

# Angola

## EXECUTIVE SUMMARY

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Angola is a constitutional republic. The ruling Popular Movement for the Liberation of Angola (MPLA), led by President Jose Eduardo dos Santos, has been in power since independence in 1975. The MPLA exercised tight, centralized control over government planning, policymaking, and media outlets. In August 2012 the government held the first fully constituted presidential and legislative elections in the country's history. The MPLA won 71.8 percent of the vote, and in September 2012 dos Santos began a five-year term as president. Domestic and international observers reported that polling throughout the country was peaceful and largely well organized. Observers highlighted problems associated with the ruling party's control of media and other resources, the inability of many citizens to vote because of confusion about their registration status, and insufficient credentials for domestic and political party election observers. Authorities generally maintained effective control over the security forces. Security forces committed human rights abuses.

The three most important human rights abuses were cruel, excessive, and degrading punishment, including reported cases of torture and beatings as well as unlawful killings by police and other security personnel; limits on freedoms of assembly, association, speech, and press; and official corruption and impunity.

Other human rights abuses included: arbitrary or unlawful deprivation of life; harsh and potentially life-threatening prison conditions; arbitrary arrest and detention; lengthy pretrial detention; impunity for human rights abusers; lack of due process and judicial inefficiency; infringements on citizens' privacy rights and forced evictions without compensation; restrictions on nongovernmental organizations (NGOs); discrimination and violence against women; abuse of children; trafficking in persons; limits on workers' rights; and forced labor.

The government took limited steps to prosecute or punish officials who committed abuses; however, accountability was weak due to a lack of checks and balances, lack of institutional capacity, a culture of impunity, and widespread government corruption.

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

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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

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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

### EXECUTIVE SUMMARY

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Benin is a constitutional democracy. In 2011 President Boni Yayi won a second, and final, five-year term in multi-party elections. In the 2011 legislative elections, President Yayi’s supporting coalition, Cowry Force for an Emerging Benin, won 41 of 83 seats in the National Assembly and formed a majority coalition with the Renaissance of Benin Party and other minor supporting parties for a total of 61 seats. As a result, the coalition controlled six of the seven seats in the Bureau of the National Assembly. International observers viewed the presidential and legislative elections as generally free, fair, and transparent. Civilian authorities generally maintained effective control over security forces. Security forces committed some human rights abuses.

The major human rights problems included police use of excessive force; violence and discrimination against women and girls, including female genital mutilation/cutting (FGM/C); and harsh prison conditions.

Other human rights problems included arbitrary arrest and detention and prolonged pretrial detention. Abuse of women and children, including infanticide; trafficking in persons; vigilante violence; and child labor remained problems.

Although the government made an effort to control corruption and abuses, including by prosecuting and punishing public officials, officials sometimes engaged in corrupt practices with impunity.

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

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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

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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

### EXECUTIVE SUMMARY

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Botswana has been a constitutional multi-party republican democracy since independence in 1966. Its constitution provides for the indirect election of a president and the popular election of a national assembly. In 2009 the ruling Botswana Democratic Party (BDP) won the majority of parliamentary seats in an election deemed generally free and fair. President Ian Khama, who has held the presidency since the resignation of former president Festus Mogae in 2008, retained his position. The BDP has held the presidency and a majority of National Assembly seats since independence. Security forces reported to civilian authorities. Authorities maintained effective control over the security forces. Security forces sometimes committed human rights abuses.

Violence, including sexual violence, against women and children; child labor in cattle herding, agriculture, and other work; and discrimination against the Basarwa people persisted as principal human rights concerns.

Other significant human rights problems included occasional excessive use of force and abuse by security personnel, police corruption, government attempts to limit press freedom, and shortcomings in the judicial process including lengthy delays and failure to inform defendants of their pretrial rights. Societal problems included trafficking in persons and discrimination against women and children; persons with disabilities; persons with HIV/AIDS; and gay, lesbian, bisexual, and transgender (LGBT) persons.

The government took steps to prosecute officials who committed abuses, including prosecuting and convicting military officers for murder. Impunity was generally not a problem.

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

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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

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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

### EXECUTIVE SUMMARY

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Burkina Faso is a constitutional republic ruled by an elected president. Joint legislative/municipal elections took place in December 2012, and despite some irregularities and the resource advantage held by the ruling party, international observers considered the elections to have been free and transparent. The president, assisted by members of the ruling Congress for Democracy and Progress (CDP) party, continued to dominate the government. Authorities maintained effective control over the security forces. There were instances in which security forces committed human rights abuses.

The most significant human rights problems included security force use of excessive force against civilians and detainees; harsh and life-threatening prison conditions; and violence and discrimination against women and children, including female genital mutilation/cutting (FGM/C).

Other human rights problems included arbitrary arrest and detention; judicial inefficiency and lack of independence; official corruption; trafficking in persons; discrimination against persons with disabilities; societal violence; discrimination against members of the lesbian, gay, bisexual, and transgender (LGBT) community; and forced labor, including by children.

The government took steps to prosecute police and military personnel accused of human rights abuse, but impunity remained a problem.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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The Republic of Burundi is a constitutional, multi-party republic with an elected government. The 2005 constitution provides for an executive branch that reports to the president, a bicameral parliament, and an independent judiciary. In 2010 voters re-elected President Pierre Nkurunziza and chose a new National Assembly (lower house) in elections a coalition of 12 opposition parties boycotted. International observers characterized the elections as largely peaceful, generally free and fair, and generally well managed. Nevertheless, they noted an absence of pluralistic competition, restrictions on freedom of expression and assembly, and unfair use by the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) of government facilities and financial resources during campaigns. Authorities maintained effective control over the security forces. While observers considered the military generally professional and apolitical, the intelligence service and the police tended to be influenced directly by and responsive to the CNDD-FDD. Security forces committed human rights abuses.

The main human rights abuses included torture and extrajudicial executions of detainees, particularly members of certain opposition political parties, by police, military, and intelligence services; prolonged pretrial detention of detainees, often without formal charges; harsh and sometimes life-threatening prison conditions; and a lack of judicial independence.

Other human rights abuses included interference with and intimidation of government officials and political opposition members by certain members of the CNDD-FDD and the intelligence and police services. The government restricted the political rights of certain opposition political parties, including the right to hold party meetings, and members of these parties were detained, threatened, and intimidated. Some journalists and members of civil society and nongovernmental organizations (NGOs) who criticized the government

and CNDD-FDD were harassed and intimidated. Corruption existed at all levels of government. Women and girls suffered from widespread sexual and gender-based violence and discrimination, and some were trafficked. Discrimination against the lesbian, gay, bisexual, and transgender (LGBT) community, persons with disabilities, and persons with albinism occurred. Labor rights were not respected, and forced child labor existed.

The general reluctance and delay by police and public prosecutors to investigate and prosecute, and of judges to hear, cases of government corruption and human rights abuse resulted in a widespread perception of impunity for government and CNDD-FDD officials. In many cases investigative and judicial officials hesitated to act as a result of bribes or threats.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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The government of Cabo Verde is a parliamentary representative democratic republic, largely modeled on the Portuguese system. Constitutional powers are shared between the head of state, President Jorge Carlos Fonseca, and Prime Minister Jose Maria Neves, who was serving a third term after his party won the 2011 parliamentary elections. In 2011 voters also elected President Fonseca to a five-year term. The Supreme Court and the National Electoral Commission declared the 2011 nationwide legislative and presidential elections generally free and fair. There continued to be isolated instances in which elements of the security forces acted independently of civilian control and occasionally committed human rights abuses.

There were reports of human rights problems in the following areas: cases of police violence toward prisoners and detainees, delayed trials, and violence and discrimination against women.

Other human rights problems included child abuse and some instances of child sexual exploitation and child labor.

The government took steps to prosecute and punish officials who committed abuses, but the process was lengthy. The National Police took disciplinary action against officials who acted outside the law, but nonexistence of a single authority to monitor or oversee cases or

complaints made it difficult to obtain data on the number of cases. Government and other state institutions sometimes downplayed or disregarded police abuses.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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Cameroon is a republic dominated by a strong presidency. The country has a multi-party system of government, but the Cameroon People’s Democratic Movement (CPDM) has remained in power since it was created in 1985. In practice the president retains the power to control legislation. On April 14, the country conducted the first Senate elections in its history, which were peaceful and considered generally free and fair. On September 30, simultaneous legislative and municipal elections were held and considered by most observers to be free and fair. In October 2011 CPDM leader Paul Biya was re-elected president, a position he has held since 1982, in a flawed election marked by irregularities. Authorities failed at times to maintain effective control over the security forces. Security forces committed human rights abuses.

The most important human rights problems in the country were security force torture and abuse, particularly of detainees and prisoners, denial of fair and speedy public trial, and restrictions on freedom of assembly and association.

Other major human rights abuses included security force killings, life-threatening prison conditions, arbitrary arrest and detention, prolonged and sometimes incommunicado pretrial detention, and infringement on privacy rights. The government harassed and imprisoned journalists, restricted freedoms of speech and press, and impeded freedom of movement. Corruption was pervasive at all levels of government. Societal violence and discrimination against women and girls, including female genital mutilation/cutting, occurred. Trafficking in persons and government-sponsored discrimination against

members of the lesbian, gay, bisexual, and transgender (LGBT) community were problems. Discrimination against persons with albinism occasionally occurred, and hereditary servitude was a problem. The government restricted worker rights and the activities of independent labor organizations. Forced labor, including by children, and child labor were problems.

Although the government took some steps to punish and prosecute officials who committed abuses in the security forces and in the public service, impunity remained a problem.

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

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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**

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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 Ombgwa 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. Ombgwa and Ntamack’s sentences came two years after Ombgwa 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 Ombgwa 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

### EXECUTIVE SUMMARY

The Central African Republic is a republic with a transitional government of national unity. The president and prime minister share executive power. The legislative and judicial branches are weak. The last general election occurred in 2011. Citizens reelected President Francois Bozize in what national and international observers considered a flawed election. On January 11, the Economic Community of Central African States (ECCAS) brokered the Libreville Accords, which provided for transitional and power sharing measures among President Bozize, the political opposition, and the Seleka rebel alliance, which had launched an insurgency in December 2012. Within weeks of the Libreville Accords, Seleka leader Michel Djotodia accused President Bozize of ignoring the agreement, advanced on the capital, and deposed Bozize on March 24. Djotodia proclaimed himself president, suspended the constitution, dissolved the previous government, and began to rule by decree. On April 18, ECCAS adopted the Ndjamen Declaration, which provided for the establishment of a transitional government leading to elections in 18 months after the swearing-in of the transitional president. Djotodia was sworn in as transitional president on August 18 under the terms of the transitional charter, which took effect the same day.

State rule, already weak under Bozize, largely collapsed during the year. The absence of civilian administration, defense, and police forces led to a security vacuum that resulted in lawlessness in Bangui and throughout the country. On September 11, Djotodia formally dissolved the Seleka alliance. Nevertheless, former Seleka members continued to engage in conflict with armed militia groups throughout the country, including with a group called the Young Patriots established in the final days of the Bozize regime to counter the Seleka and their supporters. Armed groups who opposed the Seleka, including the Young Patriots, came to be known collectively as the anti-Balaka. Sectarian violence resulted in an estimated 500 deaths between December 5-7 and an estimated 200 deaths from December 20-26. While the violence was most pronounced in Bangui, it was also concentrated in Ouham prefecture, a region with ties to former president Bozize. Authorities under both Bozize and Djotodia failed to maintain effective control over the security forces. Security

forces committed extensive human rights abuses.

The most serious human rights problems include arbitrary and unlawful killings, especially those perpetrated by the Seleka; enforced disappearances and torture, including rape; the use of child soldiers; seizure and destruction of property; and forced displacement.

Other human rights problems included harsh and life-threatening prison conditions, including the use of illegal detention facilities; arbitrary arrest and detention; prolonged pretrial detention; denial of fair public trial; arbitrary interference with privacy and the home; seizure and destruction of property without due process; and the use of excessive and indiscriminate force in internal conflict. There were restrictions on freedoms of speech, press, assembly, association, and movement, and lack of protection for refugees. The government did not respect the right of citizens to change their government peacefully, and corruption was widespread. Domestic and international human rights groups were subjected to harassment and threats. Discrimination and violence were experienced by women; children; persons with disabilities; ethnic minorities; indigenous people; lesbian, gay, bisexual, and transgender (LGBT) persons; persons with HIV/AIDS; Christians; and Muslims. Forced labor and child labor, including forced child labor, were also problems.

There were credible reports that the following armed groups perpetrated serious human rights abuses in the country during the year: the Seleka; the Young Patriots, who became known as the anti-Balaka; and the Lord's Resistance Army (LRA).

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

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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**

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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**

## EXECUTIVE SUMMARY

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Chad is a centralized republic in which the executive branch dominates the legislature and judiciary. In April 2011 President Idriss Deby Itno, leader of the Patriotic Salvation Movement (MPS), was elected to a fourth term with 83.6 percent of valid votes. Major opposition figures boycotted the presidential election, which was marked by low voter turnout. In legislative elections held in February 2011, the ruling MPS won 118 of the National Assembly's 188 seats. International observers deemed both elections to be legitimate and credible. Authorities failed at times to maintain effective control over the security forces. Security forces committed human rights abuses.

Following an alleged coup plot on May 1, security forces shot and killed unarmed civilians and arrested and detained members of parliament, military officers, former rebels, and others. At year's end approximately four of those arrested remained in detention, sometimes incommunicado, on charges of conspiracy and attempting to destabilize the government. International nongovernmental organizations (NGOs) criticized the government for its repression of criticism, arbitrary arrests, enforced disappearances, and suspension of due process.

The most significant human rights problems were security force abuse, including torture; harsh prison conditions; and discrimination and violence against women and children.

Other human rights abuses included arbitrary arrest and detention, lengthy pretrial detention, denial of fair public trial, executive influence on the judiciary, and property seizures. The government restricted freedom of speech, press, assembly, and movement. The MPS party dominated the political process, and government corruption remained a problem. Refugees were abused. Child abuse, including female genital mutilation/cutting (FGM/C), occurred, as did forced and early marriage and the sexual exploitation of children. Trafficking in persons, particularly children, was a problem. Interethnic discrimination and discrimination against persons with disabilities and persons with HIV/AIDS occurred. Child labor and forced labor, including by children, were problems.

The government seldom took steps to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government, and impunity was a problem.

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

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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

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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

### EXECUTIVE SUMMARY

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The Union of the Comoros is a constitutional, multi-party republic. The country consists of three islands – Grande Comore (also called Ngazidja), Anjouan, and Moheli – and claims a fourth, Mayotte, which France governs. In November and December 2010, voters elected a new union president as well as governors for each of the three islands. A joint international observer mission declared the elections generally free and fair, despite certain shortcomings. In May 2011 former vice president Ikililou Dhoinine became president of the Comoros. In April security forces discovered a plot to overthrow the government and arrested 16 coup plotters now awaiting trial. Civilian authorities maintained effective control over the security forces. There were no reports that security forces committed human rights abuses during the year.

Among the most important human rights problems in the country was pervasive official corruption, particularly bribery. Children were subject to various forms of abuse from violence to forced labor and trafficking in persons. The government did not effectively enforce laws protecting workers' rights.

Other human rights problems reported during the year included poor prison conditions, long pretrial detention, restrictions on press freedom, violence and societal discrimination against women, and criminalization of consensual same-sex sexual activity.

Impunity for violations of human rights was widespread. The government discouraged and sometimes arrested or dismissed officials implicated in such violations, but rarely took steps to prosecute them. The prosecutor general was dismissed from office in October upon allegations of abuse of power by interfering in the investigation of a trafficking-in-persons case.

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

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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

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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

## EXECUTIVE SUMMARY

The Democratic Republic of the Congo (DRC) is a nominally centralized, constitutional republic. The president and the lower house of parliament (National Assembly) are popularly elected. Provincial assemblies choose the members of the upper house (Senate). In November 2011 the country held multi-party presidential and National Assembly elections, which many local and international observers characterized as lacking in credibility and seriously flawed. Authorities failed at times to maintain effective control over the security forces. Some security forces committed human rights abuses.

The conflict in the eastern part of the country, which intensified significantly in 2012, continued and challenged government control in the region. The conflict led to the displacement of large numbers of persons and significant human rights violations and abuses, including the recruitment and use of children by the 23 March Movement (M23) armed group.

The three most important human rights problems were: armed conflict in the East that exacerbated an already precarious human rights situation, particularly with regard to sexual- and gender-based violence (SGBV); lack of an independent and effective judiciary; and impunity throughout the country for many serious abuses, including unlawful killings, disappearances, torture, rapes, and arbitrary arrests and detention.

Other major human rights problems included: severe and life-threatening conditions in prison and detention facilities; prolonged pretrial detention; arbitrary interference with privacy, family, and home; abuse and obstruction of and threats against journalists, human rights advocates, and members of the political opposition by state security force (SSF) members; abuse of internally displaced persons (IDPs) by SSF and rebel and militia groups (RMGs); restrictions on the right to change the government peacefully; widespread corruption; SSF and RMG retention and recruitment of child soldiers; and use of forced civilian labor. Societal discrimination and abuse--particularly against women; children; persons with disabilities; ethnic minorities; indigenous persons; lesbian, gay, bisexual, and transgender (LGBT) persons; and persons with albinism, trafficking in persons, child labor, and lack of protection of worker rights also were major problems.

Despite continued modest improvements, impunity for human rights abuses remained a severe problem in the security services. Authorities did not prosecute or punish the majority of abusers.

RMGs, some of which were supported by foreign governments and militaries, committed violent abuses against civilians, particularly in North Kivu, South Kivu, Katanga, and Orientale provinces. The abuses--some of which may constitute war crimes--included unlawful killings, disappearances, torture, and SGBV. RMGs also recruited, abducted, and retained child soldiers and compelled forced labor. The Bakata Katanga rebel group recruited large numbers of children in Katanga Province. According to the UN Security Council Group of Experts on the DRC (UNGOE), RMGs and some army units engaged in the illegal exploitation of and trade in natural resources in the East. In a separate conflict in the Haut Uele and Bas Uele districts of Orientale Province, attacks by the Lord's Resistance Army (LRA) declined by more than 50 percent from 2012, although the LRA continued to commit serious human rights violations resulting in injuries, abductions, forced labor, looting, and general insecurity.

## 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**

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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

## **EXECUTIVE SUMMARY**

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The Republic of the Congo is a parliamentary republic in which the constitution vests most of the decision-making authority and political power in the president and his administration. Denis Sassou-N'Guesso won re-election as president in 2009 with 78 percent of the vote, but opposition candidates and domestic nongovernmental organizations (NGOs) questioned the validity of this figure and cited electoral irregularities. Legislative elections were held in July and August 2012 for 137 of the National Assembly's 139 seats. The African Union declared the elections free, fair, and credible, while at the same time citing numerous irregularities. While the country has a multi-party political system, members of the president's Congolese Labor Party (PCT) and its allies won 95 percent of the legislative seats and occupied most of the senior government positions. Security forces reported to civilian authorities. The government generally maintained effective control over the security forces; however, some members of the security forces acted independently of government authority, committed abuses, and engaged in malfeasance.

Major human rights problems included beatings and torture of detainees by security forces, poor prison conditions, and lengthy pretrial detention.

Other human rights abuses included: lack of due judicial process; arbitrary arrest; political prisoners; infringement of citizens' privacy rights; restrictions on freedoms of speech, press, assembly, and association; refugee abuse; restrictions on the right of citizens to change their government peacefully; restrictions on the activities of opposition political groups; official corruption and lack of transparency; discrimination against women; sexual and gender-based violence, including domestic violence, child abuse, female genital mutilation/cutting, and forced child marriage; trafficking in persons; lack of access for persons with disabilities; discrimination on the basis of ethnicity, particularly toward indigenous persons; discrimination based on sexual orientation and HIV/AIDS status; and child labor.

The government seldom took steps to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government, and official impunity was a problem.

## **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

## **EXECUTIVE SUMMARY**

Cote d’Ivoire is a democratic republic ruled by a freely elected government. Authorities failed at times to maintain effective control over the security forces, who committed some human rights abuses.

The 2010 national presidential elections that brought President Alassane Ouattara to office were generally free and fair, but a five-month crisis ensued, during which defeated incumbent Laurent Gbagbo refused to cede power. Violence perpetrated by both sides resulted in approximately 3,000 deaths, significant population displacement, torture, sexual violence, and widespread property destruction. The postelectoral crisis officially ended in April 2011 with Gbagbo’s capture. At year’s end Gbagbo, who was indicted at the International Criminal Court (ICC), awaited confirmation of charges for crimes against humanity. In August Ivoirian authorities provisionally released 14 pro-Gbagbo defendants, including Pascal Affi N’Guessan, Gbagbo’s former spokesman and the former president of the Ivoirian Popular Front (FPI), Gbagbo’s party. Continued insecurity and slow political reconciliation complicated the government’s efforts to restore the rule of law and address impunity. While armed individuals launched a few attacks during the year that targeted military positions and police stations, the overall security situation improved.

The most serious human rights problems were security force abuse and the government's inability to enforce the rule of law. The Republican Forces of Cote d'Ivoire (FRCI), the country's military, were responsible for extrajudicial killings, acts of torture, and arbitrary detentions. Dozos--traditional hunters who often assumed unofficial security roles, particularly in the west of the country--were involved in human rights abuses including killings, torture, and arbitrary detention. Prison and detention center conditions were harsh. Corruption persisted in the judiciary, which was inefficient and lacked independence. The government restricted press freedom and freedom of assembly. Internally displaced persons (IDPs) faced insecure and difficult living conditions.

Discrimination, sexual assault, and violence against women and children, including female genital mutilation/cutting (FGM/C), occurred. Societal discrimination against ethnic groups, the lesbian, gay, bisexual, and transgender (LGBT) community, persons with disabilities, and victims of HIV/AIDS was a problem. Employers subjected children and informal sector workers to forced labor and hazardous conditions, particularly in rural areas.

The government seldom took steps to prosecute officials who committed abuses, whether in the security services or elsewhere in the government. Security force impunity for pro-Ouattara forces who committed crimes during and since the 2011 postelectoral crisis continued to be a problem.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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Djibouti is a republic with a strong elected president and a weak legislature. In 2010 parliament amended the constitution to remove term limits, facilitating the April 2011 reelection of President Ismail Omar Guelleh for a third term. While legislative elections held February 22 included participation by opposition parties for the first time in 10 years, the opposition rejected the vote as flawed, and disputes over official results fueled months

of protest. Opposition leaders boycotted the National Assembly and formed a shadow parliament. International observers from the African Union, the Intergovernmental Authority on Development, the Organization of Islamic Cooperation, and the Arab League characterized the elections as free and fair, an assessment disputed both domestically and internationally. Authorities maintained effective control over security forces. Security forces committed human rights abuses.

Disputes over official results fueled months of protest by opposition leaders and supporters. The government's use of excessive force to disperse demonstrators resulted in numerous injuries. Authorities arrested and imprisoned opposition leaders and hundreds of opposition members.

The most serious human rights problem was the government's abridgement of the right of citizens to change or significantly influence their government. The government did so by harassing, abusing, and detaining government critics; denying the population access to independent sources of information; and restricting freedom of speech and assembly.

Other human rights problems included the use of excessive force, including torture; harsh prison conditions; arbitrary arrest and prolonged pretrial detention; denial of fair public trial; interference with privacy rights; restrictions on freedom of association; lack of protection for refugees; corruption; discrimination against women; female genital mutilation/cutting (FGM/C); trafficking in persons; discrimination against persons with disabilities; and government denial of worker rights.

Impunity was a problem. The government seldom took steps to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government.

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

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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**

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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

## **EXECUTIVE SUMMARY**

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Equatorial Guinea is nominally a multi-party constitutional republic. Since a military coup in 1979, President Teodoro Obiang Nguema Mbasogo has dominated all branches of government in collaboration with his clan and political party, the Democratic Party of Equatorial Guinea (PDGE). On May 26, the PDGE won a claimed 98.7 percent of seats in

the bicameral legislature and 98.1 percent of city council seats throughout the country. The lopsided results and weak independent monitoring of electoral processes raised suspicions of systematic vote fraud. Foreign diplomatic observers noted numerous irregularities and the presence of military personnel at all voting stations. There were instances in which elements of the security forces acted independently of civilian control. Security forces committed human rights abuses.

The most significant human rights abuses in the country were disregard for the rule of law and due process, including police use of torture and excessive force; denial of freedom of speech, press, assembly, and association; and widespread official corruption.

Other human rights abuses included: inability of citizens to change their government; arbitrary and unlawful killings; abuse of detainees and prisoners; and poor conditions in prisons and detention facilities. Arbitrary arrest and detention, incommunicado detention, harassment and deportation of foreign residents without due process, and lack of judicial independence were problems. The government restricted the right to privacy, freedom of movement, and political party activity. Restrictions on domestic and international nongovernmental organization (NGO) activity, violence and discrimination against women and children, and trafficking in persons occurred. Societal discrimination against persons with disabilities; ethnic minorities and immigrants; the lesbian, gay, bisexual and transgender (LGBT) community; and persons with HIV/AIDS was a problem. Labor rights were restricted.

The government did not take steps to prosecute or punish officials who committed abuses, whether in the security forces or elsewhere in the government, and impunity was a serious problem.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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The government of the State of Eritrea is a highly centralized, authoritarian regime under the control of President Isaias Afwerki. The People's Front for Democracy and Justice

(PFDJ), headed by President Isaias, is the sole political party. There have been no elections since the country's independence from Ethiopia in 1993. Authorities generally maintained effective control over most security forces. Security forces committed human rights abuses.

Incommunicado detention under life-threatening conditions, which sometimes resulted in death, continued. The government forced persons to participate in its national service program, often for periods of indefinite duration, and in its citizen militia. The government also severely restricted civil liberties, including freedom of speech, press, assembly, association, and religion.

Other abuses included killings; torture and other cruel treatment; arbitrary arrest; politically motivated disappearances; executive interference in the judiciary; detention of political prisoners and detainees; lack of due process and excessive pretrial detention; infringement of privacy rights; restrictions on internet freedom; restrictions on academic freedom and cultural events; corruption and lack of transparency; and limits on freedom of movement and travel. Abuse and discrimination against women and the Kunama ethnic group were a problem. The law criminalizes consensual same-sex activity. Child abuse, female genital mutilation/cutting (FGM/C), human trafficking, and forced child labor occurred. Government policies limited worker rights.

The government did not generally prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity was the norm.

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

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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**

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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

## **EXECUTIVE SUMMARY**

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Ethiopia is a federal republic. The ruling Ethiopian Peoples' Revolutionary Democratic

Front (EPRDF), a coalition of four ethnically based parties, controls the government. In September 2012, following the death of former Prime Minister Meles Zenawi, parliament elected Hailemariam Desalegn as prime minister. In national parliamentary elections in 2010, the EPRDF and affiliated parties won 545 of 547 seats to remain in power for a fourth consecutive five-year term. Although the relatively few international officials allowed to observe the elections concluded that technical aspects of the vote were handled competently, some also noted that an environment conducive to free and fair elections was not in place prior to the election. Authorities generally maintained control over the security forces, although Somali Region Special Police and local militias sometimes acted independently. Security forces committed human rights abuses.

The most significant human rights problems included: restrictions on freedom of expression and association, including through arrests; detention; politically motivated trials; harassment; and intimidation of opposition members and journalists, as well as continued restrictions on print media. On August 8, during Eid al-Fitr celebrations, security forces temporarily detained more than one thousand persons in Addis Ababa. The government continued restrictions on activities of civil society and nongovernmental organizations (NGOs) imposed by the Charities and Societies Proclamation (the CSO law).

Other human rights problems included arbitrary killings; allegations of torture, beating, abuse, and mistreatment of detainees by security forces; reports of harsh and, at times, life-threatening prison conditions; arbitrary arrest and detention; detention without charge and lengthy pretrial detention; a weak, overburdened judiciary subject to political influence; infringement on citizens' privacy rights, including illegal searches; allegations of abuses in the implementation of the government's "villagization" program; restrictions on academic freedom; restrictions on freedom of assembly, association, and movement; alleged interference in religious affairs; limits on citizens' ability to change their government; police, administrative, and judicial corruption; violence and societal discrimination against women and abuse of children; female genital mutilation/cutting (FGM/C); trafficking in persons; societal discrimination against persons with disabilities; clashes between ethnic minorities; discrimination against persons based on their sexual orientation and against persons with HIV/AIDS; limits on worker rights; forced labor; and child labor, including forced child labor.

Impunity was a problem. The government, with some reported exceptions, usually did not take steps to prosecute or otherwise punish officials who committed abuses other than corruption.

Factions of the Ogaden National Liberation Front (ONLF), an ethnically based, violent, and fragmented separatist group operating in the Somali Region, were responsible for abuses.

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

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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**

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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

### EXECUTIVE SUMMARY

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Gabon is a republic with a presidential form of government dominated by the Gabonese Democratic Party (PDG), which has held power since 1968. Observers characterized the 2011 legislative elections as generally free and fair, although some opposition parties boycotted them, citing the government's inability to provide for full transparency and to prevent voter irregularities. PDG candidates won 114 of 120 seats in the National Assembly. Security forces reported to civilian authorities, who generally maintained effective control over them. In some cases, however, security force personnel committed human rights abuses.

The most important human rights problems in the country were harsh prison conditions, lengthy pretrial detention, and ritual killings.

Other major human rights problems included: use of excessive force by police; an inefficient judiciary subject to government influence; restrictions on privacy and the press; harassment and extortion of African immigrants and refugees; widespread government corruption; violence against women; societal discrimination against women, noncitizen Africans, Pygmies, and persons with HIV/AIDS; trafficking in persons, particularly children; and forced child labor.

The government sometimes took steps to prosecute and punish officials who committed abuses. During the year authorities disciplined, including with dismissal, police officers who used excessive force. Impunity remained a problem, however.

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

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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

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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

### EXECUTIVE SUMMARY

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The Gambia is a multi-party democratic republic. In 2011 voters re-elected President Alhaji Yahya Jammeh to a fourth term in a peaceful, orderly election; however, international observers criticized it as neither free nor fair. President Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), continued to dominate the political landscape, winning an overwhelming majority of National Assembly seats in the parliamentary elections in March 2012 and in the local government elections held on April 4, 2013. Six of the seven opposition parties boycotted or otherwise did not participate in both the national assembly and local government elections to protest government intervention and intimidation of opponents. Authorities at times failed to maintain effective control over the security forces. Security forces committed human rights abuses.

The most serious human rights problems in the country included government interference with the electoral process; government harassment and abuse of its critics; and torture, arrest, detention, and sometimes enforced disappearance of citizens. Government officials routinely used various methods of intimidation to retain power.

Other reported human rights problems included poor prison conditions; denial of due process; prolonged pretrial and incommunicado detention; restrictions on privacy and freedoms of speech, press, and assembly; violence against women and girls, including female genital mutilation/cutting (FGM/C); forced child marriage; trafficking in persons; child prostitution; discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals; and child labor.

While the government took steps to prosecute or punish some individuals who committed abuses, impunity and lack of sustained enforcement remained problems.

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

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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

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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

### EXECUTIVE SUMMARY

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Ghana is a constitutional democracy with a strong presidency and a unicameral, 275-seat parliament. In late 2008 the National Democratic Congress (NDC) won both the presidency and a small majority in parliament in an election domestic and international observers deemed generally free and fair. NDC candidate John Evans Atta Mills became president in early 2009 for a four-year term. When President Mills died in July 2012, Vice President John Dramani Mahama assumed the office of president. President Mahama won re-election in December 2012. The New Patriotic Party (NPP) alleged massive voting irregularities and filed a legal suit in the Supreme Court contesting the outcome of the election. In August the Supreme Court dismissed the case and upheld the results of the election. Authorities failed at times to maintain effective control over the security forces. Security forces sometimes committed human rights abuses.

The most important human rights problems included trafficking in persons; exploitive child labor, including forced child labor; and harsh and life-threatening prison conditions.

Other human rights problems included use of excessive force by police resulting in deaths and injuries; prolonged pretrial detention; arbitrary arrest of journalists; corruption in all branches of government; violence against women and children, including female genital mutilation/cutting (FGM/C); societal discrimination against women, persons with disabilities, and persons with HIV/AIDS; ethnic killings and vigilante violence; ethnic discrimination and politically motivated violence; and societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals.

The government took steps to prosecute and punish officials who committed abuses, but police impunity remained a problem.

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

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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

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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

### EXECUTIVE SUMMARY

Guinea is a republic. In 2010 the country inaugurated Alpha Conde, the candidate of the Rally of the Guinean People (RPG) Party and longtime opposition leader, as its first democratically elected president since independence from France in 1958. The country began its second step toward democratic transition on September 28, when voters participated in the country’s first competitive and inclusive legislative election, selecting members of the National Assembly. The election took place after more than two years of delays, including violent street protests in 2012 and 2013. International, regional, and domestic observers generally regarded the legislative elections as free and fair, despite technical shortcomings. No party emerged with a majority, but the ruling party won a plurality of seats and was expected to be able to form a majority with its coalition partners. Unlike the presidential elections of 2010, the results were accepted peacefully after the Supreme Court validated the final results on November 15. On December 31, a presidential decree called the National Assembly to be seated on January 13, 2014. Authorities failed at times to maintain effective control over the security forces. Despite tighter rules of engagement and a prohibition on the use of lethal force during street protests, elements of the security forces on occasion acted independently of civilian control. Security forces committed human rights abuses.

The most significant human rights advances included the first competitive and inclusive legislative elections in the country’s history.

The most serious human rights problems included: security force killings and use of excessive force against demonstrators; arbitrary arrest and detention, including long periods of pretrial detention and denial of fair trials; and life-threatening prison and detention center conditions, resulting in deaths.

Other human rights problems included: arrest and indefinite detention of opposition party supporters; security force attacks on the homes and offices of opposition leaders or supporters; arbitrary interference with family and home; restrictions on freedoms of the press and assembly; corruption at all levels of government; violence and discrimination against women and girls, including forced and early marriage and female genital mutilation/cutting (FGM/C); discrimination against children, persons with disabilities, and members of certain ethnic groups; human trafficking; and forced labor, including by children.

Impunity remained a problem. The government took minimal steps to prosecute or punish officials who committed abuses during the year or in years past.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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Guinea-Bissau is a multi-party republic. It is ruled by a transition government led by interim President Manuel Serifo Nhamadjo until elections expected in 2014. In March 2012 presidential elections were held to replace the deceased former president Malam Bacai Sanha of the African Party for the Independence of Guinea and Cape Verde (PAIGC). A military coup in April 2012 interrupted the electoral process before the second round. The transition government brokered by the Economic Community of West African States in May 2012 was expanded to include all factions of the majority party, the PAIGC. Authorities failed to maintain effective control over the security forces. Security forces committed human rights abuses.

Serious human rights abuses included arbitrary detention, official corruption exacerbated by government officials' impunity and suspected involvement in drug trafficking, and a lack of respect for the right of citizens to elect their government.

Other human rights abuses included poor conditions of detention; lack of judicial independence and due process; interference with privacy; violence and discrimination against women; female genital mutilation/cutting; trafficking of children; and child labor, including some forced labor.

The government did not take effective steps to prosecute or punish officials or other individuals who committed abuses, whether in the security services or elsewhere in the government. Impunity was a serious problem.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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Kenya is a republic with an institutionally strong president and a bicameral legislature. The country is undergoing the transfer of significant elements of fiscal and administrative authority from the central government to 47 newly created county governments. In a national referendum in 2010, citizens approved a new constitution that called for significant institutional and structural changes to the government, including the abolition of the post of prime minister and creation of an elected deputy president position, transition to a bicameral national legislature, and the creation of county governments with directly elected governors and county legislatures. The new constitution also created an independent judiciary and a Supreme Court, which were established in 2011.

On March 4, citizens voted in the first general election under the new constitution, electing a president and deputy president, parliamentarians including members of the newly established senate, county governors, and representatives to the new county legislatures. International and domestic observers judged the elections to be generally free and credible, although some civil society groups pointed to irregularities and questioned the

final results. In the presidential election, Jubilee Coalition candidate Uhuru Kenyatta was proclaimed the winner over second-place candidate Raila Odinga of the Coalition for Reforms and Democracy (CORD). Kenyatta received a majority at 50.07 percent of votes cast as well as more than 25 percent of votes in more than one-half of the 47 counties, meeting the threshold to avoid a constitutionally mandated run-off election. Odinga challenged the results in a March 16 petition to the Supreme Court, citing irregularities in voter registration and technical problems with vote tallying. The Supreme Court ruled unanimously on March 30 to uphold the results, and Odinga accepted this verdict. The country remained generally calm following the election, although after the court verdict, violence occurred in the city of Kisumu, an opposition stronghold, during which police reportedly killed five protesters. There were also instances in which elements of the security forces acted independently of civilian control.

The most serious human rights problems were abuses by the security forces, including unlawful killings, forced disappearances, torture, and use of excessive force; interethnic violence; and widespread corruption and impunity throughout the government.

Other human rights problems included: police corruption; harsh and life-threatening prison conditions; arbitrary arrest and detention; prolonged pretrial detention; judicial corruption; arbitrary interference with the home and infringement on citizens' privacy; restrictions on press freedom and freedom of assembly, including passage of a new law likely to result in a significant increase in government power over the media; abuse and forced resettlement of internally displaced persons (IDPs); abuse of refugees, including rape by police forces; violence and discrimination against women; violence against children, including female genital mutilation/cutting (FGM/C); child marriage and forced marriage; child prostitution; trafficking in persons; discrimination against persons with disabilities and albinism; discrimination based on ethnicity, sexual orientation, and HIV/AIDS status; violence against persons with HIV/AIDS; mob violence; lack of enforcement of workers' rights; forced and bonded labor, including of children; and child labor.

Widespread impunity at all levels of government continued to be a serious problem, despite implementation of judicial reform and the vetting of all judges and magistrates. The government took only limited action against security force members suspected of unlawful killings. Impunity in cases of corruption was also common, although the government took action in some cases to prosecute officials who committed abuses.

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

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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**

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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

### EXECUTIVE SUMMARY

Lesotho is a constitutional monarchy with a democratic parliamentary government. Under the constitution, the king is head of state but does not actively participate in political activities. The prime minister is head of government and has executive authority. In June 2012, the first peaceful transfer of power from one government to another took place, as Prime Minister Motsoahae Thomas Thabane, leader of the All Basotho Convention (ABC) party, took the oath of office. The May 2012 parliamentary elections gave no political party a majority. The ruling Democratic Congress (DC) party won a plurality of the vote, but three other political parties – the ABC, Lesotho Congress for Democracy (LCD), and the Basotho National Party (BNP) – won 61 seats in the 120-seat National Assembly and formed the first coalition government in the country's history. Domestic and international observers characterized the election as peaceful and conducted in a credible, transparent, and professional manner. Authorities maintained effective control over the security forces. Security forces committed human rights abuses.

Cruel, inhuman, or degrading treatment or punishment and torture by police and societal abuse of women and children were the most significant human rights problems in the country.

Other human rights problems included reported deaths in police custody, lengthy pretrial detention, long trial delays, and official corruption. Societal abuses included stigmatization of persons with disabilities, human trafficking, discrimination against persons with HIV/AIDS, and child labor.

The government took some steps to prosecute officials who committed abuses, whether in the security services or elsewhere in the government; however, impunity was a problem.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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Liberia is a constitutional republic with a bicameral National Assembly. In November 2011 Ellen Johnson Sirleaf of the Unity Party won a second term in multi-party presidential elections, which domestic and international observers considered generally free and fair. Authorities generally maintained effective control over the security forces. Security forces, however, committed human rights abuses.

The most serious human rights abuses were those tied to a lack of justice: judicial inefficiency and corruption; lengthy pretrial detention; denial of due process; and harsh prison conditions. Violence against women and children, including rape and domestic violence, and child labor were also serious problems.

Other important human rights abuses included police abuse, harassment, and intimidation

of detainees and others; arbitrary arrest and detention; official corruption; human trafficking; racial and ethnic discrimination; discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons; unlawful deprivation of life under customary law; mob killings; and ritualistic killings.

Impunity remained a serious problem despite intermittent government attempts to prosecute and punish officials.

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

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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**

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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

## EXECUTIVE SUMMARY

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On October 25 and December 20, presidential and legislative elections were held for the first time since an unelected and illegal civilian regime headed by *de facto* president Andry Rajoelina assumed power in a 2009 coup with military support. By year's end, official election results had not yet been certified by the Special Electoral Court (CES) due to numerous legal challenges. The election was the culmination of a transitional process brokered by mediators acting on behalf of the Southern African Development Community (SADC), which led to the 2011 signing by political leaders of a "Roadmap for Ending the Crisis in Madagascar." *De facto* regime authorities did not maintain effective control over the security forces. Security forces committed human rights abuses.

The most important human rights abuses included the inability of the transitional government to provide rule of law, which resulted in security force abuses, including unlawful killings, and mob violence.

Other human rights problems included harsh and life-threatening prison conditions; lengthy pretrial detention; an inefficient judiciary that lacked independence; intimidation of journalists; restrictions on freedoms of speech, press, and assembly; official corruption and impunity; societal discrimination and violence against women, persons with disabilities, and the lesbian, gay, bisexual, and transgender (LGBT) community; trafficking of women and children; and child labor, including forced child labor.

The *de facto* regime did not take steps to prosecute or punish officials who committed abuses and impunity remained a problem.

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

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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

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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

### EXECUTIVE SUMMARY

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Malawi is a multi-party democracy. In April 2012 Vice President Joyce Banda became president, as required by the constitution, following a brief period of uncertainty after the death of President Bingu wa Mutharika. Banda was Mutharika's running mate in the 2009 elections, which international observers characterized as generally free and fair. Constitutional power is shared between the president and the 193 National Assembly members. Authorities generally maintained effective control over the security forces. Security forces, however, committed some human rights abuses.

The major human rights issues in the country included harsh and life-threatening prison conditions and official corruption.

Other human rights problems included the use of excessive force by security forces; arbitrary arrest and detention; lengthy pretrial detention; occasional mob violence; societal violence against women; trafficking in persons; discrimination against lesbian, gay, bisexual and transgender (LGBT) persons; and child labor.

In some cases the government took steps to prosecute officials who committed abuses, but impunity remained a problem.

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

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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

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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

### EXECUTIVE SUMMARY

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Mali is a constitutional democracy. On August 28, Ibrahim Boubacar Keita won the presidential election, deemed free and fair by international observers, and took office on September 4. This ended a 16-month transitional period following the March 2012 military coup that ousted the former democratically elected president, Amadou Toumani Toure. The election of a democratic government and the arrest of coup leader Amadou Sanogo restored some civilian control over the military. Authorities, however, failed at times to maintain effective control over the security forces, and individual units within the security forces committed human rights abuses.

From January 12 to July 6, the government maintained a state of emergency. The Malian military, the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), and the French military conducted military operations against violent extremist organizations including Ansar al-Dine, al-Qaida in the Islamic Maghreb (AQIM), and the Movement for Unity and Jihad in West Africa (MUJAO) in the northern part of the country.

Members of the military committed serious human rights abuses, including summary executions, as well as torture, abuse, and forced disappearance of civilians allegedly having ties to rebel fighters. Impunity was a problem, although the newly elected government took steps to prosecute coup leader Sanogo and some members of the military accused of perpetrating human rights abuses. By year’s end the Ministry of Defense had presented 10 cases to the civil courts for prosecution.

Other human rights problems included arbitrary deprivation of life; harsh prison conditions; judicial inefficiency; limitations on press freedom; official corruption; rape of and domestic violence against women and girls; female genital mutilation/cutting (FGM/C); human trafficking; societal discrimination against black Tamasheqs, who were subjected to slavery-related practices; discrimination based on sexual orientation; and discrimination against persons with HIV/AIDS. Workers’ rights were often disregarded, and exploitative labor, including child labor, was a problem.

Extremist groups and rebel movements, including the National Movement for the Liberation of the Azawad (MNLA), also committed serious human rights abuses including sexual violence, summary execution, torture, and use of child soldiers.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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Mauritania is a highly centralized Islamic republic with a president as head of state who governs under a constitution based on a combination of French civil law and sharia. The Senate and National Assembly exercise legislative functions. Voters elect municipal councilors, who then elect Senate members. The legislative bodies were weak relative to the executive. The 2009 election of Mohamed Ould Abdel Aziz as president ended a political crisis caused by Aziz’ 2008 coup d’etat against former president Sidi Ould Cheikh Abdallahi. International observers declared the 2009 presidential election to be generally free and fair. In 2009 Union for the Republic (UPR), the majority party, won most of the seats in the indirect election to refill one-third of the Senate seats. Authorities maintained effective control over the security forces. Security forces sometimes committed human rights abuses.

The central human rights problems were the use of torture by police to extract confessions,

continuing slavery and slavery-related practices, and trafficking in persons.

Other reported human rights problems included harsh prison conditions, abusive treatment in detention facilities, arbitrary arrests, and lengthy pretrial detention. Government influence over the judiciary, limits on freedom of assembly, restrictions on religious freedom for non-Muslims, and public corruption were problems. Discrimination against women, female genital mutilation/cutting (FGM/C), early and forced marriage, political marginalization of southern-based ethnic groups, racial and ethnic discrimination, child labor, and inadequate enforcement of labor laws occurred.

The government took some steps to punish officials who committed abuses and prosecuted a number of officials, but authorities frequently acted with impunity. Civil society organizations objected to the small number of indictments and alleged that some of the prosecutions, particularly those involving official corruption, had political motivations.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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Mauritius is a multi-party democracy governed by a prime minister, a council of ministers, and a national assembly. The Alliance of the Future, a coalition led by Prime Minister Navinchandra Ramgoolam, won the majority of national assembly seats in the 2010 elections, judged by international and local observers to be generally free and fair. Authorities maintained effective control over the security forces. Security forces committed some human rights abuses.

The most important reported human rights problems were security force abuse of suspects and detainees, arbitrary arrests, and prison overcrowding.

Other reported human rights problems included official corruption, violence and discrimination against women, abuse and sexual exploitation of children, discrimination and abuse based on sexual orientation or gender identity, discrimination against persons with HIV/AIDS, restrictions on labor rights, anti-union discrimination, and child labor.

The government took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government; however, enforcement was inconsistent, and impunity occurred.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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Mozambique is a constitutional multi-party democracy with a republican form of government. In 2009 voters re-elected President Armando Guebuza in an election several national and international observers, including the EU and the Commonwealth, criticized as lacking a “level playing field” and faulted for lacking transparency, integrity, impartiality, and independence. Domestic and foreign observers and local civil society organizations expressed concern about the electoral procedures that preceded the balloting, particularly the exclusion of six of nine presidential candidates and the disqualification of one opposition party’s parliamentary candidates from seven of the 11 provinces. Authorities failed at times to maintain effective control over security forces. Security forces committed human rights abuses.

Incidents of serious human rights abuse occurred during the year. The three most important abuses were the government's failure to protect political rights and freedom of assembly, unlawful killings and abuses by government and opposition-party security forces, and domestic violence.

Other major human rights problems included: lengthy pretrial detention; ruling party influence on an inefficient, understaffed, and inadequately trained judiciary; harsh prison conditions, and political and judicial constraints on press freedom. Corruption was also a serious problem. Societal problems included discrimination against women; abuse, exploitation, and forced labor of children; trafficking in women and children; and discrimination against lesbian, gay, bisexual, and transgender persons and persons with HIV/AIDS.

The government took some steps to punish and prosecute officials who committed abuses, but impunity remained a problem.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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Namibia is a constitutional multi-party democracy. The presidential and parliamentary elections held in 2009 resulted in the reelection of President Hifikepunye Pohamba and retention by the ruling South West Africa People's Organization (SWAPO) of its large parliamentary majority. Despite some reported irregularities, international observers characterized the election as generally free and fair. Authorities generally maintained effective control over security forces. Security forces sometimes committed human rights abuses.

The three most significant human rights abuses in the country included the slow pace of justice leading to lengthy pretrial detention under poor conditions; violence and discrimination against women and children, including rape, child abuse, and child labor;

and discrimination and violence based on sexual orientation and gender identity.

Other governmental human rights problems included unlawful police killing, incarceration of juveniles with adults, corruption by officials, and discrimination against ethnic minorities and indigenous people.

The government took steps to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity existed.

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

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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**

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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

## EXECUTIVE SUMMARY

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Niger is a multiparty republic. In 2011 voters elected opposition leader Issoufou Mahamadou president in a poll characterized by international observers as generally free and fair. Observers also considered the 2011 National Assembly elections free and fair. Authorities maintained effective control over the security forces. Security forces committed human rights abuses.

The most serious human rights problems during the year included harsh and life-threatening prison and detention center conditions, discrimination and violence against women and children, and forced labor and caste-based slavery among some groups.

Other human rights problems included attacks by armed groups that resulted in deaths. Arbitrary arrest and detention, prolonged pretrial detention, and executive interference in the judiciary continued. Infrequent restrictions on freedoms of press, association, assembly, and movement occurred. Official corruption was pervasive. Female genital mutilation/cutting (FGM/C), trafficking in persons, and child labor continued.

The government took some steps to prosecute officials who committed abuses; however, impunity was a problem.

Terrorists bombed state economic interests, killing several civilians.

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

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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

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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

### EXECUTIVE SUMMARY

Nigeria is a federal republic composed of 36 states and the Federal Capital Territory (FCT). In 2010 then Vice President Goodluck Jonathan, of the governing Peoples Democratic Party (PDP), assumed the presidency following the death of President Yar'Adua. In 2011 President Jonathan was elected as president to a four-year term, along with Vice President Mohammed Namadi Sambo, also of the PDP. International and domestic election observers considered the 2011 presidential, gubernatorial, and legislative elections to be generally credible and orderly, although marred by violence, fraud, and irregularities. The Supreme Court of Nigeria ultimately upheld the results of the presidential election, while the Court of Appeals upheld the results of most other contests. Authorities failed at times to maintain effective control over the security forces. Security forces committed human rights abuses.

The insurgency in the Northeast of militant terrorist sect Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad, better known as Boko Haram (which translates to "Western education is forbidden"), continued. Casualties and human rights abuses associated with Boko Haram attacks and the government's response escalated. On April 24, President Jonathan inaugurated a Committee on Dialogue and Peaceful Resolution of Security Challenges in the North. Self-appointed Boko Haram spokespersons rejected dialogue or amnesty. On May 14, President Jonathan declared a six-month state of emergency in Borno, Yobe, and Adamawa states, which was extended for another six months on November 20.

The most serious human rights abuses during the year were those committed by Boko Haram, which conducted killings, bombings, abduction and rape of women, and other attacks throughout the country, resulting in numerous deaths, injuries, and widespread destruction of property; those committed by security services, which perpetrated extrajudicial killings, torture, rape, beatings, arbitrary detention, mistreatment of detainees, and destruction of property; and widespread societal violence, including ethnic, regional, and religious violence.

Other serious human rights problems included vigilante killings; prolonged pretrial detention; denial of fair public trial; executive influence on the judiciary; infringements on citizens' privacy rights; restrictions on the freedoms of speech, press, assembly, religion, and movement; official corruption; violence against women; child abuse; female genital mutilation/cutting (FGM/C); infanticide; sexual exploitation of children; trafficking in persons; discrimination based on sexual orientation, gender identity, ethnicity, regional origin, religion, and disability; forced and bonded labor; and child labor.

Impunity remained widespread at all levels of government. The government brought few persons to justice for abuses and corruption, and the president pardoned a former governor convicted on six counts of corruption. Police and security forces generally operated with impunity. Authorities did not investigate the majority of cases of police

abuse or punish perpetrators.

Throughout much of the country, Boko Haram perpetrated numerous killings and attacks, often directly targeting civilians. During the year the sect, which recruited child soldiers, claimed responsibility for coordinated assaults on social and transportation hubs in Kano; an attack on the town of Baga; multiple attacks on schools and mosques; an attack on the town of Benesheik; and the killing of government, religious, and traditional figures. On February 17, the terrorist group Ansaru, believed to be a Boko Haram faction, kidnapped seven foreigners in Bauchi State.

During the year, with government and military support, a youth vigilante group known as the Civilian Joint Task Force (C-JTF) emerged in the Northeast, centered around Maiduguri. According to nongovernmental organization (NGO) and press reports, C-JTF members included children and committed extrajudicial killings.

Other organized criminal forces in the southern and middle parts of the country also committed abuses, such as kidnappings. The overall level of violence in the Niger Delta, which had declined briefly after a 2009 general amnesty, continued to rise again during the year.

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

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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**

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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

### EXECUTIVE SUMMARY

Rwanda is a constitutional republic dominated by a strong presidency. The ruling Rwandan Patriotic Front (RPF) led a coalition that included four smaller parties. In 2010 voters elected President Paul Kagame to a second seven-year term with 93 percent of the vote. Three other registered political parties participated in the elections. Elections for parliament's lower house, the Chamber of Deputies, took place in September. Candidates from the RPF and two other parties that support RPF policies won all of the open seats, and election observers reported numerous flaws, including possible irregularities in the vote tabulation process. State security forces (SSF) generally reported to civilian authorities, although there were instances in which elements of the security forces acted independently of civilian control.

The most important human rights problems in the country remained the government's targeting of political opponents and human rights advocates for harassment, arrest, and abuse; disregard for the rule of law among security forces and the judiciary; restrictions on civil liberties; and support of a rebel group in the neighboring Democratic Republic of the Congo (DRC).

Other major human rights problems included arbitrary or unlawful killings both inside and outside of the country, disappearances, torture, harsh conditions in prisons and detention centers, arbitrary arrest, prolonged pretrial detention, and government infringement on citizens' privacy rights. The government restricted freedoms of speech, press, assembly, and association. Security for refugees and asylum seekers improved but was at times inadequate. The government restricted and harassed local and international nongovernmental organizations (NGOs). Violence and discrimination against women and children occurred, including the recruitment by the M23 armed group of Rwandan and refugee minors as child soldiers. There was a small and declining incidence of trafficking in persons. The government restricted labor rights, and child labor continued to be a problem.

The government generally took steps to prosecute or punish officials who committed abuses, whether in the security services or elsewhere, but impunity involving civilian officials and the SSF was a problem.

During the year the government provided material, logistical, and strategic support to the

M23 armed group in the eastern DRC, which committed summary executions and forcibly recruited adults and minors. The government strongly denied providing any support to the M23, and in November the M23 was defeated and ceased operations.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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*Note: This report was updated 3/14/14; see Appendix H: Errata for more information.*

The Democratic Republic of Sao Tome and Principe is a multiparty constitutional democracy. Voters elected President Manuel Pinto da Costa as head of state in 2011. In December 2012 the president appointed Gabriel Arcanjo Ferreira da Costa as prime minister to replace Patrice Emery Trovoada, who was removed from office following a November 2012 censure motion approved by a minority coalition in the National Assembly acting while Trovoada's party was absent. Trovoada and his party, which won the most parliamentary seats in 2010 legislative elections, subsequently contested the censure motion and described his removal as "illegal." International observers deemed both the 2011 presidential and the 2010 legislative elections free and fair. Authorities maintained effective control over security forces. Security forces did not commit human rights abuses.

Key human rights concerns included difficult prison conditions, official corruption, societal violence, and discrimination against women.

While the government took some steps to punish officials who committed abuses, impunity was reportedly a problem.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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Senegal is a moderately decentralized republic dominated by a strong executive branch. In March 2012 voters elected Macky Sall to succeed Abdoulaye Wade as president for a seven-year term. In July 2012 Sall's coalition won a majority of seats in the National Assembly. Local and international observers viewed the elections as largely free and fair. Authorities generally maintained effective control over the security forces. Security forces committed human rights abuses.

The most significant human rights problems included long pretrial detention, overcrowding in prisons, and corruption.

Other major human rights problems included: reports of physical abuse and torture; questionable investigative detention; lack of an independent judiciary; rape, domestic violence, sexual harassment of and discrimination against women; female genital mutilation/cutting (FGM/C); child abuse; forced and early marriage; infanticide; violence and discrimination against lesbian, gay, bisexual and transgender (LGBT) persons; discrimination against persons with HIV/AIDS; trafficking in persons; and child labor.

The Sall government continued efforts to investigate and hold to account former Wade administration officials accused of corruption. Impunity for crimes and abuses committed by government and security officials remained a problem.

Rebels associated with the Movement of Democratic Forces of the Casamance (MFDC) planted landmines, kidnapped civilians, committed robberies, and harassed local populations while fighting each other.

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

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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**

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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

## **EXECUTIVE SUMMARY**

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Seychelles is a multi-party republic governed by a president, a council of ministers, and a National Assembly. In elections held in May 2011, voters re-elected President James Michel. International observers deemed the process credible, although local observers cited unfair campaign practices and called for electoral reforms. The president and the Parti Lepep, formerly the Seychelles People’s Progressive Front, dominated the country through political patronage and control over government jobs, contracts, and resources. Authorities maintained effective control over the security forces. Security forces committed human rights abuses.

The most significant human rights problems in the country included police brutality, restrictions on freedom of press and assembly, and denial of worker rights, particularly those of foreign workers.

Other human rights problems included prison overcrowding; prolonged pretrial detention; an inefficient judiciary; restrictions on freedom of speech and association; restrictions on academic freedom; corruption; violence against women and children; trafficking in persons; and forced labor.

The government took steps to punish officials who committed abuses, whether in the security services or elsewhere in the government, but impunity existed.

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

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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**

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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

## **EXECUTIVE SUMMARY**

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Sierra Leone is a constitutional republic with a directly elected president and a unicameral legislature. In 2012 the ruling All People's Congress (APC) party won an expanded majority in parliament, and citizens re-elected President Ernest Bai Koroma in peaceful multi-party elections. Authorities maintained effective control over the security forces. Security forces committed human rights abuses.

Major human rights problems included prolonged detention and imprisonment under harsh and life-threatening conditions in prisons and jails; widespread official corruption in all branches of government; and trafficking in persons, including for child labor.

Other major human rights problems included abusive treatment by police; arbitrary arrest and detention; some restrictions on freedoms of press and assembly; discrimination and violence against women and girls, including female genital mutilation/cutting (FGM/C); official and societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals; discrimination against those with disabilities; and vigilante violence.

The Anti-Corruption Commission investigated and prosecuted cases of corruption in a nonpartisan fashion, but achieved only limited success before the judiciary. Impunity remained a serious concern.

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

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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**

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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

### EXECUTIVE SUMMARY

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Somalia has a federal government. In May 2012, as part of the process of completing the 2011 Roadmap for Ending the Transition, clan elders nominated the members of the House of the People of the Federal Parliament. Federal parliament members took office in August 2012. In September 2012 parliament elected Hassan Sheikh Mohamud as president. Former Transitional Federal Government (TFG) president and 2012 presidential candidate Sheikh Sharif described the presidential vote as fair and conceded defeat. The regional governments of the self-declared Republic of Somaliland in the northwest and Puntland State in the northeast controlled their respective jurisdictions. On August 27, the federal government and Jubbaland regional leaders agreed to establish the Interim Jubba Administration. Al-Shabaab, a terrorist organization, retained control of many rural areas

of the southern and central regions and regained control of Xuddur, the capital city of Bakool Region. Civilian authorities did not maintain effective control over the security forces. Security forces committed human rights abuses.

Civilians continued to suffer from conflict-related abuses, including killings, displacement, and the diversion or confiscation of humanitarian assistance by armed groups, principally al-Shabaab. According to the UN, 1,106,000 internally displaced persons (IDPs) lived in the country, and approximately one million persons took refuge in other countries by the middle of the year.

Severe human rights abuses included killings; restrictions on freedom of the press, including violence against and targeted killings of journalists; and violence and discrimination against women and girls, including rape and female genital mutilation/cutting (FGM/C).

Other major human rights abuses included harsh and life-threatening prison conditions; arbitrary and politically motivated arrest and detention; denial of a fair trial; corruption; trafficking in persons; diversion of humanitarian assistance; forced relocation of IDPs; abuse of and discrimination against minority clans; lack of access for persons with disabilities; social stigmatization of lesbian, gay, bisexual, and transgender (LGBT) individuals; restrictions on workers' rights; forced labor; and child labor.

In general impunity remained the norm. Governmental authorities took minimal steps to prosecute and punish officials who committed abuses, particularly military and police officials accused of committing rape, killings, and extortion of civilians.

Al-Shabaab continued to commit grave abuses throughout the country including extrajudicial killings, disappearances, cruel and unusual punishment, rape, restrictions on civil liberties and freedom of movement, restrictions on nongovernmental organizations (NGOs) and humanitarian assistance, and conscription and use of child soldiers.

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

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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**

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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

## EXECUTIVE SUMMARY

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South Africa is a multi-party parliamentary democracy in which constitutional power is shared between the president and the parliament. In 2009 the country held a largely free and fair election, in which the ruling African National Congress (ANC) won 65.9 percent of the vote and 264 of 400 seats in the National Assembly, which then elected ANC President Jacob Zuma as the country's president. Authorities maintained effective control over the security forces. Security forces committed human rights abuses.

Principal human rights problems included police use of lethal and excessive force, including torture; prison overcrowding and abuse of prisoners, including beatings and rape by prison guards; and vigilante and mob violence.

Other human rights problems included: arbitrary arrest; prolonged pretrial detention and lengthy delays in trials; forcible dispersal of demonstrators; abuse of refugees and asylum seekers; corruption; pervasive violence against women and children; sexual harassment and societal discrimination against women; child prostitution; societal discrimination against persons with disabilities and the lesbian, gay, bisexual, and transgender (LGBT) community; trafficking in persons; attacks on foreigners; and child labor, including forced child labor.

Although the government investigated and prosecuted officials who committed abuses, whether in the security services or elsewhere in the government, there were numerous reports of impunity.

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

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The constitution and law prohibit discrimination on the grounds of race, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, sexual orientation, or marital status. 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

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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 Mfanomezile 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 Motleng, 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

### EXECUTIVE SUMMARY

South Sudan is a republic operating under a transitional constitution signed into law upon declaration of independence from Sudan in July 2011. The country was led by President Salva Kiir Mayardit, whose authority derives from his 2010 election as president of what was then the semiautonomous region of Southern Sudan within the Republic of Sudan. While the 2010 Sudan-wide elections did not wholly meet international standards, international observers believed that Kiir's election reflected the popular will of a large majority of Southern Sudanese. International observers considered the January 2011 referendum on South Sudanese self-determination, in which 98 percent of voters chose to break from Sudan, to be free and fair. President Kiir is a founding member of the Sudan People's Liberation Movement (SPLM) political party, the political wing of the Sudan People's Liberation Army (SPLA). SPLM representatives controlled 19 of the 21 ministries and 298 of 332 seats in the bicameral legislature, which consists of the National Assembly and the Council of States, and nine of 10 state governorships. The legislature lacked independence and was dominated by the ruling party. Authorities failed at times to maintain effective control over the security forces. Security forces committed human rights violations.

On December 14, a contingent of SPLM political leaders withdrew from the party's National Liberation Council (NLC) to protest party governance. On December 15, violence erupted in Juba within the Presidential Guard Force (PG) of the SPLA. According to witnesses, the violence began when PG members of Dinka ethnicity attempted to disarm PG members of Nuer ethnicity. During the weeks that followed, Dinka members of the PG and other security forces reportedly conducted targeted killings of Nuer civilians across the city. The events led to armed conflict between government forces and newly formed antigovernment forces in several states across the country and ethnic violence by

civilians. By the end of the year, at least 1,000 individuals were killed and approximately 180,000 displaced as a result. The violence continued at year's end.

The three most serious human rights problems in the country were conflict-related abuses by government security forces, rebel militia groups (RMGs), and rival ethnic communities, including killing, abuse and displacement of civilians; security force abuses unrelated to conflict, including extrajudicial killings, torture, rape, intimidation, and other inhumane treatment of civilians; and lack of access to justice, including arbitrary arrest, prolonged pretrial detention, and corruption within the justice sector.

Other human rights problems included abductions related to intercommunal and interethnic conflict, particularly of women and children; harsh prison conditions; and government restriction of freedoms of privacy, speech, press, and association. Displaced persons were often abused and harassed. Corruption among government officials was pervasive. The government restricted the movement of nongovernmental organizations (NGOs), and NGO workers were sometimes attacked and harassed. Violence and discrimination against women and children by government actors and within communities were widespread. Since the outbreak of conflict on December 15, there have been reports of forced conscription by government forces and recruitment and use of child soldiers by both government and antigovernment forces. Trafficking in persons, discrimination and violence against selected ethnic groups, governmental incitement of tribal violence, and child labor, including forced labor, also occurred.

Security force abuses occurred around the country, especially in areas subject to ethnic conflict, RMG activity, or civil unrest. The government took some steps to punish military or civilian officials who committed abuses, but impunity remained a major problem.

Conflicts between government forces, antigovernment forces, and RMGs led to human rights abuses. There were credible reports that the following armed groups perpetrated serious human rights abuses in South Sudan during the year: David Yau Yau's rebel militia group, the Lord's Resistance Army, and antigovernment forces aligned with former vice president Riek Machar. The government of Sudan supported some RMGs in South Sudan. Attacks by RMGs affected parts of Jonglei State and areas that border Sudan. RMGs occasionally obstructed the delivery of humanitarian assistance. RMGs operating against the government also continued the recruitment and use of child soldiers throughout the year. The government of Sudan supported some RMGs in South Sudan. After nearly two years of no reported Lord's Resistance Army (LRA) activity in the country, several suspected LRA attacks occurred late in the year in Western Equatoria State, including abduction of four women and children, killing of one boy, and burning and looting of homes. Investigations into these incidents by the UN Mission in the Republic of South Sudan (UNMISS) and international counter-LRA elements based in Nzara, the African Union Regional Taskforce for counter LRA activities, and the government continued at year's end. Displacements resulting from LRA activity in prior years continued to affect communities in Western Equatoria State. Conflict in South Kordofan and Blue Nile states in Sudan also resulted in displacements that affected South Sudanese communities in states along the border. Attacks in South Sudanese territory by the Sudanese Armed Forces (SAF) resulted in deaths, injuries, property destruction, and civilian displacement in border areas.

## **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

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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

### EXECUTIVE SUMMARY

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Sudan is a republic with power concentrated in the hands of authoritarian President Omar Hassan al-Bashir and his inner circle. The National Congress Party (NCP) maintained control of the government, continuing more than 24 years of nearly absolute political authority. The country last held national elections in 2010, the first multi-party elections in 24 years. The elections, which several opposition parties boycotted, did not meet international standards. Observers reported restriction of civil liberties, intimidation, lack of transparency in vote tabulation, and other problems. Voters re-elected the president and gave the NCP 323 of 450 seats in the National Assembly. National elections were scheduled for 2015. Authorities generally maintained effective control over the security forces. Security forces, however, frequently committed human rights abuses. There were instances in which elements of the security forces acted independently of civilian control, especially in the Darfur Region.

In late September and early October, widespread protests broke out in Khartoum after the government discontinued fuel subsidies. While the government stated 84 protesters died, Amnesty International (AI) reported more than 200 protesters were killed by gunshot wounds. In addition AI reported government security forces arrested nearly 2,000 protesters, including members of opposition parties and journalists. During the protests the government blocked internet access and closed newspapers and television stations.

The most important human rights abuses included: government forces and government-aligned groups committed extrajudicial and other unlawful killings; security forces committed torture, beatings, rape, and other cruel and inhumane treatment or punishment; and prison and detention center conditions were harsh and life threatening.

Other major abuses included arbitrary arrest; incommunicado and prolonged pretrial detention; executive interference with the judiciary and denial of due process; obstruction of humanitarian assistance; restriction on freedoms of speech, press, assembly, association, religion, and movement; harassment of internally displaced persons (IDPs); restrictions on privacy; harassment and closure of human rights organizations; and violence and discrimination against women. Societal abuses included female genital mutilation/cutting (FGM/C); child abuse, including sexual violence and recruitment of child soldiers; trafficking in persons; violence against ethnic minorities; denial of workers’ rights; and forced and child labor.

Except in rare cases, the government took no steps to prosecute or punish officials in the security services and elsewhere in the government who committed abuses. Security force impunity remained a serious problem.

Conflict between government and rebel forces in Darfur, Blue Nile, and Southern Kordofan states continued. Rebels also committed abuses in Darfur and Southern Kordofan and Blue Nile states (the Two Areas).

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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Swaziland is an absolute monarchy. King Mswati III and Queen Mother Ntombi, the king's mother who rules as his co-monarch, have ultimate authority over the cabinet, legislature, and judiciary. There are a parliament consisting of appointed and elected members and a prime minister, but political power remained largely with the king and his traditional advisors. International observers concluded the September parliamentary elections did not meet international standards. Authorities failed at times to maintain effective control over the security forces. Security forces committed human rights abuses.

Swazi citizens remained unable to change their government. The three main human rights abuses were police use of excessive force, including use of torture, beatings, and unlawful killings; restrictions on freedoms of association, assembly, and speech; and discrimination against and abuse of women and children.

Other human rights problems included arbitrary arrests and lengthy pretrial detention; arbitrary interference with privacy and home; prohibitions on political activity and harassment of political activists; trafficking in persons; societal discrimination against

members of the lesbian, gay, bisexual, and transgender (LGBT) community and persons with albinism; mob violence; harassment of labor leaders; child labor; and restrictions on worker rights.

In general, perpetrators acted with impunity, and the government took few or no steps to prosecute or punish officials who committed abuses.

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

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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

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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 chiefdom-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

### EXECUTIVE SUMMARY

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The United Republic of Tanzania is a multi-party republic consisting of the mainland region and the semiautonomous Zanzibar archipelago, whose main islands are Unguja and Pemba. The union is headed by a president, who is also the head of government. Its unicameral legislative body is the National Assembly (parliament). Zanzibar, although part of the union, has its own government with a president, court system, and legislature, and exercises considerable autonomy. Tanzania held its fourth multi-party general elections in 2010 in which voters on mainland Tanzania and Zanzibar elected a union president (Jakaya Kikwete) and their respective representatives in the union legislature. The Zanzibari electorate chose Ali Mohamed Shein as president of Zanzibar. The union and Zanzibari elections were judged to be largely free and fair. Union security forces reported to civilian authorities, but there were instances in which elements of the security forces acted independently of civilian control. Security forces at times committed human rights abuses.

The three most widespread and systemic human rights problems in the country were

excessive use of force by security forces resulting in deaths and injuries, gender-based violence including female genital mutilation/cutting (FGM/C), and lack of access to justice as well as a related continuation of mob violence.

Other human rights problems included harsh and life-threatening prison conditions, lengthy pretrial detention, some restrictions on religious freedom, restrictions on the movement of refugees, official corruption, restrictions on political expression, child abuse, and discrimination based on sexual orientation, and societal violence against persons with albinism. Trafficking in persons, both internal and international, as well as child labor were also problems.

In some cases the government took steps to prosecute those who committed abuses, but instances of impunity also occurred.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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*Note: This report was updated 3/28/14; see Appendix H: Errata for more information.*

Togo is a republic governed by President Faure Gnassingbe, whom voters re-elected in 2010 in a process international observers characterized as generally free and fair. In July the ruling UNIR (Unity) party won 62 of 91 seats in the National Assembly. International and national observers monitoring the election declared it generally free, fair,

transparent, and peaceful, although there were logistical shortcomings. Authorities failed at times to maintain effective control over the security forces, which committed human rights abuses.

The main human rights problems reported during the year included prison overcrowding and harsh and life-threatening prison conditions, official corruption and impunity, and lengthy pretrial detention.

Other human rights abuses included executive influence over the judiciary; government restrictions on freedom of press and assembly; rape, violence, and discrimination against women; child abuse, including female genital mutilation/cutting (FGM/C) and sexual exploitation; and trafficking in persons. Official and societal discrimination persisted against persons with disabilities, regional and ethnic groups, and lesbian, gay, bisexual, and transgender (LGBT) persons. Societal discrimination against persons with HIV/AIDS was significant. Child labor, including forced child labor, was a problem.

The government took limited steps to prosecute or punish officials who committed abuses. Impunity, including in the security services, was widespread.

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

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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**

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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**

### **EXECUTIVE SUMMARY**

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Uganda is a constitutional republic led since 1986 by President Yoweri Museveni of the ruling National Resistance Movement (NRM) party. Voters reelected Museveni to a fourth five-year term in 2011. While the election marked an improvement over previous elections, it was marred by irregularities. Authorities usually maintained effective control over the state security forces (SSF). The SSF committed human rights abuses.

The three most serious human rights problems in the country were a lack of respect for the integrity of the person (including unlawful killings, torture, and other abuse of suspects and detainees); restrictions on civil liberties (including freedom of assembly, the media, and association); and violence and discrimination against marginalized groups, such as women (including female genital mutilation/cutting), children (including sexual abuse and ritual killing), persons with disabilities, and the lesbian, gay, bisexual and transgender (LGBT) community.

Other human rights problems included harsh prison conditions, arbitrary and politically motivated arrest and detention, incommunicado and lengthy pretrial detention, restrictions on the right to a fair trial, restrictions on freedom of press, electoral irregularities, official corruption, mob violence, trafficking in persons, and forced labor, including child labor.

The SSF and other government agents committed human rights abuses, generally with impunity. The government convicted and sentenced perpetrators in several cases, including some from previous years.

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

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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**

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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 "Anti-homosexuality 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

### EXECUTIVE SUMMARY

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Zambia is a constitutional republic governed by a democratically elected president and a unicameral national assembly. International and local observers considered national elections held in 2011 to be generally free and fair. Security forces reported to civilian authorities.

Serious human rights abuses occurred during the year. The most important were abuses by security forces, including reports of unlawful killings, torture, and beatings; life-threatening prison conditions; and restrictions on freedom of speech, assembly, and association.

Other serious human rights problems included arbitrary arrest, prolonged pretrial detention, arbitrary interference with privacy, government corruption, violence and discrimination against women, child abuse, trafficking in persons, discrimination against persons with disabilities and members of the lesbian, gay, bisexual, and transgender (LGBT) community, restrictions on labor rights, forced labor, and child labor.

The government took limited steps to prosecute officials suspected of corruption or human rights abuses during the year; however, impunity remained a problem.

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

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The constitution and law prohibit discrimination based on race, ethnic group (tribe),

gender, place of origin, marital status, political opinion, color, disability, language, social status, 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**

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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**

### **EXECUTIVE SUMMARY**

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Zimbabwe is constitutionally a republic. It has been dominated by President Robert Mugabe, his Zimbabwe African National Union-Patriotic Front (ZANU-PF) party, and its authoritarian security sector since independence in 1980. Presidential and parliamentary elections held on July 31 were free of the widespread violence of the 2008 elections, but the process was neither fair nor credible. A unilateral declaration of the election date by the hastily convened and politically compromised Constitutional Court, formed after the country adopted a new constitution in March; a heavily biased state media; limitations on international observers; failure to provide a publicly useful voters' register; and a chaotic separate voting process for the security sector contributed to a deeply flawed process. Two of the three partners in the 2009 coalition government opposed the election date, citing the

lack of previously agreed to reforms in the Southern African Development Community (SADC)-mediated Global Political Agreement (GPA). The courts dismissed challenges filed after the elections by non-ZANU-PF parties. The elections resulted in the formation of a unitary ZANU-PF government led by President Mugabe and Vice President Joice Mujuru and ZANU-PF supermajorities in both houses of Parliament. The authorities failed at times to maintain effective control over the security forces. Security forces committed human rights abuses.

The most important human rights problems remained the government's targeting for torture, abuse, arrest, and harassment members of non-ZANU-PF parties and civil society activists; partisan application of the rule of law by security forces and the judiciary; the government's compulsory acquisition of private property; and restrictions on civil liberties.

There were many other human rights problems. ZANU-PF and the security forces controlled and manipulated the political process, effectively negating the right of citizens to choose their government. Prison conditions were harsh. Lengthy pretrial detention, denial of bail, and lack of access to legal representation were problems. Executive influence and interference in the judiciary continued, and the government infringed on citizens' privacy rights. The government failed to investigate or prosecute state security or ZANU-PF supporters responsible for violence in the previous year. Authorities restricted freedoms of speech, press, assembly, association, and movement. The government continued to evict citizens, invade farms, private businesses and properties, and demolish informal marketplaces. The government impeded nongovernmental organization (NGO) efforts to assist those displaced and other vulnerable populations. The government arrested, detained, prosecuted, and harassed NGO members. Government corruption remained widespread, including at the local level. Violence and discrimination against women; child abuse; trafficking of women and children; and discrimination against persons with disabilities, racial and ethnic minorities, lesbian, gay, bisexual, and transgender (LGBT) persons, and persons with HIV/AIDS were problems. The government interfered with labor-related events.

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

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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**

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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.”