, although an LGBT group calling itself "The Divas" held the first ever gay pride parade in the country in November. There were isolated reports of same-sex couples being harassed by their communities. There were no registered NGOs advocating for the rights of LGBT persons. There were no known reports of discrimination in employment or occupation, although a prominent transsexual musician was reportedly banned from performing on a state-run television channel because of her sexuality.

Benin

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and laws prohibit discrimination based on race, gender, disability, language, and social status, but societal discrimination against women continued. Persons with disabilities were disadvantaged. The government took some measures to address these problems but fell short of a comprehensive response.

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

There are no laws explicitly criminalizing consensual same-sex sexual activity. There are laws prohibiting discrimination against other groups but none that specifically reference lesbian, gay, bisexual, and transgender (LGBT) individuals. There were no reports of criminal or civil cases involving consensual same-sex conduct or reports of societal discrimination or violence based on a person's sexual orientation. Although homosexual behavior was socially discouraged, it was neither prosecuted nor

persecuted. A growing number of citizens were open about their sexual orientation or gender identity, but the LGBT community remained largely disorganized and hidden.

Botswana

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit governmental discrimination based on ethnicity, race, nationality, creed, sex, or social status, and the government generally respected these provisions. In addition, as long as a government job applicant is able to perform the duties of the position, he or she may not be discriminated against due to disability or language. The law does not prohibit discrimination by private persons or entities, however, and there was societal discrimination against women; persons with disabilities; minority ethnic groups, particularly the San; LGBT persons; persons with HIV/AIDS; and persons with albinism.

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

The law does not explicitly criminalize consensual same-sex sexual activity. What the law describes as “unnatural acts” are criminalized, and there was widespread belief this is directed toward LGBT persons. Police did not target persons suspected of same-sex sexual activity, and there were no reported cases during the year of violence against persons based on their sexual orientation or gender identity. LGBT-rights organizations claimed there were incidents of violence, societal harassment, and discrimination based on sexual orientation or gender identity, however. Civil society leaders reported that overt intimidation was not generally a factor in preventing reports of abuse, but in some cases stigma played a role.

Public meetings of LGBT advocacy groups and debates on the issue of rights for all persons regardless of sexual orientation or gender identity occurred without disruption or interference. An independent organization, LeGaBiBo (Lesbians, Gays, and Bisexuals of Botswana), has attempted to register as an NGO since 2009 to advocate for the rights of LGBT persons, but the government refused to register it on the basis that LeGaBiBo promoted an illegal activity. LeGaBiBo operated under the umbrella of the Botswana Network of Ethics on Law and HIV/AIDS (BONELA), which in 2011 filed a lawsuit challenging the government’s decision not to register LeGaBiBo; however, it subsequently withdrew its lawsuit due to technical errors in its founding affidavit. In 2012 LeGaBiBo again applied for registration as an LGBT rights organization with the Registrar of Societies. The application was again denied on the same basis as previously. LeGaBiBo appealed the denial to the minister of home affairs, who also denied the application. In March LeGaBiBo again filed a lawsuit challenging the government’s refusal to grant the organization legal status, this time on its own behalf and with the legal support of Unity Dow, one of the country’s most respected human rights activists and jurists. The case was pending at year’s end, with a High Court hearing expected in early 2014.

Burkina Faso

Section 6. Discrimination, Societal Abuses, and Trafficking in

Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, but the government did not effectively enforce these prohibitions. Discrimination against women and persons with disabilities remained a problem.

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 or gender identity in employment and occupation, housing, statelessness, or access to education or health care. Nevertheless, societal discrimination, exacerbated by religious and traditional beliefs against LGBT persons, was a problem. LGBT persons were occasionally victims of verbal and physical abuse, according to LGBT support groups. There were no reports that the government responded to societal violence and discrimination against LGBT persons.

LGBT organizations had no legal status in the country but existed unofficially. Repeated attempts by LGBT organizations to register with the Ministry of Territorial Administration were not approved, and no explanation was provided for the refusal. There were no reports of government or societal violence against such organizations, although incidents were sometimes not reported due to stigma or intimidation.

The country had no hate crime laws or other criminal justice mechanisms to aid in the investigation, prosecution, or sentencing of bias-motivated crimes against the LGBT community.

Burundi

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equal status and protection for all citizens, without distinction based on race, language, religion, sex, or ethnic origin, but the law does not explicitly address distinctions based on sexual orientation or gender identity. The government did not enforce the law in many cases.

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

The law criminalizes same-sex sexual acts with penalties ranging from a fine to imprisonment of three months to two years, with or without a fine.

The Remuruka Center in Bujumbura offers urgent services to the LGBT community. The government neither supported nor hindered local LGBT organizations or the center during the year.

Cabo Verde

Section 6. Discrimination, Societal Abuses, and Trafficking in

Persons

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status. The constitution stipulates that the government should create conditions for the gradual removal of all obstacles to the full exercise of human rights and equality before the law.

The law also prohibits racism, xenophobia, and other forms of discrimination, but violence and discrimination against women and children remained significant problems.

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

No antidiscrimination laws apply to lesbian, gay, bisexual, and transgender (LGBT) persons. There was no information available on official or private discrimination against LGBT individuals in employment, occupation, housing, statelessness, or access to education or health care, and there were no reported incidents of violence against LGBT persons during the year. There are no legal or governmental impediments to the organization of LGBT events.

The Cape Verdean Association of Gays Against Discrimination organized the first ever Cape Verdean Gay Week “Mindelo Pride” in the city of Mindelo, on Sao Vicente Island, on June 25-28 to promote equality and respect for sexual diversity.

Cameroon

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law does not explicitly forbid discrimination based on race, language, or social status, but it prohibits discrimination based on gender and mandates that “everyone has equal rights and obligations.” The constitution prohibits all forms of discrimination. The government did not enforce these provisions effectively, and violence and discrimination against women and girls, trafficked persons, ethnic minorities, and members of the LGBT community were problems.

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

Consensual same-sex sexual 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 (\$41 to \$410). Authorities actively enforced the law and arrested, tried, jailed, and beat alleged LGBT individuals during the year. Security forces reportedly actively targeted alleged LGBT individuals and cooperated with vigilante groups to entrap and arrest them. Credible reports indicated that there may have been as many as 200 individuals incarcerated in the country on charges of sexual relations between persons of the same sex.

LGBT individuals regularly faced social stigmatization and mob violence, which sometimes resulted in their deaths.

In July, for example, Eric Ohena Lembembe – a journalist, LGBT activist, and the executive director of the Cameroonian Foundation against AIDS – was found strangled to death at his home in Yaounde. Lembembe had been bound, beaten, and burned with an

iron. Civil society members and human rights organizations credibly claimed that the killing was linked to Lembembe's activism and sexual orientation, a contention that the minister of communication publicly questioned in the days following the crime. The official investigation into Lembembe's death was uniformly unprofessional, and no suspects were identified by year's end.

In July a mob in the village of Muyuka, Southwest Region, stoned to death Henry Mbah, an allegedly gay man. Mbah reportedly was killed after his wife caught him in an intimate situation with another man, Elvis Atabong. Although reportedly injured, Atabong was apparently saved from the mob by police officers, who promptly arrested him. The status of Atabong's case and any investigation into Mbah's killing were unknown.

Also in July Joseph Ombwa was sentenced to two years in prison for having sexual relations with a person of the same sex, along with Nicolas Ntamack, who was sentenced to one year in prison on the same charge. Ombwa and Ntamack's sentences came two years after Ombwa was arrested while trying to sell a man a gay pornography DVD in an apparent police sting operation. Ntamack was arrested shortly thereafter when he attempted to visit Ombwa at the police station.

The Movement of Cameroonian Youth organized anti-homosexual brigades throughout the year to locate and harass LGBT individuals in nightclubs. In August the movement organized a public march to urge a more heavy-handed government crackdown on homosexuality.

Suspected members of the LGBT community received anonymous threats by telephone, text message, and e-mail. LGBT individuals who sought services or protection from the authorities were regularly rebuffed, extorted, or arrested. LGBT organizations also were targeted. In July arsonists set fire to the NGO Alternatives Cameroon Access Center in Douala, resulting in significant damage to the center's HIV testing and counseling records. Police forces ruled the fire a criminal act, but no suspects were identified.

During his first public speech in August, Jean Mbarga, the newly appointed administrator of the Catholic Archdiocese of Yaounde and the archbishop of Ebolowa, condemned homosexuality as a foreign practice and called on Africans to "resist what will destroy their culture and family."

Despite the environment various human rights and health organizations continued to advocate for the LGBT community by defending LGBT individuals being prosecuted, promoting HIV/AIDS initiatives, and working to change laws prohibiting consensual same-sex activity.

Central African Republic

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The transitional charter stipulates that all persons are equal before the law without regard to race and gender, but not with regard to disability, language, and sexual orientation and/or gender identity. The government did not enforce these provisions effectively, and significant discrimination existed.

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

The penal code criminalizes consensual same-sex sexual activity. 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 (\$309 and \$1,236). When one of the participants is a child, the adult may be sentenced to two to five years’ imprisonment or a fine of 100,000 to 800,000 CFA francs (\$206 and \$1,648); however, there were no reports that police arrested or detained persons under these provisions.

While there is official discrimination based on sexual orientation, there were no reports of the government targeting gays and lesbians. Societal discrimination against LGBT persons was entrenched due to a high degree of cultural stigmatization and social pressure placed upon individuals to conform to a heterosexual lifestyle. Many citizens attributed the existence of homosexuality to undue Western influence. There were no reports of LGBT persons targeted for acts of violence, although the lack of reports may be due to cultural biases and stigma attached to being a member of the LGBT community. There were no known organizations advocating or working on behalf of LGBT persons.

Chad

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Although the constitution and law prohibit discrimination based on origin, race, gender, religion, political opinion, or social status, the government did not effectively enforce these provisions. The law does not address discrimination based on sexual orientation or gender identity.

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

The law prohibits but does not define “unnatural acts,” and there was no evidence that the law was used against lesbian, gay, bisexual, and transgender (LGBT) persons. No specific laws apply to LGBT persons. There was one report of violence or discrimination against LGBT persons.

On September 20, two gay men celebrating their wedding in a dance bar in Abeche were arrested for indecent exposure. On October 8, the sentence was reduced to a two-year suspended sentence and a fine. The dance bar was ordered closed for two years.

There were no known LGBT organizations in the country, in large part because most individuals were discreet about their sexual orientation due to social and cultural strictures against homosexuality.

Comoros

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Although the law prohibits discrimination based on race, gender, disability, language, or social status, there were reports of discrimination against women and persons with disabilities.

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

Consensual same-sex sexual activity is illegal and can be punished by up to five years' imprisonment and a fine of 50,000 to one million Comoran francs (\$138 to \$2,767). During 2012 the Morals and Minors Brigade investigated two cases of same-sex activity involving a minor and referred the cases for prosecution. Through October the Brigade investigated one additional case of same-sex activity where both participants were minors. The status of these cases was unclear, but it was common practice to jail the accused pending trial. Lesbian, gay, bisexual, and transgendered (LGBT) persons generally did not publicly manifest their sexual orientation due to societal pressure. There were no local LGBT organizations.

Congo, Democratic Republic of the

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, ethnicity, gender, language, culture, or religion but does not address disability or sexual orientation. The government did not enforce prohibitions against discrimination effectively.

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

No antidiscrimination laws benefit LGBT persons. While there are no laws specifically prohibiting consensual same-sex sexual conduct between adults, individuals engaging in public displays of same-sex sexual conduct were subject to prosecution under public indecency provisions in the law on sexual violence. Same-sex sexual orientation remained a cultural taboo, and harassment by the SSF continued. The Ministry of Health actively worked with LGBT groups to reduce stigma.

Congo, Republic of the

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination on the basis of race, gender, religion, region of origin within the country, place of residence in the country, language, social status, political orientation, or disability; however, the government did not effectively enforce these prohibitions. The law does not prohibit discrimination based on sexual orientation or gender identity.

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

There is no law that specifically prohibits homosexuality or homosexual conduct. Article 330 of the penal code prescribes imprisonment of three months to two years and a fine for those who commit a "public outrage against decency." Article 331 prescribes a punishment of six months to three years and a fine for anyone who "commits a

shameless act or an act against nature with an individual of the same sex under the age of 21.” According to the gay rights NGO Association de Soutien aux Groupes Vulnérables (ASGV) and members of the homosexual community, these laws do not prohibit homosexual behavior and authorities do not employ the provisions to arrest or prosecute homosexuals. On occasion, however, police officers harassed gay men during the year and claimed the articles prohibited homosexual activity in order to elicit a small bribe. There are no laws that limit freedom of speech or assembly for lesbian, gay, bisexual, and transgender persons.

There were no known cases of violence against lesbian, gay, bisexual, or transgender individuals during the year. Although homosexual activity is generally stigmatized by society, overt intimidation was not believed to be a factor in preventing reports of incidents of abuse. The ASGV, based in Brazzaville, represents the interests of gay men, particularly in relation to HIV/AIDS and other health issues. The ASGV sits on the National HIV/AIDS Committee, whose meetings are chaired by President Sassou-N’Gusso or the minister of health. A second organization represents the interests of gay men in Pointe-Noire. There was no known advocacy group that represents the interests of lesbians or transgender individuals in the country.

Cote d'Ivoire

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, ethnicity, national origin, gender, or religion, but the government did not effectively enforce the law. The law does not address discrimination based on disability, language, sexual orientation, gender identity, or social status.

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

Although there is no explicit law prohibiting same-sex sexual activity, public indecency with a same-sex partner is illegal. There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Nevertheless, societal stigmatization of the LGBT community was widespread, and police, gendarmes, and members of the armed forces reportedly beat, imprisoned, verbally abused, extorted, and humiliated members of the LGBT community, particularly gays.

The few LGBT organizations in the country operated freely, but with caution.

Djibouti

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination on the basis of race, gender, or language; however, the government did not enforce the law effectively. The constitution does not directly address discrimination based on disability, social status, sexual orientation, or gender identity.

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

The law criminalizes consensual same-sex sexual conduct. No antidiscrimination law exists to protect lesbian, gay, bisexual, and transgender (LGBT) individuals. There were no reported incidents of societal violence or discrimination based on gender identity or sexual orientation. Societal norms do not allow for the public discussion of homosexuality, and LGBT persons generally did not openly acknowledge their sexual orientation. There were no known LGBT organizations.

Equatorial Guinea

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, religion, language, or social status. Neither the law nor the constitution addresses discrimination based on disability or sexual orientation. The government did not enforce the law effectively.

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

There are no laws criminalizing sexual orientation, but societal stigmatization and traditional discrimination against the lesbian, gay, bisexual, and transgender (LGBT) community were problems, and the government made little effort to combat it. There was no legal discrimination against LGBT persons, and discussions of sexual orientation and homosexuality were not completely taboo. Nevertheless, LGBT lifestyles were not generally accepted. There are no legal impediments to LGBT organizations, but none was active during the year due mainly to societal stigma. Such stigma likely also prevented incidents of abuse from being reported.

Eritrea

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law and unimplemented constitution prohibit discrimination against women and persons with disabilities, and discrimination based on race, language, and social status, but the government did not enforce these provisions. The constitution does not specifically address discrimination based on sexual orientation or gender identity.

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

The law criminalizes consensual same-sex sexual activity. The government did not enforce this law. Antidiscrimination laws relating to lesbian, gay, bisexual, or transgender (LGBT) persons do not exist. There are no hate crime laws or other criminal justice mechanisms to investigate bias-motivated crimes against LGBT individuals.

There were no known LGBT organizations in the country. In general society stigmatized discussion of LGBT problems.

In the past the government accused foreign governments of promoting same-sex sexual orientation. Early in the year the government denied a foreign official's same-sex partner an entrance visa and gave the foreign official 48 hours to leave the country with no explanation. Foreign male tourists reported that hotel staff in different cities told them that men could not share a room. There were no reports of Eritrean men encountering this restriction.

Ethiopia

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides all persons equal protection without discrimination based on race, nation, nationality or other social origin, color, gender, language, religion, political or other opinion, property, birth, or status, but the government did not fully promote and protect these rights. The constitution does not address discrimination based on disability, sexual orientation, or gender identity.

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

Consensual same-sex sexual activity is illegal and punishable by imprisonment under the law. There is no law prohibiting discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals. There were some reports of violence against LGBT individuals; reporting was limited due to fear of retribution, discrimination, or stigmatization. There are no hate crime laws or other criminal justice mechanisms to aid in the investigation of abuses against LGBT persons. Persons did not identify themselves as LGBT persons due to severe societal stigma and the illegality of consensual same-sex sexual activity. Activists in the LGBT community stated they were followed and at times feared for their safety. There were periodic detentions of some in the LGBT community, combined with interrogation and alleged physical abuse.

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

Gabon

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Although the constitution and law prohibit discrimination based on national origin, race, gender, disability, language, or social status, the government did not enforce these provisions consistently. The constitution and law do not prohibit discrimination based on sexual orientation or gender identity.

Societal Abuses, Discrimination, and Acts of Violence Based on

Sexual Orientation and Gender Identity

Although there were no reports of violence against lesbian, gay, bisexual, and transgender (LGBT) persons, discrimination was a problem, and most LGBT individuals chose to keep their status secret, except in trusted circles, due to fear of discrimination. Discrimination in employment, housing, and health care was a problem, particularly for LGBT persons open about their sexual identity. Landlords or health-care providers often turned away such persons. Stigma was a likely factor in preventing the reporting of incidents.

Gambia, The

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, religion, gender, disability, language, or social status, and the government generally enforced these prohibitions. Nevertheless, discrimination against women remained a problem.

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 man who commits in public or private “any act of gross indecency,” engages a male sex worker, or has actual sexual contact with another man. The law, however, has never been applied. There was no similar law applicable to women. There were antidiscrimination laws, but they did not apply to LGBT individuals.

On September 27, President Jammeh, addressing the UN General Assembly in New York, described homosexuality as evil, antihuman, and anti-Allah and said the practice represented one of the biggest threats to human existence.

In a June 25 speech to thousands of persons in the village of Faraba Banta during his “Dialogue with the People” tour, President Jammeh reiterated his government’s zero tolerance for homosexuality and what he called other menaces such as the use of illicit drugs, corruption, rape, and murder. He said anyone found engaged in these would be “living hell on earth.”

There was strong societal discrimination against LGBT individuals, further enhanced by statements by President Jammeh. There were no LGBT organizations in the country.

Ghana

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, gender, disability, language, or social status; however, enforcement was generally inadequate. Limited financial resources and generally permissive societal attitude toward such discrimination contributed to its perpetuation. Courts were empowered to order specific enforcement of these prohibitions.

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

According to the criminal code, “unnatural carnal knowledge” is defined as “sexual intercourse with a person in an unnatural manner or with an animal.” It states that individuals who have unnatural carnal knowledge “of any person of 16 years or over with his consent” is guilty of a misdemeanor. There was considerable public debate over whether this legislation could be used to prosecute consenting adults for same-sex sexual activity, but there were no reports that it had ever been used.

The former and current commissioners of the CHRAJ spoke out against all forms of discrimination and advocated the need to protect the human rights of every citizen as provided for in the constitution.

LGBT persons faced widespread discrimination in employment and education, as well as police harassment and extortion attempts. There were reports that police were reluctant to investigate claims of assault or violence against LGBT persons. According to the HRAC, gay men in prison were often subjected to sexual and other physical abuse. The government took no official actions to investigate or punish those complicit in the abuse.

In April Opoku Ware Secondary High School in Ashanti Region expelled 19 students for allegedly practicing homosexuality. School officials accused the students of recruiting their peers to practice same-sex acts. In the same month, an additional 34 students were dismissed from Wesley Girls Senior High School in Kumasi for engaging in “lesbianism.”

In 2012 a gang of men assaulted nine people they believed to be LGBT individuals in Jamestown, a neighborhood of Accra, forcing them from their homes and attacking them with canes and sticks. The victims filed a complaint with the HRAC, alleging that their homes were burgled after they were chased out. No arrests were made in the case.

While there were no reported cases of violence against LGBT persons during the year, stigma, intimidation, and the attitude of the police toward LGBT persons were likely factors in preventing victims from reporting incidents of abuse.

Guinea

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Although the law states that all persons are equal before the law regardless of race or gender, the government did not enforce these provisions uniformly. The law does not provide antidiscrimination protections for persons with disabilities or based on sexual orientation and/or gender identity.

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

The law criminalizes consensual same-sex sexual activity. The maximum sentence is three years in prison, although there have not been any known prosecutions under this law. In the restructuring of OPROGEM in August 2012, a unit for investigating morals violations, including same-sex sexual conduct, was created. Authorities reportedly arrested cross-dressing men in nightclubs on public nuisance charges.

Antidiscrimination laws do not apply to lesbian, gay, bisexual, and transgender (LGBT) individuals. There were deep religious and cultural taboos against consensual same-sex sexual conduct. There were no official or NGO reports of discrimination against individuals based on their sexual orientation or gender identity, although societal stigma likely prevented victims from reporting abuse or harassment. There were no active LGBT organizations.

Guinea-Bissau

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination but does not designate the kinds of discrimination the prohibition covers. The government did not enforce prohibitions against discrimination.

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

There are no laws that criminalize sexual orientation. Antidiscrimination laws do not apply to lesbian, gay, bisexual, and transgender individuals. There were no reported violent incidents or other 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, according to government guidelines for civil servants' housing allowances, only heterosexual married couples were entitled to family-size housing, while same-sex couples received the single person allotment. Social taboos against homosexuality sometimes restricted freedom to express sexual orientation, yet society was relatively tolerant of consensual same-sex conduct, according to a 2010 study by the Pew Research Center.

Kenya

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status. Government authorities did not effectively enforce many of these provisions, and discrimination against women, lesbian, gay, bisexual, and transgender (LGBT) persons, individuals with HIV/AIDS, persons with disabilities, persons suspected of witchcraft, and certain ethnic groups was a problem. There was also evidence that some national and local government officials tolerated, and in some instances instigated, ethnic violence.

The law criminalizes homosexual activity.

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 consensual same-sex sexual activity and specifies a maximum penalty of 14 years' imprisonment. A separate statute specifically criminalizes sex

between men and specifies a maximum penalty of 21 years' imprisonment. Police detained persons under these laws, particularly suspected sex workers, but released them shortly afterward. There were no reported prosecutions of individuals for same-sex sexual activity during the year. Police statistics for 2011 indicated 114 "unnatural offenses," down from 154 in 2010.

LGBT organizations reported, however, that police frequently used public order laws to arrest LGBT individuals on charges such as disturbing the peace, rather than using legislation on same-sex sexual activity. Police frequently harassed, intimidated, or physically abused LGBT individuals in custody for such public order charges.

Authorities permitted LGBT advocacy organizations to register and conduct activities. There were reports, however, that some organizations registered under modified platforms to avoid being turned down by the government. Societal discrimination based on sexual orientation was widespread and resulted in loss of employment and educational opportunities. Violence against LGBT persons was a problem in cities and even more frequently in rural areas. NGO groups reported that police sometimes intervened to stop attacks but generally were not sympathetic to LGBT individuals.

In May LGBT activist Audrey Mbugua, born Andrew Mbugua, sued the government in a petition to change her legal name and gender identity. Hearings in the case continued at year's end.

In an unprecedented gender identity discrimination case, on June 18, the High Court ruled that police violated transgender person Alexander Ngungu Nthungi's rights and dignity by forcibly stripping him naked in public to determine his sexual identity. The court ordered police to pay damages to Nthungi for the incident.

During the year several political and societal leaders made public statements critical of same-sex relationships and LGBT rights. No anti-LGBT publicity campaigns were conducted during the year; however, sensational media reporting often inflamed societal prejudices.

Lesotho

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status. The constitution recognizes customary law as a parallel legal system, however, under which women remain disadvantaged with regard to property rights, inheritance, and succession rights.

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

The law prohibits consensual same-sex sexual relations between men, but authorities did not enforce it. The law is silent on consensual sex between women. Lesbian, gay, bisexual, and transgender (LGBT) persons faced societal discrimination and official insensitivity to this discrimination. LGBT rights groups complained about discrimination in access to health care and participation in religious activities. Same-sex conduct was taboo in society and not openly discussed. Violence against LGBT persons occurred but often went unreported because of victims' fear of public identification as LGBT.

Matrix, an LGBT support group, operated freely and had members in all 10 districts. Matrix engaged in public outreach through film screenings, radio programs, and other social media. In May Matrix organized a walk to mark the International Day Against Homophobia and Transphobia (IDAHO). Approximately 200 persons, mainly family and friends of LGBT Basotho, marched peacefully and without incident from the national stadium through the downtown Maseru business district. Matrix representatives noted that police officers escorting the march were generally supportive, which they attributed to Matrix's previous outreach efforts to the LMPS. Matrix was reticent to promote LGBT legal rights due to fear of provoking societal backlash and preferred a modest, gradual approach of sensitizing the public to LGBT questions.

Liberia

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on ethnic background, sex, creed, place of origin, disability, or political opinion; however, the government did not enforce these provisions effectively. The constitution, however, enshrines discrimination on the basis of race, since only persons who are "Negroes" or of "Negro descent" may become citizens and own land. Lebanese born in the country over several generations, for example, remained noncitizens based on this law.

Differences stemming from the country's civil war continued to contribute to social and political tensions among ethnic groups.

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

The law prohibits consensual same-sex sexual activity, and the culture is strongly opposed to homosexuality. "Voluntary sodomy" is a misdemeanor with a penalty of up to one year's imprisonment. No cases were reported during the year, and the law was largely ignored and rarely enforced. There was some discussion about amending the law. The newly amended Adoption Law prohibits same-sex couples from adopting children, whether they were foreigners or citizens. LGBT persons were cautious about revealing their sexual identities, and groups that supported the rights of LGBT persons did so quietly due to fear of retaliation.

There were press and civil society reports of harassment of persons perceived to be LGBT. Societal stigma and fear of official reprisal may have prevented victims from reporting violence or discrimination based on sexual orientation or gender identity.

According to a report by a domestic civil society organization that supports LGBT rights, on October 12, two men in Monrovia were attacked by a mob who threatened to kill the two because they were suspected of "being gay." The two men first attempted to report the threats and obtain protection at a local police station, but the threats continued and the two fled their homes.

On November 21, Human Rights Watch (HRW), in conjunction with Stop AIDS in Liberia (SAIL), an HIV/AIDS advocacy group, released a report, *"It's Nature, Not a Crime": Discriminatory Laws and LGBT people in Liberia*. The report described the legal and cultural contexts of LGBT discrimination and made broad recommendations to government and civil society regarding policy, legislation, law enforcement techniques, investigation of reports of violence, and education. HRW and SAIL also launched a joint

awareness campaign highlighting the discrimination that the LGBT community faced.

A few civil society groups promoted the rights of LGBT individuals, but most maintained a very low profile due to fear of persecution.

Madagascar

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit all forms of discrimination, including that based on race, gender, disability, language, and social status; the law does not specifically address discrimination based on sexual orientation or gender identity. No specific governmental institutions were designated to enforce these provisions, and the laws were not effectively enforced.

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

The law provides for a prison sentence of two to five years and a fine of two to 10 million ariary (\$890 to \$4,500) for acts that are “indecent or against nature with an individual of the same sex under the age of 21.” By contrast the law sets no minimum age of consent to engage in heterosexual relations. Members of the LGBT community reportedly were unaware of the risk of arrest for “corruption of a minor,” and at least three LGBT persons were arrested on the charge during the year. Some LGBT persons were lured into sexual encounters by underage individuals who were aware of the law but were seeking to extort money.

Since the 2009 coup, restrictions on the LGBT community increased, according to community leaders. The *de facto* regime refused to authorize public LGBT events, such as gay pride parades. There were reports of official abuses occurring at the community level, such as administrative officials denying health services to transgender persons or breaking confidentiality agreements, although no cases were pursued in court. There are no specific laws preventing transgender persons from identifying with their chosen gender, although gender markers on official documents are derived from birth certificates.

There was general societal discrimination against LGBT persons, including incidents of violence. In May presidential guards assaulted an estimated 10 members of the LGBT community who were standing in a public space near the presidential palace. LGBT rights activists noted that, although senior law enforcement officials have been receptive to their concerns, local police generally dismissed reports of such incidents.

There are no specific legal antidiscrimination provisions that apply to LGBT persons. Sexual orientation and gender identity were not widely discussed in the country, with public attitudes ranging from tacit acceptance to violent rejection, particularly of transgender sex workers. Members of this community faced considerable social stigma and discrimination, often within their own families and particularly in rural areas. Many were ostracized by their relatives and were refused burial in the family tomb. Transgender sex workers often were the targets of verbal and physical abuse. Within the workforce, transgender individuals faced significant barriers, particularly in the textile industry.

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.

Malawi

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law forbids discrimination based on race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth, or other status. The law does not specifically mention sexual orientation. The capacity of government institutions to enforce the law was limited.

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

Consensual same-sex sexual activity is illegal and punishable by up to 14 years in prison in addition to corporal punishment, including hard labor. The penal code outlaws “unnatural offenses” and “indecent practices between males.” Same-sex activity can also be prosecuted as “conduct likely to cause a breach of the peace.” A 2011 amendment to the penal code established penalties for consensual same-sex sexual activity between women, setting a maximum prison term of five years. However, it was the policy of the government not to enforce these laws.

Public discussion of LGBT rights increased during the year. For example, on September 7, a local NGO that campaigns for LGBT rights showed a documentary film on anti-LGBT efforts in Uganda. After the film a discussion on LGBT matters followed between 40 LGBT persons and an estimated 80 clergy members.

The Weekend Nation newspaper continued to publish a weekly column entitled “Sexual Minority Forum.” On June 22 and 23, the Centre for Human Rights and Rehabilitation and the Centre for Development of People held a workshop for lesbians and bisexual women where they talked about the discrimination they face.

Mali

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on social origin and status, color, language, gender, or race but not disability, sexual orientation, or gender identity. Citizens were generally reluctant to file complaints or press charges of discrimination, based largely on cultural factors. Absent complaints or lawsuits, the government did not aggressively pursue violations of these laws.

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

The law prohibits association “for an immoral purpose,” and there were no laws specifically prohibiting discrimination based on sexual orientation or gender identity. There were no known LGBT organizations in the country, although some NGOs had

medical and support programs focusing specifically on gay men. The law prohibits lesbians and gay men from adopting children.

Credible NGOs reported LGBT individuals experienced physical, psychological, and sexual violence, which society viewed as corrective punishment. Family members, neighbors, and groups of strangers in public places committed the majority of violent acts, and police frequently refused to intervene. Most LGBT individuals isolated themselves and kept their sexual identity hidden.

On September 3, in Mopti, a gay couple hosted a party that local residents construed as a gay marriage. A mob gathered and beat those in attendance. The National Guard provided no assistance despite appeals for help. Over the next three days, a mob proceeded through Mopti, capturing and beating suspected LGBT persons. The following Friday at prayers, local imams spoke against same-sex sexual orientation, which prompted more violence in the city. Local NGOs assisted more than 200 LGBT individuals who fled their homes in Mopti.

Mauritania

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law provide for equality for all citizens regardless of race, national origin, sex, or social status and prohibits racial or ethnic propaganda, but the government often favored individuals based on racial and tribal affiliation, social status, and political ties. Societal discrimination against women, trafficking in persons, and racial and ethnic discrimination were problems, as was the potential death penalty for male same-sex sexual activity.

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

There are no laws that protect lesbian, gay, bisexual and transgender (LGBT) persons from discrimination. Under sharia, as applied in the country, consensual same-sex sexual activity between men is punishable by death if witnessed by four individuals, and such activity between women is punishable by three months to two years in prison and a fine of 5,000 to 60,000 ouguiya (\$17 to \$198). There were no criminal prosecutions during the year. There was no evidence of societal violence, societal discrimination, or systematic acts of government discrimination based on sexual orientation. Members of the LGBT community were rarely identified or discussed, likely because of the severity of the stigma and legal penalties for having been labeled as such. There were no organizations advocating for sexual orientation or gender-identity rights, but there were no legal impediments to the registration of such groups.

Mauritius

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law specifically prohibit discrimination on the basis of race, caste, place of origin, social status, political opinion, color, gender, disability, language, or sexual orientation. While the government generally enforced these provisions, some

societal discrimination occurred.

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

The law does not specifically criminalize consensual same-sex sexual activity. It criminalizes the act of sodomy, however, among both same-sex and heterosexual couples.

Sodomy cases that reach the courts almost exclusively involve heterosexual persons, especially as an aggravating factor in divorce cases. The sodomy statute rarely was used against same-sex couples, unless one of the partners cited sodomy in the context of sexual assault.

Lesbian, gay, bisexual, and transgender (LGBT) victims of verbal abuse or violence within the family reported such incidents to local NGO Collectif Arc-en-Ciel. Victims generally refused to file complaints with police, however, for fear of ostracism or, in some cases, fear of reprisal from family members.

Following a complaint about the questionnaire used by the Ministry of Health and Quality of Life to prohibit blood donation from LGBT persons, the ministry amended its policy and website to indicate that individuals who have had same-sex sexual activity could now donate blood.

Mozambique

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, but discrimination persisted against women and persons with HIV/AIDS. Discrimination based on sexual orientation is not cited except in labor law, which specifically prohibits discrimination in the workplace based on sexual orientation.

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

There are no laws criminalizing consensual same-sex sexual activity. There were reports of discrimination based on sexual orientation and gender identity. The Workers Law includes an article that prohibits discrimination in the workplace based on a number of factors, including sexual orientation. Since 2008 the government has declined to act on the application for registration as an NGO of Lambda, the Mozambican Association for the Defense of Sexual Minorities, although it met with Lambda representatives during the year.

The government does not track and report discrimination or crimes against individuals based on sexual orientation or gender identity. The media did not report such abuses.

Namibia

Section 6. Discrimination, Societal Abuses, and Trafficking in

Persons

The constitution and law prohibit discrimination based on race, creed, gender, language, disability, social status, or religion, and specifically prohibit “the practice and ideology of apartheid.” The government did not effectively enforce all these prohibitions.

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

Although the country’s Roman-Dutch common law inherited at independence criminalized sodomy and it remains on the books, the ban was not enforced. Sodomy is defined as intentional sexual relations *per anum* between men. This definition excludes sexual relations *per anum* between heterosexual couples and sexual relations between lesbian women. Many citizens considered all same-sex sexual activity taboo, however. While the Supreme Court ruled in 2001 that homosexual conduct is not illegal, the prohibition against sexual discrimination in the constitution does not prohibit discrimination on the basis of sexual orientation.

Some politicians publicly stated their opposition to legislation specifically protecting the rights of lesbian, gay, bisexual, and transsexual (LGBT) persons, but there were no reports that politicians made derogatory public comments about the LGBT community.

OutRight Namibia, an organization that advocates for LGBT rights, continued to report that police generally did not take complaints of violence against LGBT persons seriously. It claimed police often ridiculed LGBT persons when they reported cases of abuse, and this secondary victimization often dissuaded victims from reporting. The organization reported that since at least 2011, however, the Office of the Ombudsman and the Ministry of Health and Social Services have strengthened their relations with the LGBT community and included it in the National Strategic Framework for HIV/AIDS 2010-16 as a group requiring outreach.

Societal discrimination against LGBT persons remained a problem. The ombudsman’s office reported that LGBT persons are often subject to ridicule and even physical and verbal abuse when they walked in a different neighborhood from their own. In the northern Oshiwambo area, seven men beat a transgendered woman. Claiming that the assault was not due to her transgendered status, the police refused to prosecute the case.

The ombudsman’s office reported that many cases of human rights violations against LGBT persons went unrecorded, including the use of “corrective rape” against lesbian women, families disowning LGBT children, and the beating of LGBT persons. A large number of LGBT youth were unemployed, did not go to school, abused drugs and alcohol, and remained vulnerable to discrimination.

Niger

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status. The government generally did not enforce these provisions, however, because victims in large part did not report discrimination or were pressured into handling complaints through traditional dispute mechanisms.

The constitution enacted in 2010 provides for new and strengthened democratic institutions. It also provides for the elimination of all forms of discrimination against women and introduces basic standards of respect for economic and social rights, such as the right to safe and adequate food and drinking water. There are no laws on sexual orientation and gender identity.

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

There was strong societal stigma against same-sex sexual activity, but no laws criminalizing consensual same-sex sexual activity in general. The law states, however, that an “unnatural act” with a person of the same sex who is under 21 is punishable by six months to three years in prison and a fine of between 10,000 and 100,000 CFA francs (\$20-\$206).

In January security forces arrested two individuals of the same sex who were found naked together in an isolated parked car. Authorities briefly jailed the two men and convicted them of public indecency. Ultimately authorities levied a small fine, and the men served no further jail time.

Gay men and lesbians experienced societal discrimination and social resentment. Reportedly, two gay rights associations conducted their activities secretly, in part because they were not officially registered. The social pressure to conform is great, and many lesbian, gay, bisexual and transgender (LGBT) individuals marry and have families, often while pursuing LGBT relationships in secret. There were no reports of violence against individuals based on their sexual orientation or gender identity. International organizations and NGOs continued their awareness-raising efforts in this regard, focusing on social stigma in general.

There were no documented cases of discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation. Stigma or intimidation was a likely cause in preventing incidents of abuse from being reported.

Nigeria

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion, but the government did not enforce the law effectively. The constitution prohibits discrimination based on the circumstances of a person’s birth, but it does not explicitly prohibit discrimination based on disability.

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

Consensual same-sex sexual activity is illegal under federal law and punishable by prison sentences of up to 14 years. In the 12 northern states that adopted sharia, adults convicted of engaging in same-sex sexual activity may be subject to execution by stoning, although no such sentences have been imposed.

Because of widespread societal taboos against homosexuality, very few lesbian, gay, bisexual, and transgender (LGBT) persons were open about their sexual orientation. The

NGOs Global Rights and The Independent Project provided LGBT groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness. Organizations such as the Youths 2gether Network also worked under the Coalition for the Defense of Sexual Rights to provide access to information and services on sexual health and rights for LGBT persons, sponsor programs to help build skills useful in social outreach, and provide safe havens for LGBT individuals. The government and its agents did not impede the work of these groups during the year.

On June 12, approximately 50 protesters gathered at the Chief Magistrates' Court in the Ogbaru Council Area of Anambra State to challenge the arrest and demand the release of two men standing trial for homosexuality. The court remanded the case on the basis that it lacked jurisdiction. There were no further updates as of October.

There were also reports of communities rounding up suspected LGBT persons, stripping them naked, and parading them through villages, as occurred on January 14 in Imo State. In another incident, on March 20, an angry mob in Delta State surrounded an intersex man, stripped him naked, and prodded his genitalia before police intervened and took the man into protective custody.

In November the Kano government and Kano's morality police, which enforces sharia-based codes of conduct, announced a crackdown on violations of sharia, including being an LGBT person. According to the police reports, numerous suspected LGBT persons were arrested.

On December 17, a harmonized version of the "Same Sex Marriage (Prohibition) Bill" passed the Senate. Previous versions had passed both the House and the Senate. Under this bill an individual who "supports the registration, operation, and sustenance of gay clubs, societies, organizations, processions, or meetings" or "registers, operates, or participates in gay clubs, societies, organizations, or directly or indirectly makes public show of same sex amorous relationship" commits an offense punishable by 10 years' imprisonment. LGBT advocacy groups, human rights organizations, and local lawyers expressed concern that the bill contains provisions that would further criminalize consensual same-sex relations and impose restrictions on freedom of expression, association, and assembly. Public debate of the bill was a matter of considerable national interest and resulted in some violence.

Rwanda

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that all citizens are equal before the law, without discrimination based on ethnic origin, tribe, clan, color, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, or physical or mental disability. The constitution and law are silent on sexual orientation and gender identity. The government generally enforced these provisions, although problems remained.

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

There are no laws that criminalize sexual orientation or consensual same-sex sexual conduct, and cabinet-level government officials expressed support for the rights of lesbian, gay, bisexual, and transgender (LGBT) individuals. LGBT individuals reported

societal discrimination and abuse, and staff working for LGBT rights groups reported occasional harassment by neighbors and police.

In 2011 the local LGBT rights group Horizon Community Association (HOCA) opened an office in Kigali but was evicted several months later after the landlord reported pressure from neighbors. HOCA leaders and staff also reported receiving threats in 2011, and several fled the country. HOCA successfully opened an office in Kigali and restarted operations during the year.

There were several reports that students at the secondary and university level were suspended or expelled for same-sex relationships, and one student reportedly was arrested. The status of the case was unknown at year's end.

There were no known reports of physical attacks against LGBT persons. In previous years LGBT victims of such attacks fled the country and were granted asylum abroad. The RNP investigated reports of threats to LGBT activists and individuals, but the outcome of such investigations was not known.

Sao Tome and Principe

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status. The government did not effectively enforce the law.

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

The law does not criminalize consensual same-sex sexual activity, but there were occasional reports of societal discrimination, primarily rejection by family and friends, based on sexual orientation. While there were no official impediments, lesbian, gay, bisexual, and transgender organizations did not exist. There were no reports that social stigma or intimidation were factors in preventing the reporting of incidents of abuse.

Senegal

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that men and women are equal under the law and prohibits discrimination based on race, gender, disability, language, or social status. Nevertheless, discrimination was widespread, and antidiscrimination laws, in particular laws against violence against women and children, generally were not enforced. There are no laws to prevent discrimination based on sexual orientation.

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

Consensual same-sex sexual activity, referred to in the law as an “act against nature,”

is a criminal offense. LGBT persons often faced arrest, widespread discrimination, social intolerance, and acts of violence. Local NGOs worked actively on LGBT rights issues, but because of laws against homosexuality and social stigma, they maintained an exceedingly low profile. There are no laws to prevent discrimination based on sexual orientation.

The media rarely reported acts of hatred or violence against LGBT persons. A 2010 report by Human Rights Watch discussed cases of violence against gay men and the legal and cultural milieu that fostered such violence. While high-profile cases such as those cited in the report were from 2009 and earlier, local human rights groups reported that LGBT persons still faced frequent harassment by police, including arrest based only on secondhand reports, and poor treatment in detention due to their sexual orientation.

Seychelles

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law affirm the right to be free from all types of discrimination but do not prohibit discrimination based on specific factors. There was no overt discrimination in housing, employment, education, or other social services based on race, gender, ethnicity, nationality, or disability. Nevertheless, there were anecdotal reports that discrimination based on political affiliation occurred.

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

Consensual same-sex activity between men is punishable by 14 years' imprisonment, but the law was not enforced. There were no reports of discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons, although stigma was likely a factor preventing incidents of abuse from being reported. There were no local NGOs that worked openly or exclusively for the rights of the LGBT population.

Sierra Leone

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Citizenship is generally limited to persons of Negro-African descent, but non-Africans who have lived in Sierra Leone for at least eight years (two years for foreigners married to Sierra Leonean citizens) may apply for naturalization, subject to presidential approval. The law otherwise prohibits discrimination based on race, tribe, sex, place of origin, political opinion, color, or creed.

The government did not effectively enforce the prohibition of discrimination based on gender as it affected women and girls, and a number of legal acts and customary laws contravened the constitutional provision.

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

A law from 1861 prohibits male-to-male sexual acts (“buggery” and “crimes against nature”); however, there is no legal prohibition against female-to-female sex. The 1861 law, which carries a penalty of life imprisonment for “indecent assault” upon a man or 10 years for attempting such an assault, was not actually enforced. The constitution does not offer protection from discrimination based on gender identity or sexual orientation. During the country’s Universal Periodic Review before the UN Human Rights Council in 2011, the attorney general told the Working Group that all persons in the country would be protected regardless of their sexual orientation. The government subsequently rejected three of 129 Working Group recommendations, two calling for decriminalizing all sexual activity between consenting adults and one calling for legislation to prohibit discrimination based on sexual orientation and gender identity.

A few organizations, including Dignity Association and the local chapter of Pride Equality, supported LGBT persons, but they maintained low profiles. Gay pride parades and other public displays of solidarity could not safely take place.

Social discrimination based on sexual orientation occurred in nearly every facet of life for known LGBT persons, and many chose to have heterosexual relationships and family units to shield them. In the areas of employment and education, sexual orientation was the basis for abusive treatment, which led individuals to leave their jobs or courses of study. It was difficult for gay men and lesbians to receive health services due to fear that their confidentiality rights would be ignored if they were honest about their ailments; many chose not to be tested or treated for sexually transmitted infections. Secure housing was also a problem for LGBT persons. The families of LGBT persons frequently shunned their gay children, leading some children to turn to prostitution to survive. Adults could lose their leases if their sexual orientation became public. Lesbian girls and women were also victims of “planned rapes” that were initiated by family members in an effort to change their sexual orientation. Religious groups reportedly promoted discrimination against the LGBT community.

In May international NGO Global Rights, in cooperation with local LGBT organizations, released a report on discrimination against LGBT individuals. The report, *Discrimination on the Basis of Sexual Orientation and Gender Identity in Access to Health Care and Violence/Bias: A Sierra Leone Case Study*, documented specific examples of abuse, while also providing survey results illustrating high levels of discrimination experienced by LGBT persons. More than half of medical practitioners surveyed were unwilling to provide medical services to LGBT patients, and virtually all LGBT respondents had experienced some form of harassment or discrimination because of their sexual orientation or gender identity.

Somalia

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The provisional federal constitution states all citizens, regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth, or dialect shall have equal rights and duties before the law. The provisional constitution does not prohibit discrimination based on sexual orientation or gender identity. Authorities did not enforce antidiscrimination provisions effectively in any of the regions.

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

Same-sex sexual contact is punishable by imprisonment from two months to three years. Antidiscrimination provisions do not apply to LGBT individuals. Society considered sexual orientation a taboo topic, and there was no known public discussion of this problem in any region of the country. There were no known LGBT organizations, and no LGBT events occurred. There were few reports of societal violence or discrimination based on sexual orientation due to severe societal stigma that prevented LGBT individuals from making their sexual orientation publicly known.

According to a Somali advocacy group, on March 15 al-Shabaab reportedly stoned to death an 18-year-old man in Barawe, Lower Shabelle Region, for having sex with another man.

South Africa

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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. Nevertheless, entrenched attitudes and practices often resulted in gender-based violence and employment inequities.

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

The post-apartheid constitution outlaws discrimination based on sexual orientation, but according to a Pew Research Center study released during the year, 61 percent of respondents said homosexuality should not be accepted by society. This prevailing cultural attitude influenced service delivery by individual government employees at the local level. Despite legal protections for LGBT persons and government policies affirming LGBT rights, there were reports of official mistreatment or discrimination based on sexual orientation. A 2011 Human Rights Watch report highlighted violence and discrimination, particularly faced by lesbians and transgender persons. The report documented cases of “secondary victimization” of lesbians, including cases in which police harassed, ridiculed, and assaulted victims of homophobic violence when they reported crimes.

Rights groups reported the LGBT community was subject to hate crimes, gender violence targeting lesbians, and killings. In 2011 the Triangle Project, the country’s largest lesbian and gay rights organization, reported it received a weekly average of 10 new cases of lesbians being targeted for “corrective” rape in Cape Town, in which men raped lesbians as punishment and to attempt to change their sexual orientation.

There were a number of reported homophobic killings.

For example, on June 30, Duduzile Zozo, an open lesbian, was found dead in the yard of her neighbor’s home in Thokoza, Ekurhuleni. According to media reports, Zozo was sexually assaulted and died from internal injuries. While Zozo’s mother and LGBT rights groups suspected that Zozo was killed because of her sexuality, police officers were reluctant to connect the incident with homophobic motives. Gauteng premier Nomvula Mokonyane and acting government spokeswoman Phumla Williams, nevertheless, condemned the killing, and Mfanozelwe Shoze, chairperson of the Commission for Gender Equality, called on the justice system to “fast-track the investigation and

prosecuting of cases that involve the killing of gays and lesbians,” noting “long delays in cases relating to this issue.” On October 18, security forces arrested Lekgoa Lesley Motleleng, who appeared in the Palm Ridge Magistrate’s court on October 21. The trial continued at year’s end.

The trial of Sizwe Jajini, who confessed to the June 2012 killing of Thapelo Makhutle, an openly gay man, continued in the Mothibistad Magistrate’s Court.

The government reconstituted a task force during the year on reducing homophobic violence, jointly chaired by the deputy director general of the Department of Justice and a member from civil society. The task force developed a work plan that included the National Intervention Strategy to address gender violence and violence based on sexual orientation targeting the LGBT community.

South Sudan

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The transitional constitution prohibits discrimination based on race, gender, disability, language, and social status but is silent on discrimination based on sexual orientation or gender identity. The government did not effectively enforce the prohibitions.

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

The law does not prohibit sodomy, but it does prohibit “unnatural offenses,” defined as “carnal intercourse against the order of nature.” Unnatural offenses are punishable by up to 10 years’ imprisonment if committed with consent and up to 14 years if without consent. There were no reports that the law was enforced during the year.

Societal discrimination against lesbian, gay, bisexual, or transgender (LGBT) persons was widespread, and the president remarked in 2010 that homosexuality would not be accepted in the country. There were no known LGBT organizations. While there were no reports of specific incidents of discrimination or abuse during the year, stigma was a likely factor in preventing incidents from being reported.

Sudan

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The interim national constitution prohibits discrimination based on race and gender, but the government did not effectively enforce these provisions. The law does not address discrimination based on disability, language, or social status. The law criminalizes sodomy, and antigay sentiment is pervasive in society. A few small lesbian, gay, bisexual, and transgender (LGBT) organizations existed but operated underground due to fear of official and societal discrimination.

The government made efforts to improve its prosecution of crimes involving trafficking in persons. Local and state authorities stepped up enforcement activities against trafficking gangs operating along the Eritrean-Sudanese border. According to the UNHCR, Sudanese

authorities prosecuted 40 human trafficking cases in 2012 and during the year.

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

The law prohibits sodomy, which is punishable by death; however, there were no reports of anti-sodomy laws being applied. A few LGBT organizations operated in Khartoum in 2011 but did not openly identify as LGBT entities. It was not known whether LGBT groups continued to exist in an organized fashion. Antidiscrimination laws do not apply to LGBT persons.

Official discrimination based on sexual orientation and gender identity occurred. Societal discrimination against LGBT persons was widespread. Vigilantes targeted suspected gay men and lesbians for violent abuse, and there were public demonstrations against homosexuality. There were no reports of official action to investigate or punish those complicit in LGBT-related abuses.

Swaziland

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, age, ethnicity, religion, political opinion, or social status, but the government did not consistently enforce the law.

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

While colonial-era legislation against sodomy remains on the books, it has not been used to arrest gay men and lesbians. Societal discrimination against LGBT persons was prevalent, and LGBT persons generally concealed their sexual orientation and gender identity. Gay men and lesbians who were open about their sexual orientation and relationships faced censure and exclusion from the chieftom-based patronage system, which could result in eviction from one's home. Chiefs, pastors, and members of government criticized same-sex sexual conduct as neither Swazi nor Christian. LGBT advocacy organizations had trouble registering with the government. One such organization, House of Pride, is under the umbrella of another organization dealing with HIV/AIDS. It was difficult to determine the extent of employment discrimination based on sexual orientation because victims were not likely to come forward, and most gay men and lesbians were not open about their sexual orientation.

On August 17, the *Times of Swaziland* reported community police forcibly evicted two gay boys from Ezulwini because of suspicions of their sexual orientation. The newspaper alleged that community members had seen them engaging in sexual acts.

Tanzania

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on nationality, tribal identity, political ideology, race, gender, or social status. No provisions prohibit discrimination based on sexual orientation or language. Discrimination based on age or disability is not explicitly prohibited by law but was discouraged publicly in official statements and by government policies. Discrimination against women, refugees, minorities, and persons with HIV/AIDS or disabilities persisted, and ethnic tensions continued in some parts of the country.

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

Consensual same-sex sexual conduct is illegal on the mainland and on Zanzibar. On the mainland, acts of “gross indecency” between persons of the same sex are punishable by up to five years in prison. The law refers to same-sex sexual conduct as an “unnatural offense” and carries a prison sentence of 30 years to life. The law on Zanzibar establishes a penalty of up to 14 years in prison for men who engage in same-sex sexual conduct and five years for women. The burden of proof in such cases is significant. According to a recent Human Rights Watch report, arrests of LGBT persons rarely led to prosecutions; usually they were a pretext for police to collect bribes or coerce sex from vulnerable people. Nonetheless, the CHRAGG’s 2011 prison visits revealed that “unnatural offenses” were among the most common reasons for pretrial detention of minors. In the past courts have charged individuals suspected of same-sex sexual conduct with loitering or prostitution. LGBT persons faced societal discrimination that restricted their access to health care, housing, and employment. This group was also denied health care such as access to information about HIV. There were no known government efforts to combat such discrimination.

Togo

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not enforce these provisions effectively.

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

The law provides that a person who engages in consensual same-sex sexual activity may be sentenced to one to three years’ imprisonment and fined 100,000 to 500,000 CFA (\$200 to \$1,000), but the law was not enforced directly. On those occasions when police do arrest someone for engaging in consensual same-sex sexual activity, authorities file a charge for some other violation as a pretext for the arrest, such as disturbing the peace or public urination. The media code forbids promotion of immorality, including same-sex sexual activity. LGBT persons faced societal discrimination in employment, housing, and access to education and health care. Existing antidiscrimination laws do not apply to LGBT persons. No laws allow transgendered persons to change gender markers on government-issued identity documents.

No organizations openly focused on LGBT matters; LGBT organizations organized as public health or general human rights organizations. Activists reported that violence against LGBT persons was common, but police ignored complaints. Most human rights

organizations, including the CNDH, refused to address LGBT problems.

Uganda

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status but is silent on sexual orientation and gender identity. The penal code, however, prohibits “unnatural offenses.” The government did not enforce the law in matters of locally or culturally prevalent discrimination against women, children, persons with disabilities, or certain ethnic groups.

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

LGBT persons faced discrimination and legal restrictions. Consensual same-sex sexual conduct is illegal, according to a colonial-era law that criminalizes “carnal knowledge of any person against the order of nature” and provides a penalty up to life imprisonment. While authorities did not convict any persons under the law, the government arrested persons for related offenses. Several LGBT persons were charged with engaging in “acts against the order of nature” and indecency. Their cases were pending at year’s end.

On January 14, Human Rights Awareness and Promotion Forum-Uganda reported that, of the 15 LGBT organization that had submitted applications, eight organizations were registered with the URSB and had certificates of incorporation issued while three were pending registration. The URSB rejected the application of Sexual Minorities Uganda’s (SMUG) on grounds that the name was not clear.

On February 9, police in Kampala arrested Patrick Musoke, a member of Kampus Liberty Uganda, on suspicion of engaging in unnatural acts under article 145 of the penal code. Offenses mentioned in the article include sexual acts “against the order of nature” and with animals. On February 21, police released Musoke on bail, and hearing of the case was pending.

In April 2012 a court in Iganga District remanded Richard Nyeusi Mulwo, deputy head teacher of Bulumwaki Primary School, for trial in the High Court for “engaging in unnatural (homosexual) activities.” At year’s end the trial was pending.

On January 2, a magistrate’s court dismissed the September 2012 case of promoting homosexual activity against British theater producer David Edwards Cecil for lack of evidence. The magistrate stated that prosecutors had failed to produce a single witness to testify against the producer. On February 6, authorities reportedly deported Cecil to the United Kingdom.

LGBT persons were subject to societal harassment, discrimination, intimidation, and threats to their well-being and were denied access to health services.

During the year some religious leaders and political leaders delivered church sermons and wrote articles to lobby the public against LGBT persons.

Unlike in the previous year, the government did not block meetings organized by LGBT groups.

A hearing on the March 2012 petition filed by four LGBT activists in the High Court accusing the minister of ethics and integrity and the attorney general of illegally closing a workshop organized by Freedom and Roam Uganda in Entebbe in February 2012 was pending at year's end.

There were no developments regarding the Constitutional Court's deliberations on a petition filed in 2009 challenging the constitutionality of a law that prevents the Equal Opportunities Commission from investigating "any matter involving behavior which is considered to be (i) immoral and socially harmful or (ii) unacceptable by the majority of the cultural and social communities in Uganda."

On December 20, the National Assembly passed the "Antihomosexuality Bill," first introduced in 2009. As of year's end, the text of the final bill was not available and it had not been enacted.

Zambia

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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, and creed, but does not address discrimination based on sexual orientation or gender identity. The government did not effectively enforce the law. Violence and discrimination against women and children, discrimination based on sexual orientation or gender identity, and discrimination against persons with disabilities remained problematic

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

The law criminalizes consensual same-sex sexual activity and provides penalties of 15 years' to life imprisonment for individuals who engage in "acts against the order of nature." A lesser charge of gross indecency carries penalties of up to 14 years' imprisonment. The government also used laws against "soliciting for immoral purpose" to arrest and charge some LGBT activists. The government enforced laws against same-sex sexual activity and advocacy with increasing frequency and ignored societal discrimination against LGBT individuals. According to LGBT advocacy groups, societal violence occurred, as did societal discrimination in employment, housing, and access to education or health care. According to the VSU report for the first half of the year, there were 23 cases of "unnatural offenses," compared with 11 in 2012. Several groups quietly promoted LGBT rights and provided services to LGBT individuals, principally in the health sector. The groups held private social gatherings but did not participate in open demonstrations or marches due to societal stigma against LGBT persons.

Incidents of societal violence against LGBT individuals were more numerous. LGBT groups reported frequent attacks and discrimination in the neighborhoods in which they operated. Police occasionally arrested suspected LGBT individuals and forced some to receive anal examinations. On August 8, police arrested two men in Lusaka's Chilenje neighborhood on suspicion of engaging in same-sex sexual activity and subjected them to an involuntary anal examination. Police held the men in custody until their families posted bail on August 13 and 14, respectively. The men were charged with one count of committing "acts against the order of nature." There was no additional information available about their case at year's end. On April 25, police arrested two men in Kapiri

Mposhi and charged them with four counts of engaging in same-sex sexual activity after a similar anal examination. The men remained in detention at year's end after the Kapiri Mposhi Magistrate's court denied bail requests, citing fears of "recidivism." On April 7, police arrested human rights and HIV/AIDS activist Paul Kasonkomona after he publicly advocated for LGBT and sex workers' rights on Muvi Television. Kasonkomona's trial also faced repeated delays and remained ongoing at year's end.

Zimbabwe

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The bill of rights in the new constitution provides that no person can be deprived of fundamental rights, such as the right to life, personal liberty, security of person, freedom of assembly and association, equality, and political and socioeconomic rights. It prohibits discrimination based on one's race, tribe, place of origin, political opinions, color, creed, gender, or disability. The bill of rights cannot be arbitrarily amended and, in the section on the rights of women, states that all "laws, customs, traditions, and practices that infringe the rights of women conferred by this constitution are void to the extent of the infringement." Nevertheless, discrimination against women and persons with disabilities persisted. The government and ZANU-PF continued to infringe on the right to due process, citizenship, and property ownership in ways that affected the white minority disproportionately.

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

According to the country's criminal code "any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act" carries a penalty of up to one year in prison or a fine up to \$5,000. Despite that, there were no known cases of prosecutions of consensual same-sex sexual activity. Common law prevents gay men and, to a lesser extent, lesbians from fully expressing their sexual orientation. In some cases, it criminalizes the display of affection between men.

The leadership in all political parties, including President Mugabe and former prime minister Tsvangirai, publicly criticized the LGBT community. In July, Mugabe warned the LGBT community that he would come after them and that they would be "beheaded."

Members of Gays and Lesbians of Zimbabwe (GALZ), the primary organization dedicated to advancing the rights of LGBT persons, experienced assault, harassment, and discrimination. The significantly increased harassment and scrutiny of GALZ by the government was attributed to political machinations surrounding the constitution-making process.

Religious leaders in a society that was traditionally conservative and Christian espoused and encouraged discrimination against LGBT individuals.

In contrast to GALZ, the Bulawayo-based Sexual Rights Center (SRC), an organization similarly dedicated to advancing the rights of "sexual minorities," faced minimal harassment. Prior to elections, however, a lesbian couple, who were SRC stakeholders, were harassed and intimidated by the CIO, which also threatened their families.

LGBT individuals reported widespread societal discrimination based on sexual orientation. In response to social pressure, some families reportedly subjected their

LGBT members to “corrective” rape and forced marriages to encourage heterosexual conduct. Such crimes were rarely reported to police. Women in particular were subjected to rape by male family members. LGBT persons often left school at an early age due to discrimination and had higher rates of unemployment and homelessness.

Many persons who identified themselves as LGBT did not seek medical care for sexually transmitted diseases or other health issues due to fear that health providers would shun them. Late in the year, a mobile HIV/AIDS testing clinic visited the SRC’s Bulawayo office. Afterwards LGBT stakeholders complained that the clinic’s staff refused to provide joint counselling to couples and made discriminatory remarks about the patients, including that they were “possessed by demons.”