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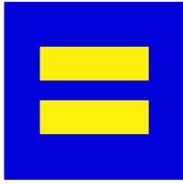


human rights *first*

American ideals. Universal values.

REPORT: THE STATE OF HUMAN RIGHTS FOR LGBT PEOPLE IN AFRICA

July 2014



**HUMAN
RIGHTS
CAMPAIGN**
FOUNDATION™



As the largest civil rights organization working to achieve equality for lesbian, gay, bisexual and transgender individuals, the Human Rights Campaign represents a force of more than 1.5 million members and supporters nationwide — all committed to making HRC's vision a reality.

The Human Rights Campaign Foundation, the educational arm of the Human Rights Campaign, improves the lives of lesbian, gay, bisexual and transgender (LGBT) people by working to increase understanding and encourage the adoption of LGBT-inclusive policies and practices.

We build support for LGBT people among families and friends, co-workers and employers, pastors and parishioners, doctors and teachers, neighbors, and the general public. Through the programs and projects of the HRC Foundation, we are enhancing the lived experiences of LGBT people and their families, as we change hearts and minds across America and around the globe.

HRC **GLOBAL** strengthens the global equality movement through public education, advocacy, fellowships, partnerships, and research.

The HRC Foundation is a nonprofit, tax-exempt 501(c)(3) organization.

American ideals. Universal values.

On human rights, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. We believe American leadership is essential in the struggle for human rights so we press the U.S. government and private companies to respect human rights and the rule of law. When they don't, we step in to demand reform, accountability and justice. Around the world, we work where we can best harness American influence to secure core freedoms.

We know that it is not enough to expose and protest injustice, so we create the political environment and policy solutions necessary to ensure consistent respect for human rights. Whether we are protecting refugees, combating torture, or defending persecuted minorities, we focus not on making a point, but on making a difference. For over 30 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in New York and Washington D.C. To maintain our independence, we accept no government funding.

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Executive Summary

Nearly 50 African heads of state have been invited to gather in Washington, D.C. on August 4-6 for President Barack Obama's historic U.S.-Africa Leaders Summit. Announced by the White House as the "largest single engagement by any U.S. President with Africa", the summit will provide Obama Administration officials with a once-in-a-generation opportunity to directly engage these African leaders and their delegations on a number of critical issues.

We believe that the protection and preservation of the basic human rights of lesbian, gay, bisexual, and transgender (LGBT) Africans should be one of the many important areas of discussion. Millions of LGBT people throughout Africa face the threat of harassment, discrimination, prosecution, and violence on a daily basis, and others remain vulnerable to increasingly dangerous and concerted efforts to stoke state-sponsored homophobia and transphobia.

This joint report by the Human Rights Campaign Foundation and Human Rights First surveys 54 African nations and provides a brief overview of: existing anti-LGBT laws and efforts to enact new measures; publicly known instances of discrimination and violence; the presence and activity of LGBT rights organizations; and encouraging signs of support for LGBT people. The information within was drawn from press reports, the text of legislation, the U.S. State Department's annual human rights reports as well as the 2014 State-Sponsored Homophobia Report of ILGA (the International Lesbian, Gay, Bisexual, Trans and Intersex Association), authored by Lucas Paoli Itaborahy and Zhingshu Zhu and edited by Aengus Carroll. Although limited progress is being made in some nations, the situation for LGBT Africans in many others remains dire and is growing increasingly perilous.

Key Findings:

- 37 African nations criminalize same-sex relationships
- 4 African nations allow for the death penalty against LGBT people in all or some of the country
- 2 African nations, Nigeria and Uganda, have implemented new laws in the last 12 months
- 2 African nations have laws against LGBT "propaganda"
- 1 African nation grants full marriage equality and constitutional discrimination protection to its LGBT citizens

President Obama declared in 2011 that the "struggle to end discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons is a global challenge, and one that is central to the United States commitment to promoting human rights." Both Secretary of State John Kerry and former Secretary Hillary Rodham Clinton have affirmed this commitment, and the Obama Administration has taken tangible, concrete steps to advance the cause of achieving full LGBT equality abroad.

Africa is not simply waiting for assistance from outside forces. People on the ground throughout the continent are taking bold stances in support of human rights and equality for all. Activists are providing direct assistance to LGBT people, bringing cases of rights violations to court, growing public acceptance within their countries and demanding political change. This includes leaders of civil society as well as elected and appointed leaders; this report also aims to highlight some of those voices.

Legal Landscape

1. Algeria

Legal Status: Criminalized

Homosexuality is illegal in Algeria, and those found guilty face up to two years in prison. Despite the societal and legal sanctions, there is a small but active LGBT community in Algeria with organizations, publications and an online presence. Some LGBT Algerians find themselves in “Rainbow Marriages” – marriage between a gay man and a lesbian to bring an end to family pressure to marry and pursue same-sex relationships if they so choose.¹

2. Angola

Legal Status: Criminalized

The Angolan Penal Code provides for criminal penalties for people who “habitually practice acts against nature,” however there are no records of any convictions under this statute.² The country has a small LGBT community which struggles against societal discrimination. One of Angola’s most famous musicians is a trans woman named Titica. Although Titica has been embraced by the Kuduro music scene, she also faces prejudice and violent attacks.³

3. Benin

Legal Status: Not Criminalized

Little has been reported about the situation for LGBT citizens in Benin. There is no law criminalizing homosexuality in the tiny kingdom. In its most recent human rights report on Benin, the U.S. State Department reported that “a growing number of citizens have openly declared gay sexual orientations,

but the LGBT community remained largely disorganized and hidden.”

4. Botswana

Legal Status: Criminalized

In Botswana, it is a crime to commit “carnal knowledge of any person against the order of nature.” Those found guilty are subject to up to five years in prison. Botswanan activist and writer Katlego K Kol-Kes reported that 2013 saw a surge in anti-LGBT sentiment in the country⁴ and political and religious leaders publicly opposed LGBT rights calling them “demonic” and “unacceptable.”⁵ In June 2014 Botswana backed a call by the African Union’s highest human rights body to protect the human rights of LGBT people – though it did not commit to repealing its own laws criminalizing same-sex relationships.⁶

5. Burkina Faso

Legal Status: Not Criminalized

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association, same-sex sexual activity has never been criminalized in Burkina Faso. However, LGBT people in Burkina Faso often report being stigmatized, rejected or forced to hide their identity. LGBT organizations exist, but have no legal status and the government often turns a blind eye to violence and discrimination against LGBT people. Religious leaders have added fuel to the fire with Burkina Faso’s Catholic archbishop recently

¹ France 24, 10/11/13

² BBC, 4/12/12

³ Ibid

⁴ Katlego K Kol-Kes, Washington Blade, 3/4/14

⁵ Agence France Presse, 3/16/11

⁶ Gay Star News, 6/17/14

proclaiming that same-sex marriage would constitute an “assault on the family” in Africa.⁷

6. Burundi

Legal Status: Criminalized

Homosexuality is punishable by up to two years in prison in Burundi. This law has only been in place since 2009 and was perceived as the government striking back at a burgeoning LGBT rights movement in the country.⁸ Although the U.S. State Department reports that there is at least one active LGBT organization in Burundi, LGBT leaders are afraid to use their real names in media stories and groups operate without the approval of the government.⁹

7. Cameroon

Legal Status: Criminalized

Cameroon arrests more people on the basis of their sexual orientation than any other country in the world. The U.S. State Department estimates that as many as 200 people may be imprisoned in Cameroon on homosexuality charges, and the punishment can be up to five years in prison. Eighty-four percent of Cameroonians believe their country is “not a good place” for LGBT people to live and human rights organizations are often subject to violent attacks.¹⁰ In the last year alone there have been several arrests, convictions, and imprisonment of LGBT Cameroonians, and the torture and murder of prominent LGBT activist Eric Lembembe in July 2013.¹¹

8. Cape Verde

Legal Status: Not Criminalized

⁷ 429 Magazine, 2/12/13

⁸ Human Rights Watch, 7/30/09

⁹ Daily Xtra, 10/25/11

¹⁰ The Nation, 3/4/14

¹¹ Associated Press, 2/17/14; The Guardian, 7/18/13

Homosexuality was decriminalized in Cape Verde in 2004. Although little information is publicly available about day to day life for LGBT people in Cape Verde, the archipelago nation celebrated its first ever pride march in 2013.¹²

9. Central African Republic

Legal Status: Criminalized

Homosexuality is punishable with up to two years in prison in the Central African Republic. According to the U.S. State Department, “societal discrimination against LGBT persons is entrenched” in the CAR and there are no known organizations working on behalf of LGBT rights.

10. Chad

Legal Status: Not Criminalized

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association, homosexuality has never been criminalized in Chad. However, in 2013 two men were arrested for indecent exposure for dancing in a bar and the bar was ordered to close for two years. The U.S. State Department reports that there are no active LGBT organizations in Chad.

11. Comoros

Legal Status: Criminalized

An “improper or unnatural act with a person of the same-sex” is punishable by up to five years in prison in Comoros. There were at least three prosecutions under this law between 2012 and 2013 in the island nation. According to the U.S. State Department, there are no LGBT organizations in Comoros.

12. Cote d’Ivoire

Legal Status: Not Criminalized

¹² CV Lifestyle, 7/1/13

There are no criminal penalties for same-sex relationships in Cote D'Ivoire, but LGBT citizens still face widespread violence and societal discrimination. In January 2014, hundreds of rioters attacked Cote D'Ivoire's most prominent LGBT rights organization and the repeated attacks have sent some aid workers into hiding.¹³ Politicians often use extreme anti-LGBT rhetoric, with the Minister of Public Service claiming that same-sex marriage would "mark the end of the world."¹⁴ Despite this, Cote D'Ivoire is considered by some to be a safe haven for LGBT people fleeing persecution elsewhere on the continent. As one Ivorian transgender woman put it, "It's no paradise here, but it's a lot better than in other countries."¹⁵

13. Democratic Republic of the Congo

Legal Status: Not Criminalized

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association, homosexuality has never been criminalized in the Democratic Republic of Congo. Despite this, there have been repeated efforts by a member of the National Assembly to introduce criminalization legislation to "preserve African values."¹⁶ Such efforts failed in 2009, 2010 and 2013.¹⁷ The U.S. State Department reports that LGBT people in the DRC face societal disapproval and harassment, but that the Ministry of Health has worked with the country's LGBT groups to reduce stigma.

14. Djibouti

Legal Status: Not Criminalized

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association, homosexuality has never been criminalized in the Djibouti. The U.S. State

¹³ Associated Press, 1/27/14; Mamba Online, 4/4/14

¹⁴ LGBTQ Nation, 7/12/13

¹⁵ Agence France Presse, 2/10/14

¹⁶ Gay Star News, 12/17/13

¹⁷ Think Africa Press, 3/11/14

Department reported no active LGBT organizations in the country and no reported incidences of anti-LGBT violence in 2013.

15. Egypt

Legal Status: Criminalized

Same-sex relationships are not explicitly illegal in Egypt, however, authorities are able to use other laws to arrest and harass LGBT people. LGBT Egyptians face intense societal stigma and discrimination; 95 percent of Egyptians believe that homosexuality is "morally unacceptable," according to a recent Pew survey.¹⁸ Activists have reported that there has been a growing crackdown on LGBT Egyptians since the revolution that deposed Hosni Mubarek with more than 75 LGBT people being arrested since November 2011.¹⁹ These arrests have led to convictions; for example, four men were sentenced to eight years in prison on charges of holding "deviant" sex parties in April 2014.²⁰

16. Equatorial Guinea

Legal Status: Not Criminalized

There are no laws criminalizing same-sex relationships in Equatorial Guinea. However, the U.S. State Department reports that LGBT people in Equatorial Guinea still face societal stigma and discrimination and there are no active LGBT organizations in the country.

17. Eritrea

Legal Status: Criminalized

Homosexuality is punishable with imprisonment in Eritrea, although the U.S. State Department reports that the law is not enforced. Widespread societal stigma still exists and there are no active LGBT

¹⁸ Pew Research Global Attitudes Project, 2014

¹⁹ Gay Star News, 5/19/14

²⁰ BBC, 4/8/14

organizations. In 2013, an Italian teacher working in Eritrea was reportedly deported for being gay.²¹

18. Ethiopia

Legal Status: Criminalized

Same-sex relationships are punishable by imprisonment in Ethiopia, and a 2007 poll found that 97 percent of the Ethiopian public agreed that homosexuality should be outlawed.²² There are no charities, health clinics or advocacy organizations serving the LGBT community in Ethiopia and many LGBT activists have been forced to flee the country. In 2014, plans were announced to pass new legislation making homosexuality an “unpardonable offense.”²³ Although these plans were later scrapped, Ethiopia remains very hostile to its LGBT citizens, with one government official proclaiming in 2012 that the country would be “the graveyard of homosexuality.”²⁴

19. Gabon

Legal Status: Not Criminalized

Although the International Lesbian, Gay, Bisexual, Trans and Intersex Association reports that homosexuality has never been criminalized in Gabon, societal discrimination is widespread. In January 2014, six men were arrested for participating in a same-sex wedding ceremony, but were later released.²⁵

20. Gambia

Legal Status: Criminalized

Homosexuality is punishable by up to 14 years in prison in Gambia. The country’s president, Yahya Jammeh, is rabidly anti-gay and has threatened to kill

LGBT asylum seekers²⁶ and referred to homosexuality as “more deadly than all natural disasters put together.”²⁷ In 2012, 20 people were charged with “unnatural offenses” for organizing an “indecent” dance. Although the group was eventually acquitted, many were forced to flee the country after being released.²⁸

21. Ghana

Legal Status: Criminalized

Same-sex relationships are a misdemeanor punishable by up to three years in prison in Ghana. According to a recent Pew survey, 98 percent of Ghanaians feel that homosexuality is “morally unacceptable,” the highest percentage of any country surveyed.²⁹ Anti-LGBT rhetoric is rampant from prominent Ghanaian politicians and LGBT citizens face societal discrimination and the threat of violent attack.

22. Guinea

Legal Status: Criminalized

Homosexuality is punishable with up to three years in prison in Guinea. Although there have been no known prosecutions under this statute, the country established a morality police unit in 2012. The U.S. State Department reports that there are no active LGBT organizations in Guinea.

23. Guinea-Bissau

Legal Status: Not Criminalized

Homosexuality is not criminalized in Guinea-Bissau. The U.S. State Department has recorded no cases of human rights violations against LGBT people in Guinea-Bissau in the last year and describes the

²¹ Gay Star News, 5/13/13

²² Newsweek, 12/13/13

²³ Associated Press, 10/16/14

²⁴ Gay Star News, 6/13/12

²⁵ Associated Press, 1/12/14

²⁶ Agence de Presse Africaine, 5/8/15

²⁷ Huffington Post, 9/28/13

²⁸ Associated Press, 10/24/13

²⁹ Pew Research Global Attitudes Project, 2014

country as “relatively tolerant of consensual same-sex conduct.”

24. Kenya

Legal Status: Criminalized

Same-sex relationships are punishable with up to 14 years in prison in Kenya. According to a recent Pew poll, 88 percent of Kenyans feel that homosexuality is “morally unacceptable.”³⁰ Since the passage of the Ugandan anti-homosexuality law in 2014, LGBT Kenyans have been fearful that similar legislation could be introduced in their country;³¹ members of parliament have formed a caucus to fight homosexuality and to assess why the attorney general has not engaged in more aggressive prosecutions under the existing criminalization statute.³² Although there are active LGBT organizations in the country, they often face harassment by the police and the government. Kenya is also a magnet for LGBT refugees from across the region, although many face further violence and stigmatization when they arrive.³³

25. Lesotho

Legal Status: Criminalized

Same-sex relationships between men are prohibited as a common law offense in Lesotho. Although Lesotho has one of the highest HIV infection rates in the world, LGBT patients are often excluded from treatment³⁴ and the U.S. State Department reports that LGBT Lesothans face “societal discrimination and official insensitivity to this discrimination.” Despite this, there is one active LGBT organization in the country and in 2013 the country held its first pride march.³⁵

³⁰ Pew Research Global Attitudes Project, 2014

³¹ BuzzFeed, 3/3/14

³² Daily Nation, 2/18/14

³³ Al Jazeera, 5/19/13

³⁴ Open Society Initiative for Southern Africa, 5/31/13

³⁵ Ibid

26. Liberia

Legal Status: Criminalized

“Voluntary sodomy” is a misdemeanor punishable by up to one year in prison in Liberia. The U.S. State Department reports that societal discrimination and harassment of LGBT citizens is widespread. In 2012, Liberia’s Nobel Peace Prize winning President, Ellen Johnson Sirleaf, defended her country’s laws criminalizing same-sex relationships and pledged not to sign any bill allowing same-sex marriage or gay rights.³⁶

27. Libya

Legal Status: Criminalized

Homosexuality is punishable with up to five years in prison in Libya. After dictator Muammar Gadaffi was toppled in 2012, militia groups have targeted LGBT Libyans for arrest, blackmail and attack.³⁷

28. Madagascar

Legal Status: Not Criminalized

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association, homosexuality has never been criminalized in Madagascar. However, the age of consent for same-sex sexual activity is 21 and the U.S. State Department reports that arrests and extortion attempts are frequently made for “corrupting a minor.” Restrictions on LGBT citizens have increased since a 2009 coup and LGBT groups and gatherings have been shut down by government officials and attacked by police.

29. Malawi

Legal Status: Criminalized

³⁶ BBC, 3/18/12

³⁷ Pink News, 2/12/12

Consensual same-sex relations are punishable with up to 14 years in prison in Malawi. In July 2014, the Solicitor General of Malawi told the UN that enforcement of the anti-sodomy law was suspended while the country's Law Commission prepared to review its constitutionality.³⁸ In 2009, two men were sentenced to 14 years in prison after being convicted of gross indecency and unnatural acts. After an international outcry, they were pardoned by President Bingu wa Mutharika.³⁹

30. Mali

Legal Status: Not Criminalized

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association, homosexuality has never been criminalized in Mali. However, the State Department reports that LGBT Malians face "physical, psychological and sexual violence." In September 2013, more than 200 LGBT people were forced from their homes in a wave of mob violence and in February of that year, Islamic rebels threatened to execute two men for being gay.⁴⁰ There are no active LGBT organizations in Mali.

31. Mauritania

Legal Status: Criminalized. Punishable by the death penalty.

Homosexuality is a criminal offense punishable by death by public stoning in Mauritania. While the U.S. State Department reports that there were no known prosecutions under the anti-homosexuality law in 2013, the Mauritanian government often fails to report the execution of LGBT people.⁴¹ There are no active LGBT organizations in Mauritania and at least one gay

Mauritanian has been granted asylum in the U.S. because he feared for his life at home.

32. Mauritius

Legal Status: Criminalized

Homosexuality is punishable with up to five years in prison in Mauritius, however the law is rarely enforced. Despite the criminalization of same-sex relationships, Mauritius is one of the few African nations to explicitly protect its citizens from employment discrimination on the basis of sexual orientation.⁴² Mauritius has at least one active LGBT organization and held its first pride march in 2006.⁴³

33. Morocco

Legal Status: Criminalized

Homosexuality is punishable by up to three years in prison in Morocco, and the law is regularly enforced. In May 2013, five men were imprisoned for homosexuality and public indecency.⁴⁴ Most recently, another six men were convicted of "deviant acts" in May 2014.⁴⁵ There is at least one unofficially recognized LGBT organization in Morocco. The country's anti-LGBT policies have affected the tourist industry as well, and in 2012 a gay cruise ship was refused permission to dock in Casablanca.⁴⁶

³⁸ Nyasa Times, 7/11/14

³⁹ BBC, 5/29/10

⁴⁰ Gay Star News, 2/4/13

⁴¹ Columbia Law School Sexuality and Gender Law Clinic Press Release, 10/25/11

⁴² Mauritius Equal Opportunities Act 2008

⁴³ Agence France Presse, 5/23/06

⁴⁴ Associated Press, 5/21/13

⁴⁵ Al Jazeera, 5/15/14

⁴⁶ Reuters, 7/2/12

34. Mozambique

Legal Status: Criminalized

The penal code of Mozambique calls for the imposition of security measures on those who habitually practice acts against nature. This may include punishment with up to three years in a workhouse. However, in 2011, the Mozambican Justice Minister told the UN Human Rights Commission that homosexuality is not illegal in Mozambique.⁴⁷ There is one unofficially recognized LGBT organization in Mozambique and in 2014, the former president of the country, Joaquim Chissano, made headlines by publicly calling for LGBT equality in Africa.⁴⁸

35. Namibia

Legal Status: Criminalized

Homosexuality remains illegal under common law in Namibia. The U.S. State Department reports that societal violence and discrimination against LGBT people remains a problem in Namibia. Namibian politicians often fan the flames of anti-LGBT sentiment,⁴⁹ but 2013 saw the leader of one of the country's political parties pledging to stand up for LGBT rights in parliament.⁵⁰ December 2013 also saw Namibia's first pride march.⁵¹

36. Niger

Legal Status: Not Criminalized

There are no laws specifically banning homosexuality in Niger, however, in January 2013 two men were arrested for public indecency after being found in a parked car together. The U.S. State Department reports that LGBT people in Niger face strong societal stigma and discrimination.

⁴⁷ Open Society Initiative for Southern Africa, 3/3/11

⁴⁸ BuzzFeed, 1/15/14

⁴⁹ Open Society Initiative for Southern Africa, 5/4/14

⁵⁰ Gay Star News, 12/16/13

⁵¹ Mamba, 12/9/13

37. Nigeria

Legal Status: Criminalized. Punishable by the death penalty in some states.

Homosexuality has been criminalized in Nigeria since the British colonial era and some northern Nigerian states have adopted a Sharia law code that includes the death penalty for same-sex relations. In January 2014, President Goodluck Jonathan enacted new legislation that further criminalizes same-sex relationships and created obstacles to LGBT advocacy.⁵² Within days of the law's signing, dozens of LGBT Nigerians were rounded up and arrested and several men have been publicly whipped in recent months.⁵³ Health workers report that the new anti-homosexuality law is also leading to a decline in HIV/AIDS treatment and prevention.⁵⁴ Societal stigma against LGBT Nigerians is intense with 85 percent of citizens feeling that homosexuality is "morally unacceptable" in a recent Pew Research poll.⁵⁵

38. Republic of the Congo

Legal Status: Not criminalized.

There are no laws prohibiting same-sex relationships in the Republic of the Congo, however, the U.S. State Department reports that the police sometimes harass and extort LGBT citizens anyway. There are at least two active LGBT organizations operating in Republic of the Congo.

39. Rwanda

Legal Status: Not criminalized.

⁵² New York Times, 1/13/14

⁵³ Associated Press, 1/14/14; Associated Press, 1/16/14; Associated Press, 3/6/14

⁵⁴ Mother Jones, 3/13/14

⁵⁵ Pew Research Global Attitudes Project, 2014

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association, homosexuality has never been criminalized in Rwanda although LGBT Rwandans often face societal discrimination and abuse. In 2010, the Rwandan parliament considered a measure to criminalize same-sex relationships, but ultimately dropped it.⁵⁶ There are LGBT organizations in Rwanda, but they often face eviction and harassment from authorities.

40. Sao Tome and Principe

Legal Status: Not criminalized

As part of the United Nations Universal Periodic Review of human rights, Sao Tome and Principe recently decriminalized same-sex relationships. Despite this, there are no LGBT organizations and reports of societal discrimination have continued.

41. Senegal

Legal Status: Criminalized

In Senegal, those convicted of committing “an improper or unnatural act with a person of the same-sex” are subject to up to five years in prison. In February 2014, two men were sentenced to six months in prison for violating the anti-homosexuality law.⁵⁷ In November 2013, five women were detained on suspicion of lesbianism, including the assistant director at Senegal’s only lesbian advocacy organization.⁵⁸ Human Rights Watch reported in 2010 that anti-LGBT violence was on the rise in Senegal,⁵⁹ and President Macky Sall has often contributed inflammatory rhetoric. Sall claims that “the basic African roots of our cultural values” cannot allow the consideration of

decriminalizing same-sex relationships and that the country is “not ready” for LGBT rights.⁶⁰

42. Seychelles

Legal Status: Criminalized

Homosexuality is punishable with up to 14 years in prison in Seychelles, although the country promised to repeal this law “pretty soon” as part of the United Nations Periodic Review process in 2011.⁶¹ There are no active LGBT organizations in Seychelles.

43. Sierra Leone

Legal Status: Criminalized

Male homosexuality is punishable by up to life in prison in Sierra Leone. The U.S. State Department reports that “social discrimination based on sexual orientation occurred in nearly every facet of life for known LGBT persons” in Sierra Leone; 99 percent of LGBT people surveyed by Global Rights, Pride Equality and Dignity Association reported experiencing harassment.⁶² Political leaders in Sierra Leone have resisted calls to decriminalize same-sex relations and in March 2014 President Ernest Koroma denounced western nations for cutting off aid to countries that pass harsh anti-LGBT laws.⁶³

⁵⁶ Star Observer, 1/26/10

⁵⁷ Associated Press, 2/1/14

⁵⁸ Associated Press, 11/12/13

⁵⁹ Bloomberg, 11/30/10

⁶⁰ Gay Star News, 4/12/13; Associated Press, 6/28/13

⁶¹ Seattle Gay News, 10/7/11

⁶² Africa Review, 5/19/13

⁶³ Agence France Presse, 9/11/11; Leadership, 3/1/14

44. Somalia

Legal Status: Criminalized. Punishable by the death penalty in some areas.

Homosexuality is punishable by up to three years in prison under the Somali penal code. In some parts of the country held by Islamic rebels, a Sharia criminal code imposes the death penalty for same-sex relationships. LGBT Somalis have fled to Kenya and other countries.⁶⁴ There are no active LGBT organizations in Somalia.

45. South Africa

Legal Status: Not criminalized. Same-sex marriage legal.

South Africa was the first country in the world to constitutionally prohibit discrimination on the basis of sexual orientation and became the first and only country in Africa to legalize same-sex marriage in 2006. Despite these protections, LGBT South Africans often face mistreatment and violence. More than 60 percent of South Africans reported that they found homosexuality “morally unacceptable” in a recent Pew survey.⁶⁵ LGBT women in South Africa face an epidemic of “corrective rape”⁶⁶ and according to the U.S. State Department there is often a delay in prosecuting homophobic murders. Progress continues to be made, however, and in May 2014 the country elected the first Black gay member of parliament in Africa and also saw its first openly gay cabinet member appointed.⁶⁷

46. South Sudan

Legal Status: Criminalized

Homosexuality is punishable by up to ten years in prison in South Sudan. The U.S. State Department reports that there were no prosecutions under this law

in 2013. The leaders of South Sudan are often virulently anti-LGBT, with the president saying in 2010 that homosexuality “will always be condemned by everyone” in the country.⁶⁸ There are no active LGBT organizations in South Sudan.

47. Sudan

Legal Status: Criminalized. Punishable by the death penalty.

Homosexuality is punishable by flogging, prison or the death penalty in Sudan. In 2013, nine gay men were arrested and beaten in Khartoum⁶⁹ and in 2010, 19 men were lashed 30 times for “womanly behavior.”⁷⁰ Despite the threat of arrest and death, there is one active LGBT organization in Sudan and in 2012 an online magazine was launched.⁷¹

48. Swaziland

Legal Status: Criminalized

Male homosexuality is a common law offense punishable by up to two years in prison in Swaziland. LGBT people in Swaziland face social stigma and exclusion. Swaziland’s prime minister called homosexuality “an abnormality and a sickness,” and the king called it “satanic.”⁷² Nonetheless, Swaziland has at least one LGBT organization and in 2012, the government launched the first HIV initiative to include same-sex couples.⁷³

49. Tanzania

Legal Status: Criminalized

Same-sex relationships are punishable by up to life in prison in Tanzania. Not content with the ability to

⁶⁴ Pambazuka, 8/14/13

⁶⁵ Pew Research Global Attitudes Project, 2014

⁶⁶ The Independent, 1/4/14

⁶⁷ Gay Star News, 5/22/14; The Guardian, 5/26/14

⁶⁸ Radio Netherlands, 7/30/10

⁶⁹ Gay Star News, 2/25/13

⁷⁰ The Niles, 9/21/11

⁷¹ Pink News, 3/30/12

⁷² IRIN, 2/14/12

⁷³ Ibid

imprison LGBT people for life, a member of the Tanzanian parliament proposed even more criminal restrictions on the “promotion” of homosexuality in March 2014.⁷⁴ Tanzania’s foreign minister has stated that “homosexuality is not part of our culture and we will never legalize it,” and said the country was willing to lose foreign aid in order to retain its anti-LGBT laws.⁷⁵ Human Rights Watch reports that Tanzanian police engage in widespread abuse of LGBT citizens and pro-LGBT media outlets have been shut down by the government.⁷⁶

government has rejected calls to decriminalize same-sex relationships and the Tunisian Minister of Human Rights has said that homosexuality is a sickness that needs to be “treated medically.”⁸⁰ Tunisia has an online community of LGBT activists who launched a magazine for the community in 2011.⁸¹

50. Togo

Legal Status: Criminalized

Homosexuality is punishable by up to three years in prison in Togo, and the media is prohibited from promoting immorality, which includes same-sex relationships. In 2011, Togo rejected recommendations from the UN Universal Periodic Review that it decriminalize homosexuality.⁷⁷ There are no known active LGBT organizations in Togo.

51. Tunisia

Legal Status: Criminalized

Homosexuality is punishable by up to three years in prison in Tunisia. Tunisian activists report that conditions for LGBT people have gotten worse since the Jasmine Revolution of 2011 with increased harassment and surveillance under the post-revolutionary regime.⁷⁸ Accusations of homosexuality are used as a political tool in Tunisia and in 2013 the leader of the Liberal Party was found guilty of sodomy and sentenced to three months in jail.⁷⁹ The Tunisian

⁷⁴ The East African, 3/29/14

⁷⁵ Reuters, 11/4/11; Tanzania Daily News, 6/21/12

⁷⁶ Pink News, 6/20/13

⁷⁷ International Service for Human Rights, 10/13/11

⁷⁸ Gay Star News, 8/7/12

⁷⁹ Gay Star News, 6/28/13

⁸⁰ Pink News, 2/6/12

⁸¹ Tunisia Live, 1/25/12

52. Uganda

Legal Status: Criminalized

Consensual same-sex relations have been illegal in Uganda since British colonial rule. In February 2014, President Yoweri Museveni signed harsh new legislation into law that imposes penalties of up to life in prison for “aggravated homosexuality” and creates obstacles to LGBT advocacy. The Ugandan LGBT community has been driven underground by this new law, and activists report a tenfold increase in anti-LGBT violence since the law was enacted.⁸² Enforcement of anti-LGBT laws appears to be increasing. In April 2014, officials raided a U.S.-affiliated HIV research facility searching for evidence that the facility was “training youths in homosexuality.”⁸³ Uganda’s first-ever trial for consensual same-sex relations is also expected to take place in July 2014.⁸⁴

53. Zambia

Legal Status: Criminalized

Homosexuality is punishable by up to life in prison in Zambia. The U.S. State Department reports that enforcement of anti-LGBT laws has increased in recent years and human rights activists say there is growing intolerance for LGBT people in Zambian society.⁸⁵ The Zambian Minister of Justice recently accused LGBT groups of working to “destroy the cultural fabric of this country”⁸⁶ and the Minister of Home Affairs stated that the “government does not support homosexuality.”⁸⁷ In 2013, a gay couple was arrested on sodomy charges and held without bail for over a year before finally being acquitted.⁸⁸

⁸² The Guardian, 5/20/14

⁸³ Associated Press, 4/4/14

⁸⁴ Adrian Jjuuko, Erasing 76 Crimes, 4/23/14

⁸⁵ Erasing 76 Crimes, 1/31/14

⁸⁶ Gay Star News, 12/17/13

⁸⁷ Erasing 76 Crimes, 4/4/13

⁸⁸ The Guardian, 7/3/14

54. Zimbabwe

Legal Status: Criminalized

Homosexuality is punishable by up to a year in prison in Zimbabwe. The U.S. State Department reports “widespread societal discrimination based on sexual orientation” in Zimbabwe and LGBT organizations and activists face frequent harassment and arrest by the government. President Robert Mugabe is considered one of Africa’s most virulently anti-LGBT leaders and has said that “gays have no human rights”⁸⁹ and LGBT people are “worse than pigs and dogs.”⁹⁰ Zimbabwe has several LGBT organizations. Its largest LGBT activist group won a landmark court victory in February 2014 allowing it to continue operating.⁹¹

⁸⁹ Washington Blade, 3/28/14

⁹⁰ Erasing 76 Crimes, 7/7/13

⁹¹ Huffington Post, 2/28/14

African Voices for Equality

African Commission on Human and Peoples Rights Resolution

Following the creation and strengthening of homophobic laws in several African states, the human rights body for the African Union, the African Commission on Human and Peoples Rights, issued a bold resolution calling for the protection of the human rights of LGBT persons. At the 55th session of the commission that took place from April 28-May 12, 2014, members called for an end to acts of violence and abuse, while expressing shock that “human rights violations continue to be committed on individuals in many parts of Africa because of their actual or imputed sexual orientation or gender identity.”

Resolution 275: On Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity, is the important first step towards the realization of continent-wide protection of the human rights of LGBT people. The resolution:

“strongly urges States to end all acts of violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims.”

It is worth noting that multiple representatives on the African Commission on Human and Peoples’ Rights hail from states that maintain laws outlawing homosexual sexual activity, including Kenya, Tunisia, and most notably, Uganda.

The African Commission on Human and Peoples’ Rights was founded by the African Union (formerly the Organisation of African Unity) in 1987. The Commission consists of 11 representatives from member-states who serve six-year terms interpreting the African Charter on Human and Peoples’ Rights and are entrusted with the protection and promotion of human rights in Africa. While the Commission maintains no enforcement mechanism, it serves as the foremost human rights institution in Africa, and its decisions carry weight throughout the continent.

Voices for Equality

Amidst the rising tide of legislation in Africa that criminalizes homosexuality or otherwise infringes on basic human rights, brave African leaders are standing up for the protection of equality and dignity for all people. We believe it is these voices, and those who follow, that will ultimately lead to positive change across the continent.

"There is neither heterosexual nor LGBT, for you are all one under Jesus Christ."
- Bishop Christopher Senyonjo, UGANDA

"Homosexuals are not criminals."
- Cardinal Peter Kodwo Appiah Turkson, President of the Pontifical Council for Justice and Peace, GHANA

"The Ministry ... has a constitutional obligation to provide health services to all without discrimination," in the face of "increased fear, stigma, discrimination and potential acts of violence."
- James Macharia, Health Secretary, KENYA

"I am in full solidarity with the LGBT community and I will continue to defend their rights in Uganda and across Africa."
- Speciosa Wandira-Kazibwe, former Ugandan Vice-President and U.N. Special Envoy for HIV-AIDS in Africa, UGANDA

"Sexual orientation is a private matter...this is not a State matter at all."
- Tharcisse Karugarama former Minister of Justice, RWANDA

"[Politicians] dehumanize the gays. They know they can say such horrible things with impunity, [but]... We are talking about human beings after all."
- James Tengatenga, former Anglican Bishop for Southern MALAWI

"Gay rights are human rights"
- Dr. Willy Mutunga, Chief Justice, KENYA

"The rights of everybody—including homosexuals—should be protected."
- Nana Oye Lithur, Minister for Gender, Children, and Social Protection, GHANA

"We can no longer afford to discriminate against people ... we need to unleash the full potential of everyone."
- Joaquim Chissano, former President, MOZAMBIQUE

"If you cannot allow me to choose who I am to love, then you are denying me a fundamental right."
- Fox Odoi West Budama North M.P., UGANDA

"No one should be discriminated against on the basis of their sexual orientation."
- First Lady Dr. Christine Kaseba Sata, ZAMBIA

"As long as we confine gays and lesbians into dark corners ... the battle on HIV and AIDS can never be won."
- Festus Mogae, former President, BOTSWANA

"South Africa believes that no persons should be subjected to discrimination or violence on any ground, including on the basis of sexual orientation."
- Clayson Moryela, Department of International Relations and Cooperation, SOUTH AFRICA

human rights first
American ideals. Universal values.

Botswana – Former President Festus Mogae

“As long as we confine gays and lesbians into dark corners...the battle on HIV and AIDS can never be won.”⁹²

Ghana (Vatican) – Cardinal Peter Kodwo Appiah Turkson, President of the Pontifical Council for Justice and Peace

“Homosexuals are not criminals”⁹³

Ghana – Minister for Gender, Children, and Social Protection Nana Oye Lithur

“The rights of everybody - including homosexuals - should be protected.”⁹⁴

Kenya – Health Secretary James Macharia

“The Ministry therefore has a constitutional obligation to provide health services to all without discrimination,” in the face of “increased fear, stigma, discrimination and potential acts of violence...”⁹⁵

Kenya – Chief Justice Dr. Willy Mutunga

“Gay rights are human rights.”⁹⁶

Malawi – Former Anglican Bishop for Southern Malawi James Tengatenga

“[Politicians] dehumanize the gays. They know they can say such horrible things with impunity [but]...We are talking about human beings after all.”⁹⁷

Mozambique – Former President Joaquim Chissano

“We can no longer afford to discriminate against people on the basis of age, sex, ethnicity, migrant status, sexual orientation and gender identity, or any other basis – we need to unleash the full potential of everyone.”⁹⁸

Rwanda – Former Minister of Justice Tharcisse Karagarama

“Sexual orientation is a private matter...this is not a State matter at all.”⁹⁹

South Africa – Spokesperson for the Department of International Relations and Cooperation Clayton Monyela

“South Africa believes that no persons should be subjected to discrimination or violence on any ground, including on the basis of sexual orientation.”¹⁰⁰

South Africa/Uganda – Former Anglican Archbishop Desmond Tutu

“We must be entirely clear about this: the history of people is littered with attempts to legislate against love or marriage across class, caste, and race. But there is no scientific basis or genetic rationale for love. There is only the grace of God. There is no scientific justification for prejudice and discrimination, ever. And nor is there any moral justification. Nazi Germany and apartheid South Africa, among others, attest to these facts.”¹⁰¹

⁹² Chicago Phoenix, 4/8/14

⁹³ Catholic Herald, 3/4/14

⁹⁴ Vibe Ghana, 1/30/13

⁹⁵ The Star, 3/1/14

⁹⁶ Towleroad, 2/1/14

⁹⁷ San Diego Gay & Lesbian News, 3/14/14

⁹⁸ The African Report, 1/14/14

⁹⁹ New Times, 2/8/12

¹⁰⁰ Council for a Community of Democracies, 2/25/14

¹⁰¹ The Global Fund, 4/11/14

**Uganda – Former Ugandan Vice-President
Speciosa Wandire-Kazibe, UN Special Envoy for
HIV-AIDS in Africa**

"I am in full solidarity with the LGBT community and I will continue to defend their rights in Uganda and across Africa."¹⁰²

Uganda – Bishop Christopher Senyonjo

"There is neither heterosexual nor LGBT, for you are all one under Jesus Christ"¹⁰³

**Uganda – West Budama North Member of
Parliament Fox Odoi**

"If you cannot allow me to choose who I am to love, then you are denying me a fundamental right."¹⁰⁴

Zambia – First Lady Dr. Christine Kaseba Sata

"Silence around issues of Men who have Sex with Men should be stopped and no one should be discriminated against on the basis of their sexual orientation."¹⁰⁵

Additional Voices

"I am a homosexual... I have received thousands of messages from Africans all over the continent from diaspora Africans telling me: 'You have my support.' Homosexuality [in Africa] came out of the box a long time ago and it will be used by populists."

- **Binyavanga Wainaina, one of Africa's leading literary figures from Kenya**

"[The Nigerian law] goes against the values of tolerance and 'live and let live' that are part of many African cultures

- **Chimamanda Ngozi Adichie, Nigerian author**

"When I was growing up, we knew there were gay people – they were living openly, they were part of the culture – everyone knew about them. But now there are these laws, and it is so sad to see all this artificial outrage."

- **Helon Habila, Nigerian novelist**

¹⁰² God Loves Uganda Blog, 3/12/14

¹⁰³ Chicago Phoenix, 4/8/14

¹⁰⁴ The Observer, 3/23/14

¹⁰⁵ Buzzfeed, 11/6/13

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