



HUMAN
RIGHTS
WATCH

“It’s Nature, Not a Crime”

Discriminatory Laws and LGBT people in Liberia

Summary and Recommendations



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,¹ SEA BREEZE JOURNAL OF CONTEMPORARY LIBERIAN WRITINGS, DECEMBER 15, 2012

“It’s Nature, Not a Crime”

Photographs by Glenna Gordon

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.

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.



(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.

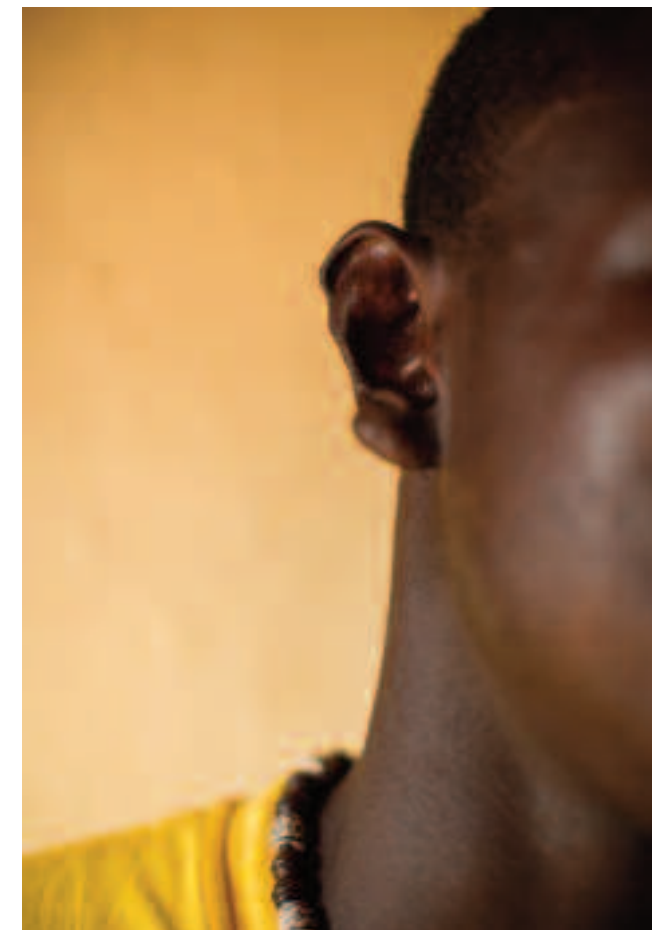
President Ellen Johnson Sirleaf has a critical role to play in reversing the tide of anti-LGBT sentiment in Liberia. Having won the Nobel Peace Prize in 2011, in particular for her stance on gender equality, she commands both domestic and international authority. However, she has not brought the weight 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.²

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.

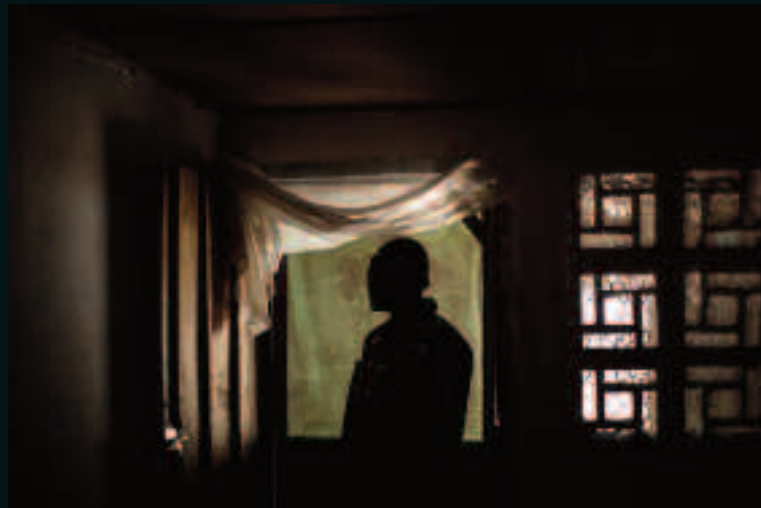
lesbian, gay, bisexual, and transgender persons. President Sirleaf should assert the importance of human rights in Liberia’s development and categorically condemn discrimination including on the basis of sexual orientation and gender identity or expression. Human Rights Watch calls on concerned governments 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.

¹ Liberian human rights activist and writer.

¹ 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.



RECOMMENDATIONS

TO PRESIDENT ELLEN JOHNSON SIRLEAF

- 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

- 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

- 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)

- 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

- 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

- 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.

“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.

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