



HUMAN  
RIGHTS  
WATCH

# “It’s Nature, Not a Crime”

Discriminatory Laws and LGBT people in Liberia



# **“It’s Nature, Not a Crime”**

## **Discriminatory Laws and LGBT People in Liberia**

“I heard Senator Taylor say gays should not be legalized and that they should be prosecuted. I feel bad about it because everyone has rights. People don’t just come up with that kind of life. It’s something you are born with.... If I love a boy, it’s nature, not a crime.”

— *Interview with 19-year-old Carter, Monrovia, September 29, 2012.*

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# “It’s Nature, Not a Crime”

## Discriminatory Laws and LGBT people in Liberia

<b>Glossary</b> .....	<b>i</b>
<b>Map of Liberia</b> .....	<b>iii</b>
<b>Summary and Recommendations</b> .....	<b>1</b>
<b>Methodology</b> .....	<b>16</b>
<b>I. Background</b> .....	<b>17</b>
Social, Economic and Political .....	17
Increasing Climate of Homophobia .....	18
Applicable National and International Law .....	20
Proposed Legislation.....	22
LGBT Activism in Liberia .....	24
LGBT Rights in Africa .....	25
<b>II. Promoting Intolerance, Fear, and Violence</b> .....	<b>28</b>
Media.....	29
Anti-Gay Groups.....	30
Politicians .....	31
<b>III. Findings</b> .....	<b>33</b>
Exclusion from Family and Church.....	33
Emotional and Psychological Abuse .....	35
Verbal Abuse and Harassment.....	37
Physical Violence, Assaults, and Intimidation .....	38
Lack of Trust in Police .....	39
Discrimination .....	41
<i>School and Work</i> .....	41
<i>Access to Health Services</i> .....	44
<b>Acknowledgments</b> .....	<b>48</b>



## Glossary

**Biological sex:** The biological classification of bodies as female or male based on such factors as external sex organs, internal sexual and reproductive organs, hormones, and chromosomes.

**Bisexual:** The sexual orientation of a person who is sexually and romantically attracted to both women and men.

**Closeted/being in the closet:** A person who does not acknowledge their sexual orientation to others. People may be “fully” in the closet (not admitting their sexual orientation to anyone), fully out, or somewhere in between.

**Gay:** A synonym for homosexual in many parts of the world; in this report, used specifically to refer to the sexual orientation of a man whose primary sexual and romantic attraction is towards other men.

**Gender:** the social and cultural codes (as opposed to biological sex) used to distinguish between what a society considers "masculine" or "feminine" conduct.

**Gender-based violence:** Violence directed against a person on the basis of gender or sex. Gender-based violence can include sexual violence, domestic violence, psychological abuse, sexual exploitation, sexual harassment, harmful traditional practices, and discriminatory practices based on gender. The term originally described violence against women but is now widely understood to include violence targeting women, transgender persons, and men because of how they experience and express their genders and sexualities.

**Gender identity:** A person’s internal, deeply felt sense of being female or male, both, or something other than female and male.

**Gender expression:** the external characteristics and behaviors which societies define as ‘masculine’ or ‘feminine’-including such attributes as dress, appearance, mannerisms, speech patterns, and social behavior.

**Heterosexual:** A person whose primary sexual and romantic attractions, or sexual orientation, are toward people of the other sex.

**Homophobia:** Fear and contempt of homosexuals, usually based on negative stereotypes of homosexuality.

**Homosexual:** The sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex.

**LGBT:** lesbian, gay, bisexual, or transgender; an inclusive term for groups and identities sometimes associated together as “sexual and gender minorities.” In this report the term LGBT is generally used to refer to individuals who self-identify as either lesbian, gay, bisexual, or transgender.

**Lesbian:** The sexual orientation of a woman whose primary sexual and romantic attraction is toward other women.

**Men who have sex with men (MSM):** Men who have sex with men who but do not necessarily identify as “gay,” “homosexual,” or “bisexual.”

**Out/To be outed:** Refers either to be in a position where one’s sexual orientation is openly known and acknowledged, or the occurrence of one’s sexual orientation being revealed (perhaps inadvertently) either through words or actions, or when one is exposed as homosexual or bisexual by another person without one’s consent.

**Sexual and gender minorities:** an all-inclusive term that includes all persons with non-conforming sexualities and gender identities, such as LGBT, men who have sex with men (and may not self-identify as LGBT), and women who have sex with women.

**Sexual orientation:** The way a person’s sexual and romantic desires are directed. The term describes whether a person is attracted primarily to people of the same, the opposite sex, or both.

# Map of Liberia



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- ★ Country Capital
- ★ State Capital



## **Summary and Recommendations**



Selene (right) and her partner (left). In their new neighborhood, they live quietly in their new neighborhood and try not to draw attention to their relationship.



*History teaches us that the erosion of anyone's or any group's basic rights means our own rights are in jeopardy. That's why ordinary Liberians should care. If we stand by and allow others to be harassed and persecuted for being born the way they are, then our silence is complicity....*

—STEPHANIE HORTON,<sup>1</sup> SEA BREEZE JOURNAL OF CONTEMPORARY LIBERIAN WRITINGS, DECEMBER 15, 2012

## “It’s Nature, Not a Crime”

Photographs by Glenna Gordon

**Being gay has never been easy in Liberia. Negative attitudes towards homosexuality are widespread, and the country has anti-LGBT laws that frame same-sex conduct as a misdemeanor punishable by up to one year in prison.**

While these laws are seldom enforced, Liberia in February 2012 became the latest African country seeking to pass new laws that would further punish lesbian, gay, bisexual, and transgender (LGBT) people. One bill would extend the criminal penalty for same-sex practice to a felony punishable by up to five years' imprisonment; the other would explicitly prohibit marriage between persons of the same sex. The bills have lain dormant in the respective legislative houses since the Senate voted to pass the anti-same sex marriage bill in July 2012.

Members of the LGBT community say the pending legislation has already exacerbated discrimination, harassment, and stigmatization, and that things could worsen should the Liberian legislature actually pass these laws against same-sex conduct or marriage.

This report is primarily based on 30 interviews with self-identifying lesbian, gay, bisexual, and transgender persons in Liberia, conducted in the capital Monrovia in September, October, and December 2012. The report does not seek to systematically document human rights abuses against LGBT people in Liberia. Rather, it aims to illustrate the negative impact that existing legislation has already had on the LGBT population, and emphasizes that the proposed legislation seems likely to make a bad situation much worse.

Liberians face many challenges in their daily lives, caused in large part by the country's armed conflicts from 1989 to 1997 and from 1999 to 2003. Many have trouble finishing school, finding or keeping jobs, and have limited access to safe shelter, food, and other basic necessities. For lesbians, gays, bisexuals, and transgender people, these challenges are compounded by the social and legislative discrimination that they face.

LGBT men and women—all aged between 18 and 40—told Human Rights Watch how, even before the bills were introduced, neighbors, family, and even strangers harassed, insulted, and beat them in public; disgraced and threw them out of homes; and ridiculed and bullied them in school. One gay man said a "friend" had stabbed him with a broken bottle because she could not accept that he was happy being a homosexual. Another told Human Rights Watch how a neighbor bit part of his ear off and threatened to hit him with a metal rod.



An aerial view of West Point, the biggest slum in Monrovia. Liberia's capital is home to 1.5 million people. Most people live in sub-standard conditions.





Hassan, who lives with his partner Cyril on the outskirts of Monrovia, has a scar on his neck from being stabbed by a homophobic neighbor two years earlier. The partners, who have been targets of a series of abuse by anti-gay youth and neighbors, face eviction.



Cyril (pictured) lives on the outskirts of Monrovia with his partner Hassan. When Human Rights Watch spoke to Cyril, they had been served with a notice of eviction. The two had been harassed and attacked by anti-gay youth and neighbors.

Interviewees described increased intolerance and homophobia against the LGBT community after the new bills were introduced by the legislature in February 2012. Many described living in fear and hiding their sexual identity due to increased verbal assaults, harassment, and stigmatization, which sometimes impedes their ability to access essential public services, such as health care. All 30 LGBT interviewees said they always felt compelled to curtail their movements, limit their social circle, and watch where they socialized to avoid harassment. Several said that since the bills' introduction they had stopped going to social clubs because people invariably picked on them—and that they were then blamed for causing trouble and asked to leave.

The catalyst for both the increase in hostilities and the proposed legislation were much-discussed—and widely misunderstood—statements by British Prime Minister David Cameron and then-US Secretary of State Hillary Clinton in late 2011, which many Liberians perceived as threats to cut off foreign assistance due to the country's anti-LGBT laws. Neither Cameron nor Clinton had in fact made such a call—Clinton, for example, had called for more assistance to improve the situation of LGBT people in Liberia. But the comments tapped into deeply held beliefs in Liberia that the West imposes its values on Africa, and the intensifying domestic debate about homosexuality, exacerbated passive intolerance towards LGBT people and paved the way for more overt discrimination and hostility.

Democratic Change or CDC in the

...notably right, French officials noted that despite some challenges.

 Pg. 7

# The New Dawn

**French Version Inside**

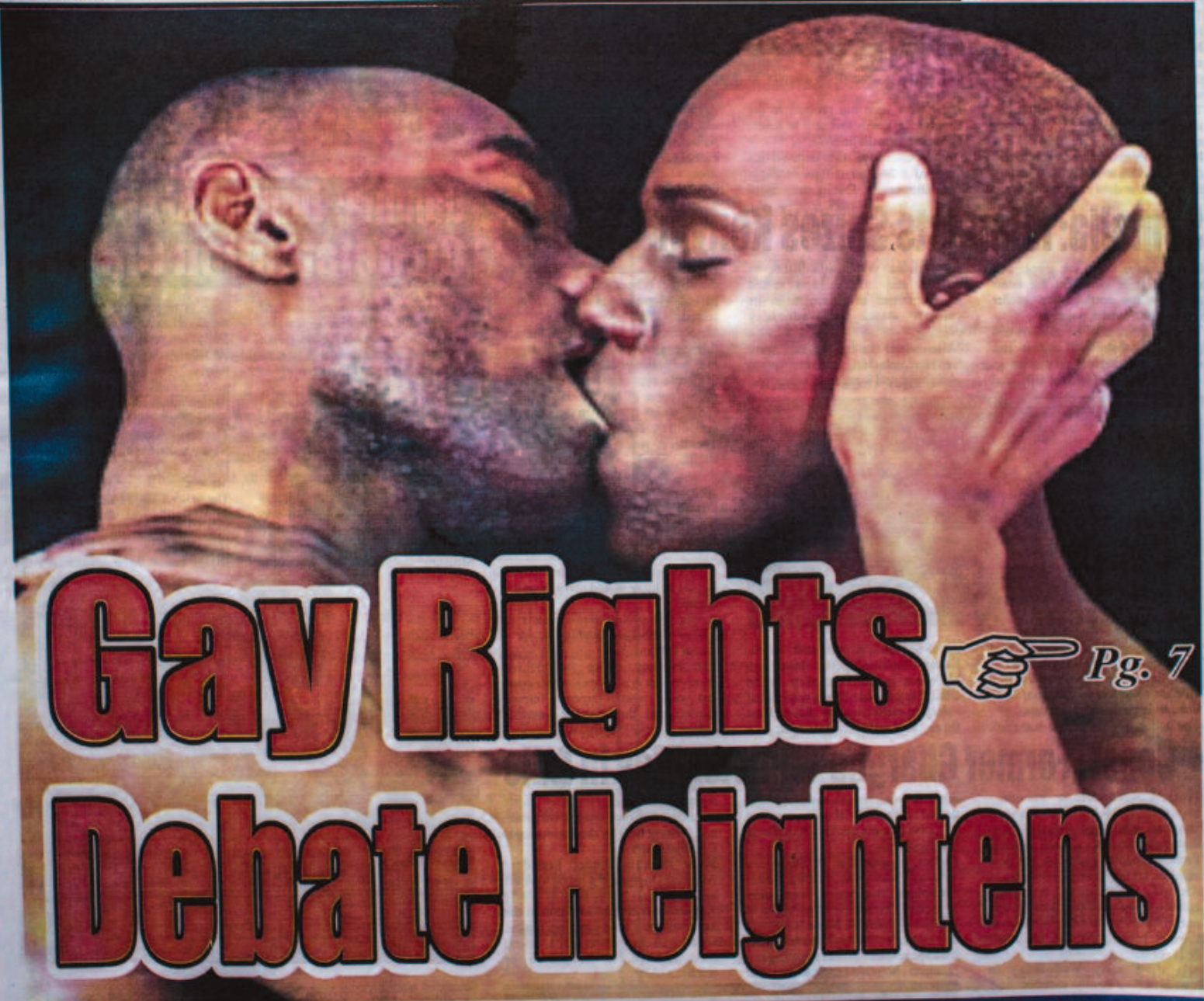
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# Gay Rights

 Pg. 7

# Debate Heightens



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(above) Provident Baptist Church is one of the first churches established by freed American slaves in the 1820s. Many churches in Monrovia have provided a platform for clergy to voice anti-gay rhetoric.

(left) Many Liberian newspapers such as *New Dawn*, a popular daily newspaper, have frequently expressed anti-gay views in stories and editorials.

Liberia’s constitution and international law protects every individual’s fundamental rights and freedoms including the right to privacy and non-discrimination. The proposed legislation is an affront to these basic rights, and makes them vulnerable to discrimination, arbitrary arrest, and threats to their life and well-being.

President Ellen Johnson Sirleaf has a critical role to play in reversing the tide of anti-LGBT sentiment in Liberia. Having won the Nobel Peace Prize in 2011, in particular for her stance on gender equality, she commands both domestic and international authority. However, she has not brought the weight of her authority to bear with respect to the rights of the country’s LGBT population. Although she has publicly undertaken not to sign any new anti-LGBT legislation, she has defended existing anti-homosexuality laws on the grounds of respect for “traditional values.” Liberians, she told the *British Guardian* newspaper in March 2012, are not interested in changing. “We like ourselves just the way we are,” she said.<sup>2</sup>

The experiences of the LGBT community as depicted in the personal accounts in this report show the need for more effective government programs and interventions to prevent and respond to abuses against LGBT people— which can be expected to increase if further anti-same sex laws are enacted. Such efforts need to focus on law enforcement, but must include other government agencies too, including health and educational service providers.

The Liberian government should affirm the principles of equality and non-discrimination protected under the constitution and international law with respect to the rights of



Members of the LGBT community gather at a gay-friendly home and bar on the outskirts of Monrovia.



LeRoy lost part of his ear when he was attacked in 2010 by a neighbor who regularly issued homophobic insults and other verbal abuse. Hassan was forced to leave school when he was 21 because his parents disowned him when they found out that he was gay.

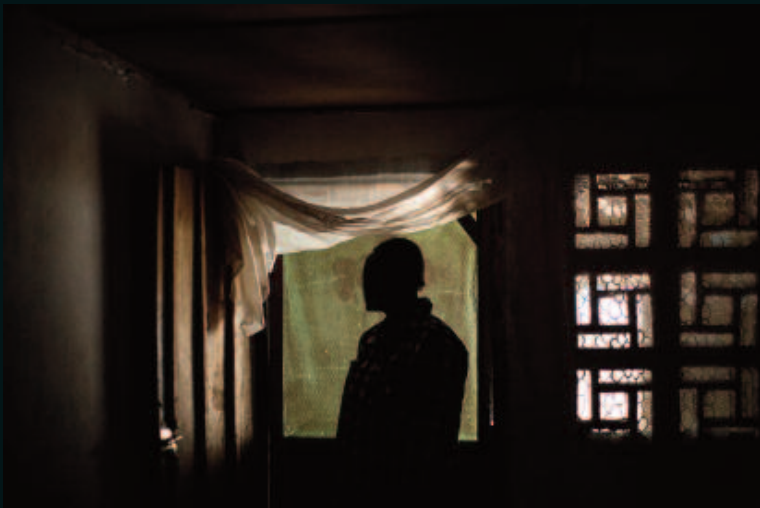
lesbian, gay, bisexual, and transgender persons. President Sirleaf should assert the importance of human rights in Liberia's development and categorically condemn discrimination including on the basis of sexual orientation and gender identity or expression. Human Rights Watch calls on concerned governments to urge Liberia to reject anti-LGBT legislation and to support efforts to curb the rising levels of homophobia and discrimination against LGBT people in the country.

<sup>1</sup> Liberian human rights activist and writer.

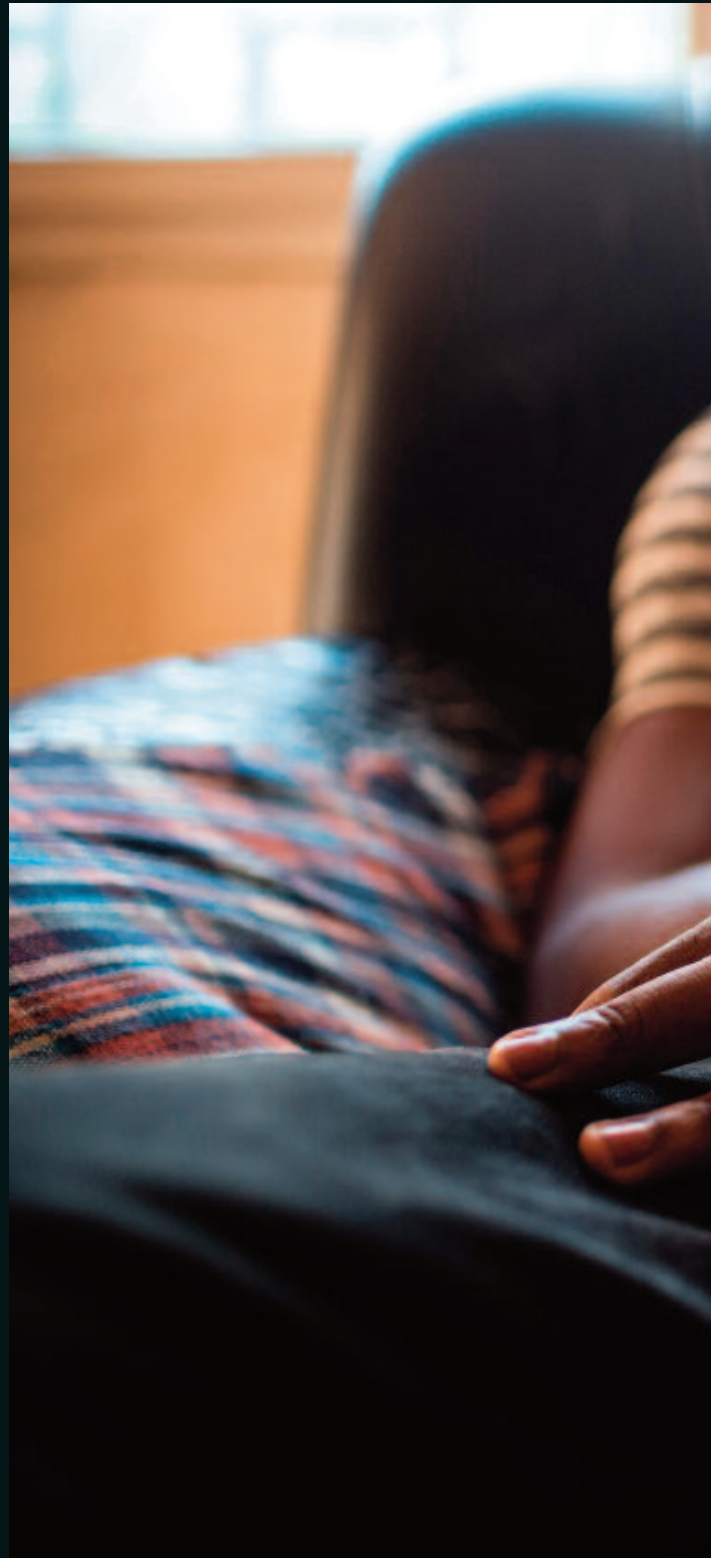
<sup>2</sup> Tamasin Ford and Bonnie Allen, "Nobel peace prize winner defends law criminalizing homosexuality in Liberia," *Guardian*, March 19, 2012, <http://www.guardian.co.uk/world/2012/mar/19/nobel-peace-prize-law-homosexuality> (accessed April 22, 2013).



Booker, a well-off gay man, faces challenges due to his sexuality, but has more leeway to be open about the fact he is homosexual because of his social status.



Stephanie has been evicted from several rental homes because of her sexuality.





Bobby, an HIV positive gay man, was thrown out of his house when he was 19 years old. Though his mother is relatively tolerant of his homosexuality, other relatives are not. His family stopped paying his school tuition, forcing him to quit school.

# RECOMMENDATIONS

## TO PRESIDENT ELLEN JOHNSON SIRLEAF

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- Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity;
- Announce that you will veto any legislation that is discriminatory on the basis of sexual orientation or gender identity, and veto any such laws that come to you for signing;
- Call for the repeal of the New Penal Code sections that discriminate on the basis of sexual orientation or gender identity.

## TO THE LIBERIAN LAWMAKERS

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- End legal discrimination against lesbian, gay, bisexual, and transgender people by repealing all existing laws criminalizing same-sex conduct;
- Reject adoption of new discriminatory legislation, in particular the anti-same-sex marriage bill and the amendment to the New Penal Code bill;
- Expand existing legislation prohibiting discrimination to include reference to discrimination based on sexual orientation and gender identity or expression;
- Adopt a program to increase public awareness of human rights principles of non-discrimination and equality;
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity or expression;
- Assess the harm from laws criminalizing same-sex conduct on the HIV epidemic;
- Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs;
- Take appropriate measures including creation of mobile clinics to expand access for MSM to free health services.

## TO THE MINISTRY OF HEALTH AND SOCIAL WELFARE

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- Institute appropriate training for healthcare service providers on human rights, gender-based violence, sexual orientation and gender identity;
- Step up general HIV education specifically directed at key populations;
- Seek to establish more HIV testing centers especially in underserved areas;
- Provide support for peer educators' work to better incorporate MSM and other key populations in HIV outreach and prevention strategies.

## **TO THE LIBERIAN NATIONAL POLICE (LNP)**

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- Investigate all credible allegations of physical or verbal abuse or threats against individuals on the basis of gender identity or expression and sexual orientation;
- Introduce appropriate police training at all levels on human rights and violence based on sexual orientation and gender identity or expression;
- Establish monitoring systems to evaluate on an ongoing basis the work of police stations on their capacity to handle matters relating to gender based violence in a non-judgmental and efficient manner.

## **TO THE INDEPENDENT NATIONAL COMMISSION ON HUMAN RIGHTS OF LIBERIA**

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- Investigate and document reports of violence and abuse against individuals based on sexual orientation and gender identity or expression;
- Work with civil society organizations to monitor, document, expose, and address incidences of incitement to violence, homophobia, violence, and abuse on the basis of sexual orientation and gender identity or expression.

## **TO CONCERNED GOVERNMENTS AND PARTNERS, INCLUDING CIVIL SOCIETY ORGANIZATIONS**

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- Support public education and awareness creation programs on sexuality, sexual and health rights, and violence and discrimination based on sexual orientation including by targeting law enforcement agencies, health services, and educational institutions;
- Call upon Liberia to abolish laws that legitimize or encourage violence and discrimination based on sexual orientation and gender identity or expression;
- Support the Liberian Human Rights Commission's efforts to monitor and document reports of violence, abuse, and discrimination based on sexual orientation and gender identity or expression.

## Methodology

This report is based on field research conducted by Human Rights Watch over a two-week period in Monrovia, Liberia, during September and October 2012, as well as a 10-day follow-up visit in December 2012. Two Human Rights Watch researchers conducted in-depth interviews with 30 self-identifying LGBT people between the ages of 18 and 40.

The interviewees were identified primarily through Stop AIDS in Liberia (SAIL) and through word-of-mouth networking with members of the LGBT community in Monrovia. Interviews were conducted individually and in English. We spoke to people in a variety of settings, including their homes, restaurants, the SAIL office in downtown Monrovia, and the homes of their friends. The interviewees were mostly economically disadvantaged youths.

In the report we use pseudonyms for LGBT respondents and do not reveal other identifying features to protect their identities for their personal safety and protection.

We spoke to activists working for the rights of LGBT people. SAIL and ActionAid Liberia are the only two non-governmental organizations (NGOs) openly advocating for the rights of LGBT people in Liberia. Our interviews focused on young people who give a particular perspective, as they tend to be more mobile, more open about their sexual orientation, and therefore more likely to be targeted.

We also interviewed four members of the House of Representatives and the Senate and other government officials including from the Ministry of Gender and Development and the Ministry of Justice, members of various commissions including the National Commission on Human Rights, the National AIDS Commission, and the Law Reform Commission; development partners and other foreign embassies, including the Embassy of the United States of America, representatives of the European Union Delegation, and representatives of the US Agency for International Development; and two members of the clergy.

The research included a review of local print media as well as online publications and news reports.



# I. Background

## Social, Economic and Political

Liberia has struggled to rebuild itself after two devastating armed conflicts: from 1989 to 1997 and from 1999 to 2003. On August 11, 2003, Charles Taylor, a former warlord, was forced to resign the presidency and flee into exile. Taylor was indicted by the Special Court for Sierra Leone on March 7, 2003, for his involvement in the Sierra Leone civil war of 1999-2003.<sup>3</sup> He was charged with war crimes and crimes against humanity and subsequently convicted on April 26, 2012. On September 26, 2013, his appeal against conviction was rejected by the UN backed Special Court.

The wars affected the lives of nearly all Liberians, and more than a decade since the end of the fighting, a legacy of weak rule of law persists, with ongoing social insecurity, a deficient criminal justice system, lack of an independent and impartial judiciary, an unprofessional police force, and widespread corruption.<sup>4</sup>

Liberia lags behind the rest of Africa in key social and economic rights, with some of the world's worst socio-economic indicators including literacy, infant, and maternal mortality.<sup>5</sup> An estimated 80 percent of Liberians live in poverty.<sup>6</sup>

For many LGBT people, this difficult climate is intensified by the discrimination and violence they endure due to their sexual orientation and gender identity or expression. All LGBT people interviewed said the introduction of new anti-same-sex bills in Liberia had led to more open hostility and intolerance towards the LGBT community, intensifying the adverse effect of existing laws that criminalize same-sex conduct.

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<sup>3</sup> The Special Court for Sierra Leone was established by the UN and the government of Sierra Leone by "Statute of the Special Court for Sierra Leone" on January 16, 2000 to prosecute those responsible for violations of international humanitarian law during the civil war 1999-2003.

<sup>4</sup> Population estimated at 3,476,608 million, National report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council resolution 5/1: Liberia, U.N. Doc A/HRC/WG.6/9/LBR/1, para. 18.

<sup>5</sup> United Nations Population Fund, "Dispatch: Liberia Launches Ambitious Five-Year Plan to Reduce Maternal and Newborn Deaths," March 9, 2011, <http://www.unfpa.org/public/home/news/pid/7365> (accessed October 25, 2013).

<sup>6</sup> World Bank, "Poverty headcount ratio at national poverty line (% of population) – Liberia 2007" <http://data.worldbank.org/country/Liberia> (accessed September 16, 2013).

Current views of the LGBT community in Liberia reflect a number of social, economic, and political factors. Rev. Dr. Samuel B. Reeves, a Baptist minister from the Providence Baptist Church of Monrovia, told Human Rights Watch that although same-sex conduct was not generally socially acceptable, there was a degree of passive tolerance towards people known to be gay or lesbian or to engage in same-sex conduct. He said, “People always knew from the certain way that a particular person dressed or their mannerism and behavior, some even held important positions in both government and the church and were respected in society.”

He added that LGBT Liberians from the elite class, most of whom are educated in the United States, say that their privileged background meant that they were not subject to the same level of harassment, stigma or discrimination that is otherwise attached to being gay.<sup>7</sup>

## **Increasing Climate of Homophobia**

According to well-known activist and feminist Korto Williams, who heads ActionAid Liberia, one of two organizations that advocate for the rights of the LGBT community in Liberia, the acceptance of gays including within the elite changed gradually with the end of the civil war, as people migrated to the cities and conservative values in rural areas began to influence societal norms. Viewed as a Western behavior adopted by the privileged elite, homosexuality was judged as “un-African” and immoral, and shame was piled on those who practiced it. The privileged status enjoyed by Americo-Liberians—Liberians of US ancestry who for decades dominated the political and economic life in Liberia—likely also fed into a move towards more conservative views.

Another factor contributing to a climate of homophobia has been the reaction of many Liberians to a December 6, 2011, statement at the United Nations in Geneva by then-US Secretary of State Hillary Clinton that was wrongly construed to mean that the United States would cut financial aid to countries that criminalized and persecuted LGBT people. In fact, Clinton said that the US government would direct additional resources:

...[t]o combat the criminalization of LGBT status and conduct, to enhance efforts to protect vulnerable LGBT refugees and asylum seekers, to ensure

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<sup>7</sup> Interview with Rev Dr. Samuel B. Reeves, Monrovia, November 6, 2012.

that our foreign assistance promotes the protection of LGBT rights, to enlist international organizations in the fight against discrimination, and to respond swiftly to abuses against LGBT persons.<sup>8</sup>

According to Williams:

The reactions of the Liberians, although extreme, are not surprising. The unprecedented attention on homophobia has forced their hand. The debates at the UN on sexual orientation and gender identity, [the] Hillary Clinton speech in Geneva, [they] all made homosexuality very visible in Liberia and elsewhere. It is no longer just an open secret. Homosexuality has become a public debate, and at the center of it is a fledgling LGBT community whose only quest is universal rights.<sup>9</sup>

Clinton's statements followed remarks by British Prime Minister David Cameron to BBC on the eve of the Commonwealth Heads of Government Meeting (CHOGM) in October, 2011 in Perth, Australia.<sup>10</sup> He said, "Britain is one of the premier aid givers in the world. We want to see countries that receive our aid adhering to proper human rights."<sup>11</sup> Liberian media coverage incorrectly presented his statements as stating there would be no development aid in the absence of LGBT rights. This further enflamed public sentiment against the LGBT community, which was blamed for threatening much-needed development aid.

In 2005, after nearly a quarter-century of political instability, Liberia held presidential elections. President Ellen Johnson Sirleaf inherited a devastated economy and a ruined infrastructure. Since 2005 Liberia has received millions of dollars in foreign aid for reestablishing the broken infrastructure and the country's democratic institutions. In 2011, Sirleaf was jointly awarded the Nobel Peace Prize for her efforts to restore peace to Liberia

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<sup>8</sup> HumanRights.gov, "Secretary Clinton's Address on the Human Rights of LGBT People," December 6, 2011, <http://www.humanrights.gov/2011/12/06/human-rights-geneva> (accessed April 22, 2013).

<sup>9</sup> Interview with Korto Williams, Monrovia, November, 28, 2012.

<sup>10</sup> The Commonwealth Heads of Government Meeting (CHOGM) is a biennial summit meeting of the heads of government from all Commonwealth nations, last held in Perth, Australia, November 2011.

<sup>11</sup> "Countries that ban homosexuality risk losing aid, warns David Cameron," *Guardian*, <http://www.theguardian.com/politics/2011/oct/30/ban-homosexuality-lose-aid-cameron> (accessed September 16, 2013); "Remarks in Recognition of International Human Rights Day," Former US Secretary of State Hillary Clinton, Palais des Nations, Geneva, Switzerland, <http://www.state.gov/secretary/rm/2011/12/178368.htm> (accessed September 16, 2013).

and generally “for the non-violent struggle for the safety of women and for women’s rights to full participation in peace-building work.”<sup>12</sup> She was re-elected president in 2011.

Sirleaf’s commitment to defending human rights came under scrutiny in March 2012 after an interview with the British *Guardian* newspaper, in which she defended the criminalization of homosexuality in Liberia, saying that there were certain aspects of Liberian culture her country would like “to preserve.”<sup>13</sup> The President’s Office subsequently explained the remarks and undertook to veto any legislation that would further criminalize homosexual behavior in the country:

The President and her Government believe that the current law regarding sexual practices sufficiently addresses the concerns of the majority of Liberians and guarantees respect for traditional values. The reality is that the status quo in Liberia has been one of tolerance and no one has ever been prosecuted under that law....<sup>14</sup>

## Applicable National and International Law

Liberia has a dual legal system consisting of statutory law based on Anglo-American common law and on customary law. The Constitution of 1984 is the supreme law of the Republic of Liberia. It provides for the promotion and protection of fundamental rights, including the rights to: life; personal liberty; security of the person including to be free from torture; equality before the law; freedom of thought, conscience and religion; privacy and family life; due process of law; and freedom from discrimination.<sup>15</sup>

Liberia has ratified core international and regional human rights treaties that place obligations on the government to respect, protect, and promote human rights for all without discrimination. These include the International Covenant on Civil and Political

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<sup>12</sup> The 2011 Nobel Peace Prize winners were Liberian Peace activist Leymah Gbowee, Yemen democracy campaigner Tawakkol Karman, and Sirleaf.

<sup>13</sup> Tamasin Ford and Bonnie Allen, “Nobel peace prize winner defends law criminalizing homosexuality in Liberia,” *The Guardian*, March 19, 2012, <http://www.guardian.co.uk/world/2012/mar/19/nobel-peace-prize-law-homosexuality> (accessed October 25, 2013).

<sup>14</sup> Letter from Jerolinmek Matthew Piah, presidential press secretary, to The Guardian, March 23, 2012, <http://www.guardian.co.uk/world/2012/mar/23/liberian-sex-laws-sirleaf> (accessed April 22, 2013).

<sup>15</sup> Constitution of the Republic of Liberia, 1984, <http://www.liberianlegal.com/constitution1986.htm> (accessed September 16, 2013).

Rights (ICCPR), the African Charter on Human and Peoples' Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Protocol to the African Charter on Human and Peoples' Rights, and the Protocol on the Rights of Women in Africa.

Criminalizing same-sex conduct between consenting adults violates the right to privacy and the right to freedom from discrimination, which the ICCPR guarantees.<sup>16</sup> Arresting someone based on consensual same-sex conduct violates the prohibition on arbitrary detention.<sup>17</sup>

The African Commission on Human and Peoples' Rights has argued that discrimination on the basis of sexual orientation violates non-discrimination provisions in the African Charter on Human and Peoples' Rights.<sup>18</sup>

The United Nations Human Rights Council in November 2010 during its Universal Periodic Review of Liberia noted that

Liberia maintains criminal sanctions against some forms of sexual activity between consenting adults. The UN Human Rights Council (UNHRC) has confirmed that criminalization of sexual conduct between consenting adults violates the rights to privacy and non-discrimination, contrary to articles 17(1) and 26 of the International Covenant on Civil and Political Rights, and runs counter to the implementation of effective education programmes in respect of HIV/AIDS prevention by driving marginalized communities underground. UN Secretary-General Ban Ki-moon also recently called for the repeal of such laws. We recommend that consideration be

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<sup>16</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. Articles 2 and 26 of the ICCPR affirm the equality of all people before the law and the right to freedom from discrimination. Article 17 protects the right to privacy. See also *Toonen v. Australia*, 50th Sess., Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992, April, 14, 1994, sec. 8.7.

<sup>17</sup> See *François Ayissi et al. v. Cameroon*, Working Group on Arbitrary Detention, Opinion No. 22/2006, U.N. Doc. A/HRC/4/40/Add.1 at 91 (2006).

<sup>18</sup> The African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 L.M. 58 (1982), entered into force October 21, 1986, article 2. See the African Commission on Human and Peoples' Rights, *Zimbabwe Human Rights NGO Forum v. Zimbabwe*, sec. 169, AHRLR 128 (ACHPR 2006).

given to reviewing this provision to ensure that it is not interpreted or applied so as to criminalize sexual activity between consenting adults.<sup>19</sup>

The Human Rights Council has urged other governments that maintain criminal laws against LGBT sexual conduct to end stigma and discrimination against LGBT people in order to be able to guarantee that public health programs have “universal reach and ensure universal access to HIV prevention, care and treatment.”<sup>20</sup> Liberia similarly has a responsibility to protect all Liberians without discrimination on any grounds including on the basis of sexual orientation and gender identity or expression.<sup>21</sup>

Liberia’s New Penal Code prohibits voluntary sodomy as a first-degree misdemeanor, with a penalty of up to one-year imprisonment. It defines sodomy as “deviate sexual intercourse” between human beings who are not living as husband and wife that consists of contact between penis and anus, mouth and penis, or mouth and vulva. This law applies to both men and women.<sup>22</sup>

## Proposed Legislation

Although the law already criminalizes same-sex conduct, the Liberian legislature has been considering even more repressive legislation. There are currently two new bills pending before legislature that, if passed, would increase penalties for same-sex conduct and explicitly criminalize same-sex marriage in Liberia.

In July 2012, the Liberian Senate passed the bill introduced by Senator Jewel Howard-Taylor, the amendment to the Domestic Relations Law of Liberia, commonly known as the

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<sup>19</sup> UN Human Rights Council, Working Group on the Universal Periodic Review (Ninth session, November 2010), National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Liberia, UN Doc. A/HRC/WG.6/9/LBR/1(2010), [http://lib.ohchr.org/HRBodies/UPR/Documents/session9/LR/A\\_HRC\\_WG.6\\_9\\_LBR\\_1\\_Liberia-eng.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/session9/LR/A_HRC_WG.6_9_LBR_1_Liberia-eng.pdf) (accessed September 16, 2013).

<sup>20</sup> UNAIDS, “Universal Access to HIV Prevention, Treatment, Care and Support: From Countries to Regions to High Level Meetings on AIDS and Beyond 2011 Roadmap,” UNAIDS/10.08E/JC2079E, February 2011, [http://www.unaids.org/en/media/unaids/contentassets/documents/document/2011/2011\\_UA\\_roadmap\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/document/2011/2011_UA_roadmap_en.pdf) (accessed September 24, 2013).

<sup>21</sup> ICCPR, Art. 26.

<sup>22</sup> Penal Law, Liberian Codes Revised Volume IV, Title 26, Section 14.

“anti-same-sex marriage” bill. The bill reads: “No marriage should be contracted between persons ... of the same sex” and further states:

No one shall give effect to any public act, record, or judicial proceeding of any one which represents a relationship between persons of the same sex that is treated as a marriage under the laws of the Republic.<sup>23</sup>

The proposed law would punish violations as a second-degree felony carrying up to five years’ imprisonment.

Some prominent lawmakers have said they would not vote on any measure regarding LGBT rights. For instance, the president pro-tempore of the Senate, Sen. Gbehnzongar Findley, told the media, “There is no need for legislation for gay and lesbian rights because it is in the law and if anyone feels that their right is being violated let them go to the court.”<sup>24</sup>

The bill as it now stands would punish violators for a second-degree felony with up to five years’ imprisonment. It next goes to the House of Representatives for a vote and, if passed, to President Sirleaf for her signature to become law.

Another bill pending in the Liberian House of Representatives is described as “An Act to amend the New Penal Code chapter 14, sub-chapter D and to add a new section 14.80 making same sex sexual practices a criminal offence.” Rep. Clarence Massaquoi, who introduced this bill,<sup>25</sup> said the it was in accordance with provisions of the Constitution of Liberia “to preserve, protect and promote positive Liberian culture,” This bill would subject to prosecution anyone who “has sexual intercourse with another person of the same gender...” or who “purposefully engage[s] in acts that arouse or tend to arouse another person of the same gender to have sexual intercourse” or who “willfully and without

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<sup>23</sup> Amendment to the Domestic Relations Law of Liberia, SB-1-53-02.

<sup>24</sup> Morrison O.G. Sayon, “No need for gay legislation’... Pro-temp Findley asserts; as Taylor introduces Anti-Same Sex Bill,” *The Inquirer*, February 12, 2013, [http://www.theinquirer.com.lr/content1.php?main=news&news\\_id=222](http://www.theinquirer.com.lr/content1.php?main=news&news_id=222) (accessed April 22, 2013).

<sup>25</sup> Liberian Constitution, art. 5 “The Republic shall preserve, protect and promote positive Liberian culture, ensuring that traditional values which are compatible with public policy and national progress are adopted and developed as an integral part of the growing needs of the Liberian society,” 1986, Monrovia, Liberia.

disregard to societal moral dignity, seduces, encourages, and promotes another person of the same gender ... to engage in sexual activities.”<sup>26</sup>

The bill would make all above-mentioned activities second-degree felonies, punishable by five years’ imprisonment. The bill is currently before the House Judiciary Committee. Some committee members told Human Rights Watch that the issue of LGBT rights was a deeply contentious one in Liberia because many perceived it as being a Western import and against Liberian culture and religion. They said that as a result no legislator would be willing to risk their career by opposing it if it did come up for discussion. The bill currently is dormant as there has been no move to schedule a second reading.

## LGBT Activism in Liberia

SAIL, Liberia’s first organization to advocate for the rights of the LGBT community was formed in 1998. Its objectives are, *inter alia*, to contribute to the reduction of the spread of HIV through human rights advocacy, treatment education, prevention programs, and care provision; and to support people living with HIV and other vulnerable groups including key populations. SAIL has been supported by international organizations such as ActionAid Liberia, the International Gay and Lesbian Human Rights Commission (IGLHRC), African Men for Sexual Health and Rights (AMShER), the Foundation for AIDS Research (amfAR), and Human Right Watch, among others, to organize workshops and social events and nurture a fledgling LGBT movement. Although not a LGBT organization SAIL has been able to provide space for a group of LGBT youth.

On August 15, 2013, SAIL, in collaboration with the National AIDS Commission (NAC), organized a national consultation intended to make condoms and lubricants available to key populations with the support of the AIDS Foundation of Chicago (AFC) and the Foundation for AIDS Research (amfAR).

The unexpected introduction of the bills and the ensuing hate speech, harassment, and violence directed at the LGBT community has brought out new activism: individual Liberian activists living in Liberia and the diaspora have taken up the call to urge the Liberian

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<sup>26</sup> An Act to Amend the New Penal Code Chapter 14, Sub-chapter D, and to Add a New Section 14,80 Making Same-Sex Sexual Practices a Criminal Offense, February, 2010.



government to stand by its international human rights commitment and protect all Liberians from human rights violations. In March 2012 LGBT and human rights activist Stephanie Horton joined other LGBT activists in appealing to “the Liberian government to work in favor of laws that strengthen and protect human rights instead of laws that sanction the mistreatment of minorities.”<sup>27</sup>

In 2012, the Movement for the Defense of Gays and Lesbians in Liberia (MODEGAL) was established, with Archie Ponpon as its head.<sup>28</sup> The Liberian government rejected the movement’s request for registration, and Ponpon—a much-maligned figure in Liberia—has since faced a violent reaction to his efforts, including death threats, an arson attack on his mother’s house, and confrontation by a violent mob in March 2012 after leaving a radio interview in which he had spoken in favor of LGBT rights. Although Ponpon has claimed he is active on behalf of the Liberia’s LGBT community, he has received very little support from its members, many of whom blame him for generating more hostility towards them.

## LGBT Rights in Africa

Thirty-eight of the 78 countries that criminalize adult consensual same-sex conduct are in Africa. It is no coincidence that most countries that criminalize consensual adult same-sex practices use similar terms in their legislation, usually along the lines of “carnal knowledge against the order of nature”— archaic language largely drawn from foreign-imposed laws that originated in the British colonial era. Similar laws using language that is out of touch with contemporary thinking on gender and sexuality have been on the books in countries previously under British rule, including South Africa and Egypt.

As the 2008 Human Rights Watch report *This Alien Legacy* showed, these laws appear to have been adopted by many countries in the post-colonial period as symbols of nationhood and indigenous cultural heritage—even though this did not reflect the reality.<sup>29</sup> These laws were imposed by colonial authorities and often used to police and punish the

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<sup>27</sup> Stephanie C. Horton and Cary Alan Johnson, “Securing a Safe Space for All Liberians,” *Huffpost Gay Voices*, March 23, 2012, [http://www.huffingtonpost.com/stephanie-c-horton/liberia-lgbt-rights\\_b\\_1376611.html](http://www.huffingtonpost.com/stephanie-c-horton/liberia-lgbt-rights_b_1376611.html), (accessed October 18, 2013).

<sup>28</sup> Controversial Liberian LGBT activist and same-sex marriage campaigner.

<sup>29</sup> Human Rights Watch, *This Alien Legacy: the Origins of Sodomy Laws In British Colonialism*, December 17, 2008, <http://www.hrw.org/reports/2008/12/17/alien-legacy>.

sexual practices of indigenous people. That has led some scholars to say that the real Western import is homophobia, not homosexuality.<sup>30</sup>

In 1996, South Africa, for example, after the long and bitter struggle against apartheid, South Africans resolved that there would never again be legal discrimination based on natural characteristics. It became illegal to discriminate against anyone because of gender or sexual orientation. South Africa became the first country in the world to include protection on the grounds of “sexual orientation” in its constitution. Since the constitution was adopted on December 10, 1996, all the laws that had been used to discriminate against LGBT people in South Africa were abolished. Some people were opposed to this and when the question of same-sex marriage came before the constitutional court in the case of *Minister of Home Affairs v Fourie* on 1 December 2005, there was strong opposition from some (but by no means all) church groups and traditionalists.

During the public hearings on same-sex marriage that were held throughout South Africa in 2006 many of the same sentiments heard elsewhere on the continent surfaced. For example, some argued that homosexuality is “un-African.” Yet throughout the continent there has been a growing social movement of LGBT people who are standing up for their human rights. Some said that homosexuality is “un-Christian,” but there are many gay Christians, and Christian churches are divided in their opinions. And while the Catholic Church regards homosexuality as “intrinsically disordered,” it does not believe it should be criminalized.<sup>31</sup>

Other African countries have approached the matter differently from South Africa. For example:

- Botswana has introduced non-discrimination legislation in its labor law while still retaining sodomy laws. In March 2010, Botswana amended the Employment Act to prohibit discrimination based on sexual orientation.<sup>32</sup>
- In December 2010, Rwanda made a significant, positive statement at the UN General Assembly discussion of the resolution on “Extrajudicial, summary or

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<sup>30</sup> See, for example, Neville Hoad, *African Intimacies: Race, Homosexuality, and Globalization* (Minneapolis: University of Minnesota Press, 2006); Marc Epprecht, *Hungochani: The History of a Dissident Sexuality in Southern Africa* (Montreal: McGill-Queens’s University Press, 2004); and Sylvia Tamale, *African Sexualities: A Reader* (Oxford: Pambazuka Press, 2011).

<sup>31</sup> Statement by the Holy See to the UN General Assembly, December 10, 2009, <http://arc-international.net/global-advocacy/sogi-statements/holy-see-statement-at-ga-2009> (accessed October 27, 2013).

<sup>32</sup> Employment Amendment Act No. 10 of 2010 CAP 47:01 Laws of Botswana.

arbitrary executions.”<sup>33</sup> It voted to reinsert sexual orientation in the resolution in which it asserted that “the authors of the resolution have clearly wished to draw attention to high-risk groups that were vulnerable to killing and other crimes. Thus, it is necessary to deal with the urgency of those matters, whether their lifestyles were approved of or not.” Rwanda’s minister of justice made this statement condemning discrimination against LGBT people, specifically recalling Rwanda’s horrific experience of the genocide in 1994.

- Mauritius, which retains colonial-era sodomy laws, has nevertheless consistently voted in favor of steps taken by the UN to improve protection of vulnerable gender and sexual minorities.<sup>34</sup> Domestically it is illegal to discriminate against individuals seeking employment on the basis of sexual orientation.<sup>35</sup>
- Malawi on November 2012 at Minister of Justice Ralph Kasambara announced a moratorium on arrests for consensual same-sex conduct; he, however, backtracked after being fiercely criticized by religious and traditional leaders.<sup>36</sup>
- In March 2011 at the UN Human Rights Council Universal Periodic Review (UPR) the minister of justice for Mozambique explained that the laws dating from the Portuguese colonial period on “practices against nature” should not be interpreted to apply to homosexuality.

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<sup>33</sup> United Nations General Assembly, 71st plenary meeting, A/65/PV.71, December 21, 2010, p.17.

<sup>34</sup> Mauritius voted in favor of resolution calling for Follow-up and implementation of the Vienna Declaration and Programme of Action (A/HRC/17/L.9/Rev.1).

<sup>35</sup> The Equal Opportunities Act No. 42 of 2008.

<sup>36</sup> Mabvuto Banda, “Homosexuality: Malawi suspends laws, orders police not to arrest gays,” *Malawi Today*, November 5, 2012, <http://www.malawitoday.com/news/127276-homosexuality-malawi-suspends-laws-orders-police-not-arrest-gays> (accessed October 28, 2013).

## II. Promoting Intolerance, Fear, and Violence

Intolerance, fear of, and aversion to, people seen as transgressing gender and cultural norms is widespread in Liberia. Since 2011, this has manifested itself in worrying incidents of violence, threats, and harassment against LGBT people, including verbal, physical and psychological violence, including by family or community members, or even strangers. Religious and community leaders, political figures, and media outlets have also contributed to this recent public and violent manifestation of intolerance and homophobia.

Criminalizing consensual same-sex conduct, even when laws are not enforced, exposes lesbian, gay, bisexual, and transgender persons to discrimination, abuse, and human rights violations by turning them into criminals and tainting them in the public eye.<sup>37</sup>

The 30 LGBT persons interviewed for this report drew a direct connection between the introduction in February 2012 of the amendment of the New Penal Code and anti-same-sex marriage bills, and physical violence perpetrated against them. All LGBT persons interviewed said that while homophobia had always existed beneath the surface, they had been able to circulate freely with minimal harassment from the public. The introduction of the bills, they said, had allowed anti-gay sentiment to surface, creating a climate of fear and mistrust that was not there before; three-quarters of interviewees reported that neighbors or members of the general public had harassed them at least once since the bills' introduction.

Stephen McGill, director of Stop AIDS Liberia (SAIL), an organization that provides AIDS-related services to the LGBT community in Monrovia, said,

Before these laws, LGBT persons had few problems, they were able to come and go freely, even had gay parties without interference from the public. There was public harassment here and there but hardly ever anything to the degree that it is experienced today. Since the [proposed] laws were introduced, SAIL has had more and more cases of public harassment, violent attacks, families disowning their children, and even evictions from rented spaces.

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<sup>37</sup> See decision *Naz Foundation v. Government of NCT of Delhi and Others*, High Court of Delhi at New Delhi, WP(C) No. 7455/2001, July 2, 2009, pp.79-80.

## Media

The media—a key source of information and the sole source of exposure that many Liberians have to LGBT people and issues—appears to have contributed to a climate of intolerance and violence against LGBT individuals via misleading, biased, and incendiary reporting.

In 2011, for example, local media stoked anti-gay sentiment with negative, sensationalist, and ultimately incorrect coverage of statements by British Prime Minister David Cameron and then-US Secretary of State Hillary Clinton that were widely misreported as asserting the UK and US would withdraw financial aid from countries that criminalize same-sex conduct.<sup>38</sup>

On January 10, 2011, for example, an editorial in the *New Dawn* newspaper accused Western donors of paying Liberian legislators to introduce gay rights laws. It further accused the US of conditioning foreign aid on gay rights as a “new form of subjugation that Africa should resist with unison.”<sup>39</sup> The *Analyst* newspaper quoted a politician calling for a rally against gay rights, where he reportedly said homosexuality is a “bestial form of submission to the devil.”<sup>40</sup>

Numerous newspaper articles published since December 2011 that Human Rights Watch reviewed lacked the views or voices of LGBT persons and included pejorative language that depict LGBT people as immoral, sinful, and deviant.

The statements by Clinton and Cameron sparked public discussions about the rights of LGBT people that dominated radio talk shows and wider public discourse. While at the time of research interviewees said that violence against them had considerably abated, it was not clear if this was due to LGBT individuals going further underground or because public interest in the issue had waned.

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<sup>38</sup> See Section I.

<sup>39</sup> “Editorial – Gay Rights vs Western Aid,” *The New Dawn*, January 10, 2012, [http://www.thenewdawnliberia.com/index.php?option=com\\_content&view=article&id=4987:editorial-gay-rights-vs-western-aid&catid=28:editorial&Itemid=67](http://www.thenewdawnliberia.com/index.php?option=com_content&view=article&id=4987:editorial-gay-rights-vs-western-aid&catid=28:editorial&Itemid=67) (accessed October 24, 2013).

<sup>40</sup> “Liberia: Rally Against Homosexuality,” *All Africa*, January 13, 2012, <http://allafrica.com/stories/201201130989.html> (accessed April 22, 2013).

## Anti-Gay Groups

The right to freedom of expression protects anti-gay speech by organization leaders and religious figures. However, speech advocating or encouraging violence that is likely to bring imminent harm against LGBT people amounts to criminal incitement, which the government has a responsibility to sanction.

According to the UN Human Rights Committee, the international expert body that monitors compliance with the ICCPR, governments have an obligation to protect individuals against violations by the state, but also against acts committed by private persons or entities that would impair the enjoyment of basic rights. The committee notes that

[t]here may be circumstances in which a failure to ensure Covenant rights ... would give rise to violations by States Parties of those rights, as a result of States Parties' permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.<sup>41</sup>

The Liberian government has notably not taken any action against speech that might have been inciting violence against people perceived to be gay. For example, in April 2012, the local media reported that a new anti-gay group, the Movement Against Gays in Liberia (MOGAL) had formed. Comprised of anonymous members, it issued one flier—which several local newspapers published—that listed seven people it said were “gays or supporters of the club who don’t mean well for our country.” The flier added, “We have agreed to go after them using all means in life.”

Despite the explicit threat to cause harm to the named individuals, the police or National Human Rights Commission did not take any action to conduct an investigation to ensure that people’s lives and rights were not violated or endangered. For example, Archie Ponpon, whose name was on the list of supposed gays or their supporters, told Human Rights Watch that he had not at time of writing been contacted by the police.

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<sup>41</sup> See UN Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 8.

Other actions by anti-gay groups may not reach the level of incitement, but contribute to a broader climate of fear that LGBT people experience. For example, in November 2012, a coalition of Liberian religious groups—the National Movement Against Same Sex Marriage in Liberia (NAMASSEM), comprised of several Christian, Muslim, and traditionalist anti-gay rights campaigners—launched a campaign to solicit 100,000 signatures to oppose legalization of same-sex marriage and decriminalization of sodomy. While addressing the group, the president of the Muslim Council of Liberia, Sheikh Kafumba Konneh, said same-sex marriage was against the national traditional value system and “demeans the social dynamics of both women and men,” and therefore should not be tolerated.<sup>42</sup>

According to a media account, NAMESSEM members also urged the government to

relentlessly wage war against homosexuality and lesbianism ... expose and arrest gays and lesbians who are operating underground; the views and opinions of so-called gay-advocates be barred and banished totally from the Liberia society; anyone caught in the act of homosexuality be arrested and prosecuted; anyone caught promoting gayism [sic] and lesbianism through any medium be arrested and prosecuted.<sup>43</sup>

Liberian politicians did not criticize the group’s statements, and several politicians and legislators even quoted them to justify their own rhetoric vilifying LGBT people.

## Politicians

Research in other countries such as Cameroon and Jamaica has shown that criminalizing homosexuality has negative consequences for LGBT people beyond the threat of arrest and prosecution.<sup>44</sup> The fact that such laws exist at all—even if unenforced—means that LGBT people may be further stigmatized and subject to discrimination, threats of physical violence,

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<sup>42</sup> Sheriff Z. Adams, “Anti-gay rights signature campaign launched,” *The News*, September 3, 2012, <http://thenewslib.com/news/524-anti-gay-rights-signature-campaign-launched-anti-gay-rights-signature-campaign-launched> (accessed April 22, 2013).

<sup>43</sup> Ibid.

<sup>44</sup> See, for example, Human Rights Watch, *Cameroon – Criminalizing Identities: Rights Abuses in Cameroon based on Sexual Orientation and Gender Identity*, November 4, 2010, <http://www.hrw.org/sites/default/files/reports/cameroon1010web.pdf>; and Human Rights Watch, *Jamaica – Hated to Death*, vol. 16, no. 6(B), November 16, 2004, <http://www.hrw.org/sites/default/files/reports/jamaica1104.pdf>.

blackmail, and extortion and have little recourse to justice when these abuses occur. The laws also give politicians license to speak in derogatory ways about LGBT people.

For instance in January 2012 the former chair of the Liberian Truth and Reconciliation Committee (TRC), Cllr. Jerome Verdier, Sr., in a press statement calling on the government of Liberia and the Liberian people to oppose the legalization of gay and lesbian practices in Liberia, said that, “legalizing homosexuality will further erode and degrade the moral fabric of our nation and degenerate its civilization and godliness.”<sup>45</sup>

Another common practice of Liberian politicians and religious leaders is to characterize homosexuality as “un-African” and antithetical to traditional African values—much as they have in other African countries, including Uganda, Zimbabwe, Nigeria, and Cameroon.

President Sirleaf’s vague remarks in March 2012 about observing and maintaining “traditional values” have not encouraged tolerance, and may have even contributed to growing homophobia by providing justification to some politicians to demonize LGBT Liberians. For instance, Speaker of the House of Representatives Rep. Alex Tyler said in a press conference in January 2012, “I am a Methodist and traditionalist. I will never support a gay bill because it is damaging to the survival of the country.”<sup>46</sup>

Rep. Clarence Massaquoi, who presented a draft bill to the House in March 2012 seeking to strengthen laws against same-sex conduct by increasing prison sentences, told Human Rights Watch,

The issue of same sex is alien to our cultural practices. We [the government] are not in the habit of controlling people’s sexual habits, but in the borders of our country this is not acceptable. Our country has several groupings, and several religions, on the issue of same-sex behavior we are all in agreement as a people.<sup>47</sup>

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<sup>45</sup> “Liberia: Rally Against Homosexuality,” *All Africa*, January 13, 2012, <http://allafrica.com/stories/201201130989.html> (accessed April 22, 2013).

<sup>46</sup> Tamba Jean-Matthew, “Gay rights activists looking for new recruits in Liberia,” *Africa Review*, January 21, 2012, <http://www.africareview.com/News/Gay+rights+activists+looking+for+new++recruits+in+Liberia/-/979180/1311422/-/89sip8z/-/> (accessed April 22, 2013).

<sup>47</sup> Interview with Honorable Massaquoi, House of Representative member Lofa County, Liberia.



### **III. Findings**

Physical and verbal abuse against LGBT people in Liberia did not start with the introduction of the two discriminatory bills in February 2012, and pre-existing laws already made LGBT people subject to criminal prosecution.

But Human Rights Watch's interviews with members of the LGBT community indicate that harassment, discrimination, and acts of intolerance intensified soon after the bills were introduced, and that the proposed legislation adds to their fear of harassment, rejection, stigmatization, and even physical violence that has in the past resulted in bodily injuries. Perpetrators have included neighbors, friends, relatives, and even strangers.

While intense public debate about homosexuality had abated at time of writing, the LGBT community remains marginalized and excluded from the protection of the law and therefore vulnerable to abuse.

#### **Exclusion from Family and Church**

In post-war Liberia, family and the church play an especially important role in social welfare, communal life, socialization, and shaping social attitudes and moral ethics.

Even before the proposed new legislation was introduced, few Liberians dared to come out as gay, lesbian, bisexual, or transgender. As the testimonies show, those who are known to be gay or lesbian, or merely perceived to be, face becoming social pariahs, alienated by the community and even family who treat them as scapegoats for social woes, such as poverty and AIDS. All 30 interviewees described having been harassed by family at some point in their lives because they are gay or merely suspected to be. One-quarter of these reported being thrown out of the home, disowned, or abandoned financially by their family.

Bobby, a 27-year-old gay man, said his family had severed all finances, forcing him to quit school:

When I was 18 I lived with my uncle in Monrovia. He was traveling a lot so most of the time I was alone in the house. I made some friends and most of them were gay and they would visit the house and we watched some gay

movies. The neighbors told my uncle about my friends who visited, and my uncle was very angry. He accused me of being a “gay” just like my friends. He threw out my clothes and hit me. My auntie was the one taking care of my school fees. When she found out she stopped supporting me. I tried to contact her but she wouldn’t respond. Then my cousin told me she didn’t want to bother with me anymore.<sup>48</sup>

Alex, a 16-year-old gay teenager, said that his mother had thrown him out of the house in April 2012 when he admitted to being gay. He has since dropped out of school, lives with friends, and does sex work in order to support himself.

I got engaged to my boyfriend when I was 16, we had a party and neighbors found out and told my mother. When she asked, I admitted I was gay. She was so angry she threw me out of the house. I stayed with friends. I have sex with men and sometimes I do so for money to buy food, clothes, makeup and drinks. I usually go to cruising spot and men pick me up, usually older men in big cars...<sup>49</sup>

Those who stayed with families reported emotional distress because family members threatened to reject them or withhold financial support because they are gay or lesbian. LeRoy, a 23-year-old bisexual man, spoke of his difficulties with his mother:

My mother hates gays and she says it out in public, especially at church. I had a friend whom everybody suspected to be gay. My mother started harassing me and asking everybody if we were lovers; I denied it. She said I should never go with gays because it is against the bible that “a man should lie with another man.”

I can never admit [it] to her because I know she will become angry, abusive, and disown me. I am waiting till I finish school and [become]

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<sup>48</sup> Human Rights Watch interview with Bobby, Monrovia, September 25, 2012.

<sup>49</sup> Human Rights Watch Interview with Alex, Monrovia, September 25, 2012.

independent financially so that if they do disown me, after I can take care of myself.<sup>50</sup>

Others described being rejected by their religious communities. James, 30, said a church choirmaster had asked him to write a letter in 2009 saying he had been “cured” through prayer and counseling and was no longer gay.

I refused because I am gay and will not change for anyone. I have been forced to quit going to church—it became hostile and unfriendly. My family also rejected me for “bringing shame on the family name.”<sup>51</sup>

Some LGBT individuals described changing their lifestyle and behaviors to avoid contact with hostile members of their family, church, or community, while others described having to endure sometimes brutal physical attacks. Some people opted to socialize with a few trusted friends in the safety of their homes.

## Emotional and Psychological Abuse

To avoid stigma and humiliation, and in some cases to spare their families from suffering the same, LGBT people in Liberia—both men and women—routinely live double lives, maintaining relationships with the opposite sex and even getting married while secretly continuing same-sex relationships. More than half the people interviewed said they were in heterosexual relationships to cover up their true sexual orientation, and interviewees—all of whom were closeted before the new bills were introduced—said the hostile environment created by the bills means they do not now dare to live openly.

Menzie, a 40-year-old gay man, told Human Rights Watch that he lives a bisexual life in order to cover up his real sexual orientation and avoid scandal and harassment. He described a childhood in which heterosexuality was strongly promoted, and homosexuality rejected—prompting suicidal thoughts and conflicted feelings that continue until today and influence how he feels about having a same-sex relationship:

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<sup>50</sup> Human Rights Watch interview with LeRoy, Monrovia, November 29, 2012.

<sup>51</sup> Human Rights Watch interview with James, Monrovia, September 27, 2012.

My mother was very homophobic. She was always preaching to me about the evils of having sexual intercourse with a man. Her words always ring in my head: “If you ever let any man do that to you, it’s an abomination and you’re going to hell.” Growing up I wouldn’t dare let a man touch me. So I would go out with lots of girls. I was feeling suicidal about this evil me, why am I this way? But it was something that could not go away, much as I tried to run from it. Even today I know that I am gay but to please society, family expectations, and wanting to satisfy social norms, I currently have a wife and have children with her. Up to now I will not have sex with a man so easily—it will be this guilt thing.<sup>52</sup>

Seline, a 28-year-old lesbian who lives with her partner and three-year-old son in Monrovia, described how her mother pressured her to have a heterosexual relationship and ultimately rejected her and disowned her financially due to her sexual preference:

When I was 20 years my mother started complaining that I was spending all my time with girls and had no boyfriend, she insisted that I should have a boyfriend so that people would stop gossiping that I was a lesbian. I always denied it. I had no interest in men at all, but she brought a friend over and insisted that I should be “friends” with him. She suspected that I was a lesbian and wanted to put a stop to it; in fact she threatened to cut me off and not pay my school fees if she found out that I was one. Anyway I did become “friends” with this guy, we had sex and I got pregnant. But I still continued having sexual relations with my girlfriends secretly.

When I became pregnant he broke up with me accusing me of being a lesbian. My mother confronted me and when I admitted, she threw me out of her house. I stayed with friends till the baby was born. My mother made no attempts to help me, and when I tried to talk to her she told me that I was no longer her child.

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<sup>52</sup> Human Rights Watch interview with Menzie, Monrovia, October 5, 2012.

Sometimes I feel guilty, my mother—and society in general—has made me feel like I am doing something bad and wrong. I have not had any kind of relations with my mother for over seven years and I feel terrible. I have a girlfriend and we live together ... but because of my relationship, [my mother] decided to cut off every line of support, especially paying school fees. I never finished school and now I cannot get a good job.<sup>53</sup>

## Verbal Abuse and Harassment

Almost all the interviewees reported having been verbally abused, ridiculed, or harassed at some point in their lives. James, a 32-year-old gay male told Human Rights Watch about years of frequent name-calling, and his subsequent suicidal feelings. He said,

Some people taunt me using derogatory terms like “faggot” or “butt brother.” It’s very painful to be called names and be rejected.

If I happen to go out with my friends, people cause trouble, I have been asked to leave from some places before without having said anything, just because I am gay. When people insult me and threaten to start a fight I am the one who is always thrown out. The sad reality is that at some point, when things were very confusing and the hatred was so strong, I contemplated suicide.<sup>54</sup>

As noted above, interviewees said this abuse increased enormously during the several months after the anti-LGBT bills were introduced in parliament. Verbal abuse can have serious long-term consequences by instilling in LGBT people feelings of fear, shame, and isolation and lowering their self-esteem. Interviewees told HRW that such feelings meant they often avoided accessing public services such as health services and the police.

Some gay men have a feminine gender expression, are more readily identifiable and hence tend to face more harassment and abuse by strangers and neighbors.

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<sup>53</sup> Human Rights Watch interview with Selene, Monrovia, October 3, 2012.

<sup>54</sup> Human Rights Watch interview with Jamal, Monrovia, October 3, 2012.

## Physical Violence, Assaults, and Intimidation

Several interviewees, mostly gay men, said they had been assaulted because of their gender expression and sexual orientation in the last two years. They told Human Rights Watch that the assaults were often preceded by verbal abuse and harassment that could quickly escalate into physical assault. Most interviewees said as long as there was no physical confrontation they typically tried to ignore the taunts and insults, although this rarely worked.

The testimonies also show that LGBT people are vulnerable to abuse and attacks by neighbors and acquaintances who suspect them of being homosexual. Perpetrators of violence against LGBT people do so with impunity because they know that their victims are so afraid of stigma and discrimination that they are unlikely to report to the police and that in the few instances where they report they face police inaction or indifference.

LeRoy, a 23-year-old gay man who likes to dress in tight, colorful clothes, described one incident in which strangers intimidated, then attacked, him and a friend in public:

My friend and I were walking to the shops to buy some bread. On the way we passed a house where some men were sitting on the outside porch, drinking and smoking. As soon as we approached they started insulting us, [saying] the “faggy men will not sit down,” meaning that gays have no place in Liberia. We ignored them and went to the shops. But coming back they were now waiting for us on the road blocking the path.... The men who were clearly drunk started hitting us and we had to fight back. Eventually we managed to get away.<sup>55</sup>

Two others described being attacked and harassed in their own houses by friends, family, and neighbors. Bobby, the 27-year-old who lived with his uncle in Monrovia, told Human Rights Watch that his uncle beat him and threw his clothes in the street after neighbors told him that they suspected Bobby was homosexual. Hassan, a 23-year-old gay man, told Human Rights Watch about being attacked and injured in his own house by a friend because of his sexual orientation:

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<sup>55</sup> Human Rights Watch interview with LeRoy, Monrovia, November 29, 2012.

She was my best friend.... I was sitting in the yard and she came and said “You're a handsome man, what are you doing being gay?” She said she hates boys being gay and if that's what I'm doing I should stop it. And I said, “Who are you to tell me to stop what I'm doing?”.... She started coming closer.... I didn't see the glass in her hand and ... she just stabbed my throat. She dropped the thing and started running. She was in the neighborhood at the time when the police came to arrest her, and people were hiding her.

After that “everybody else thought they could walk into the yard and do whatever they want to do and get away with it,” including throwing stones on the roof and hurling insults at what they call the “faggot house.”<sup>56</sup>

## Lack of Trust in Police

According to the US Country Report on Human Rights Practices for Liberia 2011, there is generally high level of underreporting to police of all crimes committed in Liberia.<sup>57</sup> Police frequently fail to investigate alleged criminals, and when they do make arrests suspects are often freed without adequate investigation.<sup>58</sup> While this treatment is not peculiar to LGBT persons, widespread social antipathy towards LGBT people means that they are often subject to secondary victimization by the police.

Generally undisciplined, poorly managed, and ill-equipped, Liberian police do not always respond to, or investigate crimes perpetrated against LGBT people.<sup>59</sup> Many of those interviewed by Human Rights Watch did not trust the police enough to report incidents of abuse against them, and those that did said they had not had positive experiences, citing inefficiency, corruption, and inaction. Lamin, a 20-year-old college student, described one incident in which the police failed to act when some men threatened him and ultimately broke into a house in which he had taken shelter. He told Human Rights Watch,

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<sup>56</sup> Human Rights Watch interview with Hassan, Monrovia, December 1, 2012.

<sup>57</sup> US State Department, Bureau of Democracy, Human Rights and Labor, “Country Reports on Human Rights Practices – 2011: Liberia,” May 24, 2012, <http://www.state.gov/j/drl/rls/hrrpt/2011/af/186212.htm> (accessed October 25, 2013).

<sup>58</sup> Human Rights Watch, *World Report 2011* (New York: Human Rights Watch, 2011), Liberia chapter, <http://www.hrw.org/world-report-2011/liberia>.

<sup>59</sup> *Ibid.*

As I was walking out some guys started talking about me, pointing at me. I felt threatened and went back into my room. I left later and went [to] my friend's house. The same guys followed me and started banging at the door, threatening, "There are fags in this house, we will kill all of them." We locked ourselves in but they broke the door but we managed to escape through the window. We reported [the] matter to the police but the guys had disappeared and the police did not follow up to investigate the matter. I had to move out of the rented room to avoid any further trouble, plus I no longer felt safe in the same neighborhood.

Hassan said he considered the police to be complicit with perpetrators, in demeaning and insulting victims and their friends. He recalled an incident in which he was detained together with his friend LeRoy after reporting being attacked by a gang of neighborhood boys. He said the police disregarded his report and concentrated on the counter allegation about their sexual orientation. Hassan related this incident wherein police failed to act after a gang of neighborhood boys attacked them:

One day ... these boys became abusive and violent, beat us up really badly, breaking everything in the shop. We called the police who arrested them. But when we attended at the police station, the boys had told the police that we were gay and had been trying to entice them to have sex. The police immediately forgot about our report and arrested us instead, kept us in detention.

The boys were released immediately and never charged, not even for damaging our property. We were subsequently released as well after being kept in a police cell for six hours, also without being charged. The boys continue to abuse and insult us. I have lost all faith in the police. They act like gays deserve the abuse and humiliation.

Four people who did report crimes to the police said that police seemed more preoccupied with how homosexuals had sex than securing justice. The shortcomings of police have the broader effect of undermining trust in the criminal justice system as a whole. In the four cases that were reported to the police, Human Rights Watch was informed by the



interviewees that none proceeded beyond the initial report, and no investigation or prosecutions occurred. Hassan’s friend LeRoy also told Human Rights Watch about more of his frustration with police after a neighbor attacked him:

He started to insult me calling me a “fag,” saying that I was not normal and was evil. I did not respond to him but he got up and brought an iron rod, which he tried to stab me with. I held the rod to prevent him from stabbing me and instead he bit me on the ear and tore off part of my ear. I reported the assault to the police but he disappeared. He was arrested after a week. He was held for three weeks then released. I found out later that he paid a bribe to police officers to let him go. People were making fun of me. I will never trust the police again.

## Discrimination

The Liberian Constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion.<sup>60</sup> Neither the constitution nor legislation prohibits discrimination based on gender, sexual orientation, or gender identity or expression. While the government has made efforts to address gender discrimination and gender-based violence—such as introducing a National Gender-Based Violence Plan of Action in 2006 and enacting various legislation to address sexual violence, including the rape law amendment of 2006 and the Gender and Sexual Violence Act of 2008 —discrimination based on sexual orientation, and gender identity or expression remains a challenge.<sup>61</sup>

### *School and Work*

A decade after the end of Liberia’s civil wars, the country continues to struggle with re-establishing a sound educational infrastructure. In 2010, Liberia’s overall literacy rate was estimated to be 61 percent.<sup>62</sup> For LGBT people who were youths during the war and are now young adults, the added discrimination and stigma attached to being homosexual contributes to their inability to access education.

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<sup>60</sup> Constitution of the Republic of Liberia, 1984, Chapter III, Fundamental Rights, <http://www.liberianlegal.com/constitution1986.htm> (accessed September 16, 2013).

<sup>61</sup> Amendment to the new Penal Code of 1976 (the Rape Law), Monrovia Liberia. 2006.

<sup>62</sup> UNICEF, “Progress Evaluation of the UNICEF Education in Emergencies and Post-Crisis Transition Programme: Liberia Case Study,” March 2011, [http://www.unicef.org/evaluation/files/PREV\\_Liberia\\_case\\_study.pdf](http://www.unicef.org/evaluation/files/PREV_Liberia_case_study.pdf) (accessed October 25, 2013).

For example, generally LGBT youth experience homophobic bullying in school, as social prejudices are perpetuated and reinforced by fellow students and even teachers. For some children, the continual abuse and bullying can lead to feelings of isolation and low self-esteem. Lamin told Human Rights Watch he was teased because of how he looked and behaved in his dorm:

I realized I was gay when I was 8 years old. I was always smaller than the other boys, my voice was soft, and so I was teased at school by people saying I was a gay. So I kept to myself and when I was older I found friendly company in other kids like me and I avoided the bullies. I could not tell the teacher because I was ashamed, and afraid that she would punish me for being a bad person.<sup>63</sup>

Twenty interviewees were students in various tertiary institutions in Liberia and all talked about how their school environment had always been unwilling to accept the existence of gays or even tolerate discussion about homosexuality. They reported that the broader moral panic increased in 2012. For example, in January 2012 anti-LGBT students raided a campaign organized by members of the Gays and Lesbians Rights Movement at the University of Liberia outside Monrovia advocating for the decriminalization of same-sex conduct and physically assaulted the organizers.

Jamal, a student at another local university, told Human Rights Watch about an incident in March 2012 in which a group of homophobic students raided a birthday party in his dorm:

There was a fight and some school property was damaged. The next day I was called to explain to the student council. I told them I was having a birthday party and not a gay party as I had been accused of doing. I was threatened with expulsion if their investigations concluded that it had been a gay party. Much of this was publicized around campus and since then I face daily insults and ridicule.

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<sup>63</sup> Human Rights Watch interview with Lamin, Monrovia, November 29, 2012.

According to the International Labour Organization (ILO), workplace discrimination results in, and reinforces, inequalities.<sup>64</sup> Workplace discrimination based on gender, sexual orientation, or gender identity or expression can take many forms in Liberia and varies depending on setting.

Lemu, an officer in the Liberia Coast Guards, told Human Rights Watch about how the Coast Guard ignored his reports that colleagues and superiors had harassed, ridiculed, and discriminated against him when his sexual identity was discovered in 2011. At the time Human Rights Watch spoke to him he had fled to Australia and is now seeking asylum based on the discrimination he experienced at his workplace. He described his experience:

Sometime in 2012 my roommate suddenly started acting strange, he would not eat any food that I cooked. His girlfriend told me that [my roommate] was plotting to kill me because he had found out that I was gay. She showed me a text message confirming their conversation. I was very scared and spent the night barricaded in my room. The next day I reported the matter to the supervisor and explained that I was actually afraid to continue sharing with my roommate. The supervisor called [my roommate] for an inquiry, and he admitted that he wanted to kill me after being told of my sexuality from an old university friend. The officers tried to have us reconciled quietly but I was still not convinced that the issue would be resolved.

The roommate was moved out of the shared accommodation, but remained close by.

I was scared because in my experience I had seen people getting killed for little or no provocation. I had hoped for an investigation to be instituted but instead I saw the same senior officers handling my case being friendly with [him]. He had been ordered to write a letter promising not to harm me, but nobody was enforcing this and he did not write it. He was instead laughing at me, taunting me with snide looks, spreading stories about me. I felt unsafe and depressed. The situation did not improve, instead people's

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<sup>64</sup> International Labour Organization, "Workplace discrimination," <http://www.ilo.org/global/topics/equality-and-discrimination/workplace-discrimination/lang-en/index.htm> (accessed September 16, 2013).

attitudes towards me changed. Even my junior officers became disrespectful. I had no recourse, no choice but to plan my escape from the coast guards.<sup>65</sup>

### *Access to Health Services*

Research in other countries in Africa shows the damaging effect that criminalization of consensual adult same-sex conduct has on HIV/AIDS outreach and treatment among key populations such as men who have sex with other men (MSM), LGBT, and sex workers.<sup>66</sup> There is a direct contradiction between the laws criminalizing sexual conduct and the public health goal to stop the spread of HIV/AIDS. Stephen McGill, director of SAIL, which provides HIV services to MSM in Monrovia and surrounding areas, said that the national HIV/AIDS programming does not sufficiently target key populations. Men and women interviewed by Human Rights Watch expressed concern about the lack of information related to HIV transmission and treatment specific to MSM, as well as LGBT people.

Sylvia, who identifies as bisexual, told Human Rights Watch,

There is very little information about how to prevent HIV infection for women who have sex with women. The only information being disseminated is about same-sex conduct being a bad sexual conduct. I don't use condoms with any of my partners but I did an HIV test after my husband died five years ago.<sup>67</sup>

While Liberia offers free and voluntary HIV testing at local hospitals, several interviewees raised the lack of information and services specifically targeting their needs as reasons for not voluntarily undertaking HIV testing. Many interviewees told Human Rights Watch that although they had never experienced first-hand discrimination and stigma while accessing public services, they would not voluntarily divulge their sexual orientation, partly because of their fear of stigmatization by the service provider and partly because of their self-inflicted stigmatization instilled through years of socialization.

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<sup>65</sup> Human Rights Watch interview via Skype with Lemu Reeves, Kenya, December 15, 2012.

<sup>66</sup> "Tanzania: Police Torture and Abuse, Impede HIV Services," Human Rights Watch news release, June 18, 2013, <http://www.hrw.org/news/2013/06/18/tanzania-police-abuse-torture-impede-hiv-services>.

<sup>67</sup> Human Rights Watch Interview with Sylvia, Monrovia. November 29, 2013.

Liberia adopted the Declaration of Commitment to HIV and AIDS in 2001 at the UN General Assembly Special Session (UNGASS), a framework for halting and beginning to reverse the epidemic by 2015. As part of its mandate to report on progress, the newly appointed National AIDS Commission (NAC) reported that the most at-risk populations are, among others, sex workers and MSM.

According to UNAIDS the vision for “zero new cases of HIV infections, zero new cases of AIDS-related deaths and zero new cases of discrimination” can only be achieved if there is adequate legislation and equal government support for all groups with freedom from discrimination, intimidation, violence, and criminal prosecution.<sup>68</sup>

Laws criminalizing sexual conduct have serious consequences and jeopardize progress in the field of HIV and human rights in general. Fear of persecution, stigmatization, and discrimination based on sexual orientation keeps people closeted and in hiding, and impedes their access to vital information and health services thereby increasing their risk of HIV infection.

Negative stereotypes of LGBT people in Liberia, including within the health services, also make for an environment that is not conducive to encouraging LGBT persons to voluntarily come out to access health services. Proposals for increased criminalization, and ensuing discrimination, will only serve to drive the community further into hiding where public health services cannot reach them.

The NAC recognizes the need to be all-inclusive in the national response to HIV. In particular the NAC’s National HIV/AIDS Strategic Framework provides that key populations such as lesbian, gay, bisexual, and transgender persons should be specifically targeted to ensure their full participation in prevention programs.<sup>69</sup> For instance, in 2011 a NAC report on ‘Size Estimation of Sex Workers, Men who have Sex with Men and Drug Users in Liberia’ found that “In Liberia men who have sex with men

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<sup>68</sup> Joint United Nations Programme on HIV/AIDS (UNAIDS), “Getting to Zero: 2011-2015 Strategy,” UNAIDS/10.12E/JC2034E, December 2010, [http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2010/JC2034\\_UNAIDS\\_Strategy\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2010/JC2034_UNAIDS_Strategy_en.pdf) (accessed April 22, 2013).

<sup>69</sup> National HIV/AIDS Strategic Framework II 2010-14, Ministry of Health and Social Welfare, launched my National AIDS Commission on August 5, 2010 Monrovia, Liberia.

(MSM) are an extremely marginalized population, who often marry and end up living ‘double’ lives as a result of social pressure....with high rates of unprotected anal sex with multiple partners, and also engaging with women, thus a bridge population for spreading HIV to the general population.”<sup>70</sup>

There are no registered civil society organizations focusing specifically on providing support to the LGBT community, and those who do work under other umbrellas such as HIV/AIDS and women’s rights. SAIL and ActionAid Liberia are among the few mainstream civil society organizations that have openly represented the rights of LGBT persons and both have expressed some difficulty in getting sufficient resources to adequately respond to the needs of the community. Other civil society organization that insisted on remaining anonymous expressed fearing loss of donor support and loss of faith by communities should they be openly associated with LGBT issues.

Mohamed, a 27-year-old gay man living with HIV, told Human Rights Watch:

We had not been using safe-sex barrier methods. I went for a test and I was found to be HIV positive. This was my worst nightmare as my uncle’s words, and my mother’s warnings struck home. I got depressed, started drinking, and doing drugs until I got myself sick. For a while I lived in denial, but eventually I had to face reality, so I went to the hospital and cleaned myself up. I am currently on medication. I am not completely recovered, but things are a lot better. I am taking good care of myself. I did not disclose at the hospital that I was gay because the nurse who was doing the test kept talking about gay people spreading the HIV virus. I felt very uncomfortable and I don’t go to that hospital no more.<sup>71</sup>

He said that due to lack of information, gay men are ignorant about some aspects of HIV transmission:

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<sup>70</sup> See National Aids Commission, “Size Estimation of Sex Workers, Men Who have Sex with Men and Drug Users in Liberia,” Monrovia, Liberia, December 2011, p. 10.

<sup>71</sup> Human Rights Watch interview with Mohammed, Monrovia, October 2, 2012.

Most gay guys think they can't get sick from anal sex, because people who are disseminating information don't say anything about MSM. So MSM think it's just from vaginal sex.... They need to include some sort of information about that. Whether the government or the people like it or not, it is [the NAC's] job to inform people.<sup>72</sup>

Alex, the only interviewee who admitted doing sex work, told Human Rights Watch that he never uses condoms and that his clients are usually older men who insist on unprotected sex:

I have sex with men and sometimes I do so for money to buy food, clothes, makeup, and drinks. I usually go to a cruising spot and men pick me up, usually older men in big cars. I never use a condom—most of these men insist on not using condoms anyway, and I never have any lubricant. I have never tested for HIV but I have had some infection after unprotected sex. I am scared to test because I think I may already be HIV positive.<sup>73</sup>

There is an overall realization that AIDS has become a significant challenge to public health in Liberia and that without appropriate interventions the rates of infection will continue to grow.<sup>74</sup> Stigma and discrimination, based on cultural and religious beliefs and lack of openness about issues of sex and sexuality are some of the many factors that fuel the HIV epidemic globally.

The stories in this report show that if Liberia is to be effective in combatting HIV and AIDS, more resources need to be committed to combating discrimination and stigma, especially against the already-marginalized LGBT community. There is a need for targeted intervention to reach the hidden communities and improve accessibility of information and services. Current legislation that criminalizes homosexuality is already an obstacle to health care. The proposed legislation will make a bad situation even worse.

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<sup>72</sup> Human Rights Watch interview with Mohammed, Monrovia, October 2, 2012.

<sup>73</sup> Human Rights Watch interview with Alex, Monrovia, September 29, 2013.

<sup>74</sup> National HIV/AIDS Strategic Framework II 2010-14, Monrovia, Liberia. April 2010.

## Acknowledgments

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# “It’s Nature, Not a Crime”

## Discriminatory Laws and LGBT people in Liberia

In February 2012, Liberia became the latest African country seeking to pass new laws that would punish LGBT people. One bill currently before parliament would extend the criminal penalty for same-sex conduct by consenting adults to a second-degree felony punishable by up to five years in prison. A second bill would explicitly prohibit same-sex marriage. Liberia already makes same-sex conduct a criminal offense.

Liberia has rarely enforced its existing anti-LGBT laws, and there is little evidence of people being prosecuted. Nonetheless, the existence of laws criminalizing sexual conduct exposes LGBT people to discrimination by public service providers, such as schools and hospitals, and encourages social stigmatization. The pending legislation makes life more difficult for LGBT people by reinforcing a widespread negative public perception of homosexuality in Liberia, intensifying everyday harassment that includes physical abuse and official discrimination.

Based on 30 interviews with self-identifying lesbian, gay, bisexual, and transgender (LGBT) people in Liberia’s capital, Monrovia, in September-December 2012, “*It’s Nature, Not a Crime*” shows the harm caused by criminalizing same-sex conduct between consenting adults, and the impact that discrimination and homophobia has on the lives of LGBT people and their communities. The report urges Liberia’s government to repeal existing laws criminalizing same-sex conduct among consenting adults and to reject new anti-LGBT legislation. It also calls for an end to discriminatory policies and practices against people based on sexual orientation, gender identity, and expression.



*Selene (right) and her partner (left) were forced out of their previous home in Monrovia, Liberia, when their landlord discovered their romantic involvement. They have since moved to a new home further out of town, along with one son and nephew.*

**All photographs © 2012 Glenna Gordon**