

Le phénomène de l'homosexualité : une « bombe sociale » au Sénégal ?



NETTALINET- Ces deux dernières années, le phénomène de l'homosexualité aussi vieux que le monde semble avoir pris au Sénégal de l'ampleur. Est-ce que cela est lié à l'explosion médiatique ? Un peu partout dans le pays, des personnalités influentes, des groupes d'individus, des organisations sociales et autres acteurs de la société civile se sont organisés pour dénoncer et essayer de trouver les moyens de contrer le développement de cette pratique jugée réhébitorie, et aux antipodes des valeurs religieuses. L'indignation suscitée n'a pas laissé indifférent l'Etat dans sa volonté de protéger à la fois les libertés individuelles et la sécurité publique. Cependant de rares voix s'élevaient pour défendre le droit à la diversité sexuelle. Retour sur un phénomène social explosif.



Le boulanger Gbagbe Laurent

Senegal Health | Gay - Lesbian

Senegal's gay community confronts social taboos

Misanet / IRIN, 21 January - The meeting-place was at a noisy market street café where the waiter as well as the clients were gay where everyone was staunchly pretending not to be. Senegal's homosexual men are peeping out from behind the mask, but social religious taboos run strong.

- We are always pretending, said one of a couple of the leaders of the country's underground gay movement who had agreed to be interviewed in the woodwork to talk to the UN media 'IRIN' on the condition of total anonymity. "Sometimes we feel sick of the hypocrisy."

Hit by a spate of deaths and a group of gays got together to discuss what to do about it. "There was..."

La po... wilhad

DOSSIER

Mariages homosexuels

LE SÉNÉGAL DE TOUS LES PARADOXES

Notre cher Sénégal a bien changé. Il est devenu un terre où la liberté s'exprime comme elle ne l'a jamais auparavant. Tout semble être permis sans que personne s'en émeuve. On préfère fermer les yeux à défaut de les croquer pour ne pas voir l'intramontable qui semble érigé en modèle absolu d'accessibilité à une certaine horribilité tout en ayant l'occasion inespérée de se parer parmi les hautes personnalités de notre cher Sénégal la morale puritaine est en train de s'effilocheur sous effets de la pauvreté et de la dépravation des mœurs.

D'autres diront, et à juste titre, autres temps, autres mœurs. Et pourtant, nous ne sommes pas loin de cet époque où il fallait raser les murs pour exprimer ses pechans homosexuels. En ce temps-là, les homosexuels ou plus précisément les "Goordjiguènes", on leur jetait des pierres quand ils se hasardaient à montrer en public leur statut de "homme-femme". Ils partageaient ce secret avec les ivrognes qui étaient à la merci des enfants lorsqu'ils se mettaient à tituber dans la rue sous l'empire de l'alcool.

Aujourd'hui où tout est permis, on accueille les «Goordjiguènes» à bras ouverts. On les ménage, on cajole, leur confie des rôles quasi secrets, si «elles» ne sont pas des confidentes.

Toute femme qui accède à une certaine notoriété (grandes commerçantes, directrices de société, politiciennes, ministres, députées, cantatrices etc.) se fait un devoir d'avoir sa cour de "Goordjiguènes" pour ne pas paraître "has been". Ces "hommes-femmes" font partie de la "Mbooty", elles les entretiennent et les font entretenir. Et mieux vaut en faire ses amis que plutôt ses ennemis. Gare à leur langue de vipère, prête à cracher le venin... sont tellement utiles à ces dames, que lors de certaines soirées à Sotatou ou meetings politiques, ils sont aux premières loges se prévanant comme les grandes «dames» de la belle société sénégalaise, roulant la cigarette avec les forces "masculin" et "féminin". Leur leur est permis de porter même la tenue parlée de ces dames de la première années du grand public. Lesport, lors de les sorties en queue avec leur homosexualité. On les apprécie, on offre des fleurs de bonjour, courtes d'excuses, etc.

... bien profané la sacralité de la Grande mo... De nombreux blessés dont un officier de po...

SURPRISE SUR LA CORNICHE : Les « homosexuels » condamnés à 3 mois ferme

Écrit par MAKHALY NDIACK NDOYE
Mardi, 29 Juin 2010 23:58

Reconnus coupables d'actes contre-nature, le tailleur Omar Guèye et l'étudiant Barthélémy ont été condamnés à 3 mois de prison ferme. Durant leur procès, chacun a accusé l'autre d'être le coupable principal. Une fellation malgré lui. Leurs dénégations n'ont pas convaincu le parquet qui avait requis la prison ferme.

L'étudiant au Centre de formation professionnelle et technique (CFT) Omar Guèye et le tailleur Barthélémy ont été malmenés par la police professionnelle. Ils ont été condamnés par le tribunal des flagrants délits de Dakar à 3 mois de prison ferme pour des actes contre-nature sur la corniche par Babou Sané, un élément du Groupement...



Au cours de l'audience de vendredi dernier, chacun des prévenus a accusé l'autre d'être le coupable principal. Barthélémy qui est aussi sénégalais a accusé Omar Guèye d'être le coupable principal. Omar l'a invité à se rendre à la prison...

SOCIÉTÉ

SÉNÉGAL
Justice (942) - Islam (403) - religion (236) - homosexualité (58)

Création d'un Front islamique pour la défense des valeurs éthiques

29/04/2009 à 21h:17 Par AFP

Des chefs religieux musulmans sénégalais ont annoncé mercredi la création d'un "Front islamique pour la défense des valeurs éthiques". Ils ripostent ainsi à la libération de neuf homosexuels le 20 avril.

Des chefs religieux musulmans sénégalais ont annoncé mercredi à Dakar la création d'un "Front islamique pour la défense des valeurs éthiques" en réaction à la libération de neuf homosexuels le 20 avril. Ils ripostent ainsi à la libération de neuf homosexuels le 20 avril.

SENEGAL

Fear for Life

Violence against Gay Men and Men Perceived as Gay in Senegal

HUMAN RIGHTS WATCH

Actualité

MARCHE CONTRE LES «GOORJIGEEN» AVORTÉE Les non-dit d'une manifestation vigoureusement réprimée

Serigne Bara obtient de Wade la libération des manifestants... place de l'Obélisque. C'est en ces... ont eu raison d'être surpris par l'in- Serigne Bara obtient de Wade la

au Sénégal BANALITÉ, TENDANCE OU MODE ?

Le code de la famille nous enseigne que le mariage est l'union de deux personnes de sexe opposé, c'est-à-dire d'un homme et d'une femme, ce qui n'est qu'une consécration de la conception traditionnelle. Aujourd'hui, les homosexuels sénégalais s'en plus à afficher leur choix de vie, quitte à ce de la morale, la religion et la loi. Et c'est étrange ne s'émeuvent plus de voir les homosexuels de simples citoyens. On assiste de plus en plus à des mariages homosexuels (sœur) et autres unions (mariage) joués par les homosexuels eux-mêmes («ndawtali») et autres cadeaux de toutes sortes, «diokhalanti», propres aux cérémonies traditionnelles sénégalaises. Et chacun de son côté fait valoir ses arguments. On peut se poser la question : sommes-nous arrivés à accepter cet état de fait ?



Fear for Life

Violence against Gay Men and Men Perceived as Gay in Senegal

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Violence against Gay Men and Men Perceived as Gay in Senegal

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Summary

Violence against people on the grounds of sexual orientation and gender expression escalated in Senegal starting in early 2008. Men who identify as or are perceived to be gay increasingly became targets of popular vengeance and arbitrary arrests. In research conducted in 2009 and early 2010, Human Rights Watch documented a range of abuses, including police abuse and arbitrary detention, physical threat, assault, and verbal abuse by private individuals, and blackmail, extortion, and robbery. We also examined how media and religious institutions have contributed to the climate of violence.

Although recent panics over homosexuality cast it as a new and foreign phenomenon in Senegal, all anecdotal and documentary evidence suggests that same-sex relations between men as well as women have long existed in Senegalese society, even if the terms have changed over time. What is new is the manipulation of anti-gay sentiment by a few Senegalese political and religious leaders, giving public discourse a particularly vicious turn, which in turn has fed an upsurge in already existing private actor violence targeting gay men and men perceived as gay. Some Senegalese media have contributed to the upsurge by giving prominent coverage to the hate-mongering and offering virtually no counter narrative.

This report helps fill that gap, revealing the impact of violence on individual lives and examining some of the underlying causes of the current intolerance. Two key incidents have exemplified the virulent turn in Senegal—the “gay marriage” scandal of February 2008 and the arrest of the “nine homosexuals of Mbao” in December 2008. Based on interviews with many of the men involved, this report provides detailed insights into the two cases and the destructive impact they have had on these men’s lives and on the lives of many other Senegalese. The report also details other instances of arrests and police torture of gay men and men perceived as gay as well as violence by non-state actors, and the social context and cultural climate of fear and suspicion in which these attacks take place.

We conclude with recommendations to key government departments, civil society groups, and international actors concerned with recent developments in Senegal. It is essential that Senegalese authorities uphold the fundamental rights of all Senegalese residents, address the impunity with which private actors attack individuals known or perceived to be gay, provide clear access to justice and redress to individuals who face homophobic violence, and promote a culture of tolerance and diversity.

* * *

Senegalese law criminalizes consensual homosexual conduct—a fact that is used to justify arrests of individuals perceived to be homosexual. Criminalizing same-sex sexual conduct and state failure to protect lesbian, gay, bisexual, and transgender (LGBT) people from violence go hand in hand. They further marginalize an already vulnerable population. The fact that Senegal retains this provision is of immediate and grave concern.

Article 319.3 of Senegal’s Criminal Code (1965) penalizes “unnatural” sexual acts with five years in prison and a fine of CFA 100,000 to 1,500,000 (approx. US\$200 to 3000). While the law ostensibly criminalizes conduct, not character (that is, acts, not identities), this report shows that it is being used as a tool for targeting certain “types” of individuals—on the grounds of their real or perceived sexual orientation and/or gender identity and expression—whose engagement in homosexual conduct is inferred from their appearance or upon hearsay even in the absence of any evidence.¹

As affirmed at the 15th International Conference on AIDS and STIs in Africa (ICASA) in Senegal, December 3-7, 2008, criminalization of homosexual conduct is a significant hurdle in providing education, testing, and treatment to men who have sex with men (MSM) populations in Africa.² Its direct effects and the stigma it reinforces drive MSM populations underground in fear of discrimination, violence, arrest, and other repercussions.³ Further, as the case of Babacar detailed below illustrates, individuals engaged in HIV/AIDS outreach among MSM populations themselves become targets of state and vigilante violence, which severely undermines Senegal’s progress in combating HIV/AIDS.

¹ Article 319.3 reads: “Sans préjudice des peines plus graves prévues par les alinéas qui précèdent ou par les articles 320 et 321 du présent Code, sera puni d'un emprisonnement d'un à cinq ans et d'une amende de 100.000 à 1.500.000 francs, quiconque aura commis un acte impudique ou contre nature avec un individu de son sexe. Si l'acte a été commis avec un mineur de 21 ans, le maximum de la peine sera toujours prononcé.” (Tr.: Notwithstanding the heavier penalties provided for by the preceding paragraphs or by Articles 320 and 321 of this Code, whoever commits an indecent act or an act against nature with an individual of the same sex shall be punished by imprisonment of one to five years and a fine of 100,000 to 1,500,000 francs. If the act was committed with a minor of less than 21 years, the maximum penalty is always delivered.) www.justice.gouv.sn/droitp/CODE%20PENAL.PDF. The code’s provisions against rape (“viol” in Articles 320 and 321) are gender neutral and address all coerced sexual conduct, heterosexual as well as homosexual. Article 319.3 is thus exclusively a tool for targeting consensual homosexual conduct.

² “MSM” is a common term in the field of HIV prevention. Although MSM and gay or bisexual male populations may sometimes overlap, the use of “MSM” lays the emphasis on sexual practices rather than identities, thereby expanding the scope of HIV prevention outreach to individuals who may engage in homosexual conduct without identifying as homosexual. There are a handful of MSM “associations” (organizations of men who have sex with men that provide social spaces for individuals and that are centrally involved in HIV/AIDS outreach to MSM populations) in Senegal, mostly in the urban areas.

³ A key 2009 UNAIDS (Joint United Nations Programme on HIV/AIDS) publication also states that MSM and transgender populations are among the people at highest risk of HIV infection and makes a public health as well as human rights-based argument for addressing state failure to reach these vulnerable populations. UNAIDS, “UNAIDS Action Framework: Universal Access for Men who have Sex with Men and Transgender People,” May 2009, http://data.unaids.org/pub/Report/2009/jc1720_action_framework_msm_en.pdf, accessed on November 1, 2009.

Over the past three or four years government efforts to promote HIV/AIDS prevention and education among men who have sex with men and gay men have facilitated the creation and function of MSM associations. In the absence of formal organizing around sexual orientation and gender identity in Senegal, MSM associations provide the sole social and political spaces for gay men and men who have sex with men. While the incorporation of MSM populations into HIV/AIDS programming is a positive step, the visibility that this policy decision has brought to men who have sex with men—individually (for instance, when they act as peer educators) and as an identity category—has, ironically and as this report details, rendered the community, and particularly its more politically active and visible members, even more vulnerable to violence from state actors and private individuals than before.

Babacar, 36, is the treasurer of an MSM association. He lives with his family in Guédiawaye, a town northeast of Dakar city, and does HIV/AIDS prevention work in the MSM community. The association has about 200 members and provides family mediation services as well as sensitization and safer-sex workshops for men who have sex with men. Its members also conduct outreach among men who have sex with men and gay men in cruising areas, distributing safer-sex materials and providing information.

Babacar told Human Rights Watch:

No one knows I'm gay. People think I'm straight. But because I work in HIV prevention with MSM, I go to cruising areas and talk to gay men and hand out condoms and lubricant. People call us names sometimes when they see that. I have been threatened many times....

I don't take any risks. People know I work in HIV prevention but they don't know the details and that I work with MSM. They should not find out that I work with gay men. Then they will know for sure. Many people [in the MSM association] date women and marry to cover up, but it doesn't stop them from having relationships with men.

At 8:00 p.m. sometime in mid-July 2008, Babacar and a colleague were doing HIV/AIDS outreach in an area frequented by gay men. A man attacked them; he knew that Babacar's friend was gay and assumed Babacar was, too. As people gathered, the attacker told them that Babacar and his friend were *goorjigeen* [Wolof abusive for homosexual, lit. "man-woman"]; soon, the gendarmes came.

The attacker told the gendarmes that he had caught Babacar and his friend engaged in a sexual act. The gendarmes searched Babacar and his colleague and found condoms and

lubricant in their bags. Babacar says that as soon as the gendarmes saw the lubricant, they “knew” that he and his friend were homosexual. The gendarmes said, “This proves you are *goorjigeen* because this facilitates relations [anal sex],”⁴ and took all three men into custody⁵; they were held overnight at the police station at the regional tribunal in Dakar.

What followed, Babacar says, was “a night from hell”:

There were about 10 gendarmes there. They made me and my friend do pushups for over an hour. If we refused or stopped, they beat us. They told us to go faster and faster and if we couldn’t they threw water on us. They wouldn’t let us make any phone calls. They called us *goorjigeen, pédé* [French abusive slang for homosexual, derived from “*pederaste*”]. They said, “Why don’t you want to be with women, our pretty women?” We were beaten, punched, slapped on our faces and heads. They didn’t allow us to use the toilet for several hours.

The next morning, the attacker told the police he had lied about catching Babacar and his friend having sex, and they were released. The police took no action against the attacker, as far as Babacar knew:

I didn’t complain [to the police] because I didn’t have the courage to do it. I told myself there was no use. I could never get protection. The police don’t care what happens to gay men. It hasn’t stopped me from doing my job but now I know what to do to protect myself. For example, I still distribute condoms but no lube. The lube proves sexual orientation. I know it [sexual contact among men] is much more dangerous [without lubricant]⁶ but I work as a volunteer and there is no one to protect me.⁷

⁴ Babacar explained that while possession of condoms could be explained as evidence of heterosexual promiscuity or the desire to visit a brothel, lubricant was always associated in the minds of the police and the public with homosexual conduct.

⁵ Although Babacar and his colleague were not charged, the lubricant in their possession, which served for the police as “evidence” of anal sex (prohibited under Article 319.3), appears to have justified their detention in the eyes of the police.

⁶ The tissue of the rectum is sensitive and tears easily, causing pain and also serving as the vector for STIs. Water-based lubricants are universally acknowledged to be necessary for practicing safer anal sex. Although government clinics in Senegal provide free condoms, lubricant is not as easily available through these channels. Several men spoke of having sex without lubricant, using makeshift lubricants such as cooking oil and various body fluids. Dr. Abdou Diop, deputy director of Division SIDA, explained that lubricant was expensive to procure and that there was also a problem of form; he told us that it was impractical to expect men who have sex with men to carry long tubes in their pockets and that he was advocating for getting lubricant in smaller single-use sachets. However, Dr. Diop admitted that getting sufficient amounts of lubricant through Pharmacie Nationale d’Aprovisionnement, which is the government institution responsible for distributing antiretroviral medication (ARVs) and condoms to government clinics, is likely to take a year or longer. Human Rights Watch interview with Dr. Diop, Dakar, August 7, 2009.

⁷ Human Rights Watch interview with Babacar (not his real name), Dakar, July 27, 2009.

The “Gay Marriage” and “Nine Homosexuals of Mbao” Cases

In 2008, there were two sets of internationally-publicized arrests in and around Dakar of individuals presumed to be homosexual—the first in February and the second in December. These were the worst cases of state persecution of individuals on the grounds of sexual orientation and gender identity or expression in modern Senegalese history, and their impact was and continues to be felt in the gay male and MSM communities across the country. While the two cases marked a point of decisive escalation in state, community, and vigilante violence against individuals known or perceived to be gay, they also illustrate a wider problem of homophobic intolerance and violence. Although not all cases of discrimination, arrest, and violence reach the fever pitch of these two incidents, the conditions that facilitated violence, abuse, and torture in these two incidents also underlie the other cases discussed in this report.

In February 2008, *lcône*, a monthly Senegalese gossip magazine, published more than 20 photos from a party that had taken place in 2006. It claimed the people in the photos were homosexuals engaged in a “gay marriage” ceremony. Several faces were recognizable, and other media republished the pictures in ensuing weeks, provoking outraged condemnation from several religious leaders and organizations—and leading to arrests. There was no evidence of homosexual conduct, in the pictures or elsewhere. Yet police arrested several of the men in the photos during the crackdown; though they were soon released, the massive public outcry, fueled by religious rallies, sermons, and sensationalist media coverage, led to unceasing threats and attacks over the following months. According to activists, at least nine men fled the country and at least five of them have not returned; others went into hiding within Senegal.

In December 2008, only days after Senegal hosted ICASA, the international conference on AIDS and STIs, police arrested nine members of AIDES Senegal, an HIV/AIDS association carrying out education and outreach among men who have sex with men. They were charged with engaging in homosexual conduct under Article 319.3 of the Criminal Code, and with forming a criminal association under Article 238. A court found them guilty, again in the absence of evidence of homosexual conduct, and sentenced each of them to eight years in prison. Though the nine were released in April 2009, their testimonies below reveal that they continue to suffer the aftereffects of their ordeal; they lost their livelihoods, families, community, and often the bare means of survival. The case drew extensive media coverage which lasted for months, with many conservative imams and other prominent leaders calling for the “destruction of homosexuals” in Senegal.

The effects of these two famous incidents are evident among the broader gay and MSM communities in Senegal. For instance, Moussa, 25, organized a birthday party in May 2008, about four months after the “gay marriage” scandal. A mob attacked him and his friends; the police, unable or unwilling to control the mob, arrested Moussa and some of his friends, believing that they had organized a “gay wedding.”

Madièye Diallo, a gay man whose photo had appeared in *lcône* and who consequently became highly identifiable as gay, died on May 1, 2009. The nine members of AIDES Senegal had been released just ten days before and some imams had been reported in the media as denouncing their “scandalous release.”⁸ Diallo’s friends told us that he had had to leave his family home in Thies and go into hiding in Mali for a year following the *lcône* exposé; he had returned to Senegal in late April 2009 because he had fallen very ill. His family buried him in the local cemetery but thugs from the neighborhood dug up his body, twice, and dumped it in front of his parents’ house.⁹ His family eventually buried him in their backyard.

Five other men were arrested on accusations of engaging in homosexual conduct in June 2009. In this case, too, there were no grounds for arrest. On June 17, gendarmes arrested the five in the neighborhood of Escale in Darou Mousty (a religious city northeast of Dakar). While on patrol in the neighborhood, they were told by a resident that two men had engaged in homosexual conduct. The gendarmes went to the men’s homes and apparently discovered three more individuals, two adults and a minor, who were similarly implicated, although no evidence of homosexual conduct was produced in this case either. All five were charged under Article 319.3, and one of them was further charged with “inciting minors to debauchery.” At this writing three of the five men are in prison, serving two and five-year sentences.¹⁰ Most recently, in the early hours of December 25, 2009, 21 men were arrested at a party in the town of Saly (a town about 50 miles south of Dakar) apparently for being homosexual.¹¹ While in custody, the police slapped the men in an effort to get them to confess that they were homosexual; according to our sources, all 21 confessed.¹² Activists in Senegal informed us that the men were released without being charged although the police took their photos on cell phones and cameras. As the testimonies in this report reveal, other

⁸ “Homosexuals,” *L’Observateur* (No. 0854), April 29, 2009.

⁹ See BBC coverage of the incident at <http://news.bbc.co.uk/2/hi/8032754.stm>, accessed on October 21, 2009.

¹⁰ Human Rights Watch interviewed the three incarcerated men on September 16, 2009. A news report on this set of arrests also appeared in the media: “The Police Put an End to Obscene Practices at Darou Mousty: Four Homosexuals Caught Frolicking and then Arrested,” *Rewmi* (No. 87), June 20-21, 2009.

¹¹ “Senegal Police Probe 24 Men for ‘Homosexual Activities,’” *AFP*, December 28, 2009, reproduced at <http://www.zimbio.com/Prime+Minister+Macky+Sall/articles/LWoA71lBea2/Senegal+police+probe+24+men+homosexual+activities>, accessed on January 20, 2010.

¹² Human rights Watch interview by phone with Laye (not his real name), January 28, 2010. Laye knows one of the men who was arrested and recounted to us what his friend told him.

arrests have taken place that neither activists nor the media have learned about; in all likelihood, most such arrests go unreported. However, police violence, arrest, and detention are only part of a panoply of abuses and threats to gay men and men who have sex with men. Most men we spoke to regularly face verbal or physical abuse. Every single individual we spoke to lived in fear and took precautions to hide his sexual orientation and practices.

Broader Landscape of Stigma and Violence

Although physical and verbal abuse against men for their perceived or real sexual orientation or gender identity did not start with these incidents, a broad “moral panic” about homosexuality began in February 2008.¹³ According to the testimonies below, the publicized arrests, and statements by a few religious leaders calling for extreme violence widely publicized in the media, appear to have vastly increased the vulnerability of men who have sex with men to vigilante violence. Victims of violence are unable to seek police protection or other forms of legal and state redress. The law makes them criminals; they have good reason to fear that the police will arrest and abuse them instead of protecting them. And, as this report details, people suspected of homosexual conduct often lose their families, jobs, and homes, and live in constant fear of assault.

It is often the victims themselves who are seen as having instigated the assaults. As noted above, even as some parts of government seek to incorporate men who have sex with men into HIV/AIDS programs in greater numbers, the visibility accompanying their participation ironically places them at greater risk of persecution.

In fact, there is a common perception in Senegalese society that this new visibility is both a sign of an “increase” in homosexuality and the cause of the violence, the absence of any evidence of such an increase notwithstanding. When the men arrested in the “gay marriage” scandal in February 2008 were freed, the Collective of Senegalese Islamic Associations (CAIS), which has about 15 member groups, issued a press release denouncing “an increase in homosexuality in Senegal” and calling upon the Senegalese government to “fight against homosexuality before it will be too late.” In May 2009, Senegalese Prime Minister Souleymane Ndéné Ndiaye deplored the “proliferation of homosexuality” in Senegal and invited “religious leaders and all believers to fight against this practice, which is a sign of crisis of values and

¹³ Cheikh Ibrahima Niang’s 2001 study among 250 men who have sex with men revealed widespread and longstanding verbal and physical abuse among the community. Also, several men we spoke to reported that they had been experiencing physical and/or verbal abuse for several years. Cheikh Ibrahima Niang, et al., “‘It’s Raining Stones’: Stigma, Violence and HIV Vulnerability among Men Who Have Sex with Men in Dakar, Senegal,” *Culture, Health & Sexuality* Vol. 5, No. 6 (Nov-Dec 2003), pp. 499-512: 507-08.

insecurity.”¹⁴ Characterizing homosexual practice as a form of “aggression against Islam” and a “plague,” he promised that the Ministries of Interior and Justice would join this fight “against the scourge of modern times, homosexuality.”¹⁵ Such statements are consistent with a practice by political leaders across the continent of casting homosexual conduct as “un-African,” imported, and imposed, which they contrast to a purported pre-colonial, culturally “pure,” and “natural” heterosexual African identity—a rhetoric that excludes many contemporary Africans from full membership in their own societies.¹⁶

Men who have sex with men risk not only police violence, detention, and arrest, but also community violence and abuse. Moreover, when attacked, gay men and men who have sex with men have no recourse to justice. Most men do not report attacks, knowing that police, charged with protecting all individuals equally, often themselves participate in this violence. They also fear their families and communities will take the attacks as “proof” of their homosexuality.

There is a socio-economic aspect to the attacks against homosexuals in Senegal. Many of the people targeted are already victims of social exclusion and economic deprivation. As Alioune Tine, the Secretary General of the human rights organization RADDHO, which has been active in promoting and protecting the rights of gay men and men who have sex with men, says, “All this noise that accompanies the case of homosexuals is a vast hypocrisy. Homosexuals who have a certain social class assume their sexual orientation without any problem, but rather it is the poor who suffer the stigma and the 'injustice.’”¹⁷

¹⁴ The prime minister was speaking at a conference titled “Islam and the Challenges of the Time” at the Islamic Institute of Dakar. His speech was covered in *Le Quotidien*, May 18, 2009. His speech was also carried on the website of the *Sud Quotidien* (<http://sudonline.sn>) on May 18, with the editor claiming that the prime minister had launched a “fatwa” against homosexuals.

¹⁵ The prime minister’s pronouncements are rendered all the more alarming by the fact that he serves as the chair of the National AIDS council.

¹⁶ In a recent study, Marc Epprecht exposes how anthropologists, colonial officials, African elites, and, more recently, healthcare workers came to see heterosexuality and heteronormativity (adhering to normative gender and sexual roles that posit heterosexuality and women’s secondary social status as essential and “natural”) as the only original and authentic sub-Saharan African sexual identity and practice. Marc Epprecht *Heterosexual Africa?: The History of an Idea from the Age of Exploration to the Age of AIDS* (Ohio: Ohio University Press, 2008).

¹⁷ As quoted in “Le phénomène de l’homosexualité: une ‘bombe sociale’ au Sénégal?” at <http://www.nettali.net/Le-phenomene-de-homosexualite-une.html>, 14 June 2009, accessed on October 1, 2009.

Bassirou was 30 years old when we spoke to him in July 2009. In 2004, he had founded the first association for men who have sex with men (MSM) in Senegal. Sometime in 2005, a local newspaper published a report about the association, with Bassirou's name and photograph:

There was a story that said that we ran an organization in which I was making young boys, 14-15-year-olds, do prostitution. They said I organized meetings between youngsters and rich people. And that I kept half the money from this prostitution. It was all completely untrue. This appeared about four years ago, when I was living in Liberté 3 neighborhood with my family.

It was a catastrophe. When I saw it I felt nausea. I thought, "How am I going to go home? Whom can I call? Where can I get help, what will I do?" I knew then that problems were coming. I managed to get home but my brother came after me with a big stick. He told me to leave and said that he would kill me if I ever came back home. My mother also told me to leave for my own safety.

Bassirou left home and rented a room in Castor, another neighborhood in Dakar, and lost all contact with and support from his family:

Sometimes I sell my body to pay rent. I don't have a job. I used to work in a company that manufactured plastics. I was fired when they found out [I'm gay]. That was six years ago. I have not had a job since then. Every day I have a problem related to stigmatization and homophobia. I'm known in places where I go, as an MSM. Often I'm called names like "bitch." Once I spent three weeks in bed from a beating I got for being gay.

Where I live now, no one knows me. I'm only there at night for sleeping or on the weekends. I don't go out. I don't talk to anyone. I don't interact with my neighbors. I have to be careful. I don't go out when I could be noticed. I go home very, very late at night so that no one will see me. I hide because I can't afford to get thrown out. It's hard to find a place because of the recent problems [February and December 2008 arrests of men perceived to be homosexual] and because I'm well known. I continue to be an activist, I go to meetings, speak at seminars. So, I am still known.

Towards the end of our meeting, Bassirou told us:

I have heard several times of people getting killed because they are homosexual. It happens at private demonstrations and at private events. People also get hurt when police come to arrest men. Some people are hurt badly. It happens a lot in the community. I tell myself, I'll die one day [because

of this]. Sometimes I'm very scared. What will happen if I can't provide for myself? Or if I fall sick? Then I get very scared.¹⁸

Bassirou died on September 27, 2009. He was ill for a week and hospitalized. His mother stayed with him in hospital and he was barely conscious the last few days.

Bassirou died of unknown but presumably natural causes, destitute and in poor health. In his short life he faced discrimination and violence every day—he faced incessant verbal and physical abuse because of how he lived his sexuality and expressed his gender. He lost his family, his livelihood, his friends, and any prospects of a “normal” life because his sexual orientation and his gender expression were offensive to some.

An untold number of gay Senegalese men are in a position similar to Bassirou's and Babacar's; they have been thrown out of home or are living in fear of losing their livelihoods and their families. They hide, and live with the ever-present threat of physical assault, abuse, arrest, detention, torture, and the knowledge that no one will protect them.

¹⁸ Human Rights Watch interview with Bassirou (not his real name), Dakar, July 23, 2009.

Key Recommendations

The Senegalese national government must decriminalize homosexual conduct by repealing Article 319.3 of the Senegalese Penal Code and publicly condemn all acts of violence, discrimination, and intolerance against individuals on the grounds of their real or perceived sexual orientation and/or gender identity.

The Ministry of Interior must issue a directive at all levels of the police force to refrain from active investigation or pursuit of charges against consensual sexual activity conducted in private.

Religious leaders must condemn attacks against individuals on the basis of sexual orientation and/or gender identity and condemn speech that incites hatred against homosexuals.

The Ministry of Justice must investigate all convictions under Article 319.3 for procedural lapses, including convictions in the absence of evidence, arrests without warrants, and forced confessions, and overturn all that do not fulfill procedural requirements.

The National Human Rights Commission must investigate reports of violence against individuals on the grounds of sexual orientation and/or gender identity by state as well as private actors, monitor speech that incites violence against homosexuals, and condemn attacks against HIV/AIDS activists and individuals who are or are perceived to be homosexual.

A Note on Methodology and Terminology

This report is based primarily on research conducted in the Senegalese capital Dakar, and in the cities Mbour and Kaolack, from July 22-August 7, 2009, supplemented by periodic follow-up telephone interviews, NGO reports, press reports, and other secondary sources through September 2010. Human Rights Watch conducted in-depth interviews with 45 Senegalese men who had faced violence, arrest, or abuse, as well as with Senegalese human rights activists, journalists, medical doctors, and the leader of a religious organization. Ministry of Health officials with the AIDS Division met us but we were unable to meet Ministry of Justice and Ministry of Interior officials. In September 2009, we submitted a written list of questions to the minister of interior but received no response.

In September 2009, Laye (not his real name), an HIV/AIDS activist and a leader in the MSM community, interviewed an additional three men in the Louga region on behalf of Human Rights Watch. Almost all the men we spoke to requested that we not use their real names.

The report uses the terms used by the men we interviewed, who referred to themselves as “homosexual,” “bisexual,” “gay,” and MSM, and sometimes as *goorjigeen*. While *goorjigeen* is now primarily used as a term of abuse, gay men and men who have sex with men sometimes use it as self-description or an identity marker for others in the group. However, they find the use of *goorjigeen* by an outsider, no matter how sympathetic, improper and abusive. The use of the French term “homosexuel” is widespread in Senegal, including in the media, while “gay” is used to a lesser but not insignificant extent. Other derogatory terms used in the media and elsewhere for men suspected of homosexual conduct include *pédé* and *goorjigeen*.

None of the men we spoke to used such terms as “transgender” or “transsexual,” or expressed a desire to be (or be perceived as) women, although many individuals had been attacked or threatened because of their gender expression, because they did not seem “masculine” enough to their attackers. Despite the implications of the term *goorjigeen* to a Western ear, “transgender” and “transsexual” in the sense in which these identities have been articulated in North America and Western Europe—implying a primary identification with the “opposite” sex accompanied by a strong desire to “change” one’s gender identity and physical characteristics—are largely absent among MSM populations in Senegal. A glossary of some key terms can be found at the end of this report.

Activists and academics affirm that same-sex relations between women have existed and do exist in Senegal, and that women use the term “lesbian” for themselves. However, this report only examines the situation of gay and bisexual men and other men who have sex with men, as the recent violence has primarily targeted males. Senegalese women's experiences of violence, abuse, and discrimination on the grounds of sexual orientation or gender identity are significantly different from men's experiences. Given the largely patriarchal nature of Senegalese society and the restrictions on women's use of public space and access to resources, it is likely that most women who experience same-sex desire or engage in same-sex relationships primarily face not arrest and public violence but control and discipline by families and communities.

These constraints, and the general invisibility of lesbians, meant that we were unable to interview any women who identify as lesbian or engage in homosexual conduct. Our inability to cover the concerns of lesbians, bisexual women, gender non-conforming women, and women in intimate relationships with women is in no way a reflection on the lack of importance of these concerns. There is a strong need to document violence faced by women in intimate sexual relationships with women and women who transgress gender norms.

Two Stories: Police Power, Public Panic, and Ruined Lives

Gay men and men perceived to be gay in Senegal face abuses at the hands of state actors as well as private individuals. Arbitrary arrest, detention, police torture, and community violence have been fed by sensationalist media coverage containing names, photos, and other identifying information about men presumed to be gay, as well as fear-inducing denunciations by a few religious leaders.

The first account details the February 2008 publishing of several photos of men identified as gay in newspapers and magazines. The publication of the photos and immediate arrest of several men led to a months-long ordeal both for the men arrested and others who feared arrest or violence in the community. People were forced to flee their homes, and ostracized and threatened by their families and other community members. Many were repeatedly assaulted.

The second account details the December 2008 arrests of members of an HIV/AIDS outreach organization, their torture at the hands of the police, their ordeal in prison, the loss of family, home, and livelihood that followed, and the ongoing impact of the incident on them since their release in April 2009.

These two incidents as well as lesser known instances of arrest and persecution of people on the grounds of sexual orientation and/or gender expression constitute simultaneously both a state of moral panic and its symptom. Sociologist Stanley Cohen coined the term “moral panic” in 1972, explaining a period of moral panic as one in which a “condition, episode, person, or group of persons emerges to become defined as a threat to societal values and interests.”¹⁹ Later theorists have elaborated on the concept, examining specifically “sexual panics” as a subset of moral panics and the role of the media in constructing these panics. In *Moral Panics, Sex Panics*, Gilbert Herdt claims, “Sexual panics seem to be increasingly media orchestrated and purposeful or planned, which belies the irrationality implied by the term ‘panic,’ until it is realized that panics can be culturally staged.”²⁰

¹⁹ Stanley Cohen, *Folk Devils and Moral Panics* (London: Routledge, 2002, third edition), p. 1.

²⁰ Gilbert Herdt, “Introduction: Moral Panics, Sexual Rights, and Cultural Anger” in *Moral Panics, Sex Panics: Fear and the Fight Over Sexual Rights*, edited by Gilbert Herdt (New York: New York University Press, 2009), p. 5.

The “Gay Marriage” Scandal

In February 2006, some men rented a room and held a party in Mbao, a coastal town in the outskirts of Dakar. There was music and dancing; around 200 people came. Some women were among the guests, but most were gay or bisexual men. Two of the party’s organizers held a mock wedding ceremony. A photographer whom one of the organizers knew took several photos. Daouda was 19 then; he told us:

I feel excluded from the [straight] community; I’m not *branché* [part of the “in” crowd]. I have one really good friend in my neighborhood, he’s straight, and he doesn’t know I’m gay. The only community we have is with the MSM. We socialize, spend time together, have fun, we don’t have anywhere else where we feel comfortable. There’s a club, Le Ravin, where they have Senegal nights on Thursdays. Lots of gays go on that night. You have to pay to go. But the bouncer will throw you out if he thinks you are too effeminate. That’s why we would organize our own parties.²¹

In December 2007, *Icône*, a local Senegalese magazine, published a small article about what it called a “gay marriage” and reported that the magazine would publish photos from the event in an upcoming issue.²² The initial article identified a popular gay performer, Pape Mbaye, as a participant. Some in the gay and MSM communities were justifiably alarmed. Pape called the editor of *Icône* magazine, Mansour Dieng, and tried in vain to dissuade him from publishing the photos. In February 2008, *Icône* published about two dozen photos of individuals identified as homosexuals from the alleged gay marriage.

In a segment on the Senegalese TV channel Canal+ in April 2009, Dieng defended his decision to publish the photos as “clarification” (rather than as “denunciation”), and claimed the magazine was acting as “the sentinel of moral values” in Senegal.²³ The ensuing nationwide persecution of men perceived as homosexual would drive gay men and men who have sex with men underground, foment widespread public ill-will against an already vulnerable community, and destroy many lives.

²¹ Human Rights Watch interview with Daouda (not his real name), Dakar, July 28, 2009.

²² It is not entirely clear how *Icône* got hold of the photos; Mansour Dieng, the editor of the magazine, claimed, according to a news story, that he had had the photos for months, and has claimed that he bought them from the photographer. “Following the Revelations of *Icône* Police Launch Hunt for Goordjigènes: Pape Mbaye Threatens to Kill Mansour Dieng,” *Walf Grand Place* (No. 6502), February 4, 2008. Some sources in the community told us that the photographer tried to blackmail some of the individuals whose photos he had taken, then sold them to *Icône* when the men refused to buy them. Human Rights Watch was unable to confirm the rumor.

²³ <http://futursenegalvideo.fliggo.com/video/oQGGdeM7> (translation by Human Rights Watch).

Human Rights Watch interviewed Pape as well as five other men whose photos appeared in *lcône* and in other publications. The five were not arrested, but they faced violence or threats of violence in the months after. Mbaye fled the country in August 2008 and sought asylum in the United States; at least eight other men also left Senegal around the same time, and five remain outside Senegal at the time of writing.

Mbaye, now 27, had been singing and dancing for a living since 1999, when he was 16 years old. His father forced him to leave the family home in 2001, when he found out that Pape was homosexual. Since then, Pape had become a well known figure in the gay community, even appearing on local television. On February 1, 2008, a Friday,²⁴ *lcône* published 23 photos from the so-called gay marriage. Several men whose photos appeared in the magazine heard about it and some of them gathered at Pape's house in the Hann Mariste neighborhood of Dakar.²⁵

At 5 a.m. on February 2, seven cars pulled up quietly outside Pape's apartment. Two or three policemen from the Department of Criminal Investigations (DIC) were in each vehicle. A Commissaire Divisionnaire, Assane Ndoye, was among them.²⁶ Pape was in the house with 10 friends. As the police stormed the apartment, the men fled in different directions: four ran upstairs and jumped out of a fourth-floor window; the police caught one of them.²⁷ Two others hid in the toilet and were not discovered.

Six men, including Pape, were arrested that day. Pape told us that the police slapped and kicked them on the way down the stairs and shouted insults at them. "You want to destroy the country. We are going to kill you, get out of here, we are going to kill you all, motherfucker gay." They went through Pape's belongings and confiscated several photos.

The men were taken first to the Central Police Headquarters, then to the police stations at Plateau, Police du Port, and Rebeuss over the next five days. According to Pape, police continuously insulted them during this time, calling them *goorjigeen* and "motherfucker." Police officers as well as newspaper reporters took photos and shot videos of the men while they were in custody. The police held the men until Wednesday, February 6. They gave them no food and water and did not allow them to use the toilet, which was outside the cell; they

²⁴ Attending Friday afternoon congregating prayers is expected of all adult male Muslims, and thousands of men gather at and around mosques on Fridays.

²⁵ The following account is taken from a Human Rights Watch interview with Pape Mbaye in Dakar on May 22, 2008.

²⁶ Pape showed Human Rights Watch his photo from a magazine to confirm his identity.

²⁷ Human Rights Watch talked to one of the three who escaped (see below).

had to relieve themselves in a corner of the cell. During this time, the police picked up 13 other men in and around Dakar.

The police did not tell Pape why he and the others had been arrested, but questioning revolved around the “gay marriage.” They asked him why he had organized the marriage of homosexuals, who was present, and other such questions. Pape replied that it had been a birthday party, not a wedding. The police threatened to kill him if he did not tell the truth.

News of the arrests made it to the international media, and within a few days, local as well as international human rights groups began denouncing the police actions. The police had no evidence that a “gay wedding” had in fact taken place or that the men in custody had engaged in homosexual conduct. On Wednesday night, February 6, they freed the men. Police Commissioner Mbengue summoned them into his office and warned them that once set free they should all go into hiding or flee the country: “[I]f the population sees you they will kill you. The police cannot guarantee your security because the entire society will be out to get you.”

They were released at 11 p.m. on February 6, 2008, but their ordeal was just beginning. Over the next few months, Pape barely managed to stay one step ahead of mobs demanding his death; the sensationalist news coverage included ongoing speculations about his whereabouts, and popular rage dogged his heels for months.

Mobs and local thugs had ransacked his apartment, and abuses (“motherfucker”) and threats had been scrawled on the walls of his apartment building, including: “The police have arrested homosexual Pape who lives here.”

Pape and the others fled to the city of Ziguinchor in Cassamance region the night they were released. On Friday, February 8, the Collective of Senegalese Islamic Associations organized a large protest rally at the Grand Mosque in Dakar to denounce the release. Imam Mbaye Niang of the Movement for Social Reform and Development (MRDS), one of the key figures behind the rally, claimed that the release of the men “exposes us all to dangers” and that “we are now witnessing a crisis of values.”²⁸ Other prominent religious leaders such as Serigne Bara Mbacké, the Khalife General of Mouride (Muridiyya) brotherhood, the best known religious brotherhood in Senegal, came out strongly in support of Imam Niang to “defend the interests of Islam.”²⁹

²⁸ Quoted in “Imam Mbaye Niang on the Release of the ‘Goorjigeen’: We Will Speak to the Caliphs General and Organize a March,” *L’Observateur* (No. 1316), February 8, 2008.

²⁹ Quoted in “March against ‘Goordjigeeens’ Serigne Bara Mbacké Gives His Approval to Imam Mbaye Niang,” *L’Observateur* (No. 1319), February 12, 2008.

It was a violent rally and the police were unable to control the crowds chanting “goorjigeen haram” and demanding “death of homosexual.”³⁰ Pape watched the coverage of the rally on the local news and read about it in the newspapers. On TV, he heard people chanting, “We must kill Pape Mbaye; Pape Mbaye and his friends should all die.” Pape and the other men hid in Ziguinchor for about a month. One day, about 50 people from the neighborhood came to the house, banging on the door and shouting, “We know you’re hiding the gays in there.”³¹ Armed with broken bottles, forks, and other sharp objects, they broke into the house and started beating and stabbing the men. Wounded on his head, back, and arms, Pape managed to escape. But everywhere he hid, people in the neighborhood would eventually begin to recognize him from the media coverage and he would have to move again.

In April, Pape returned to Dakar and hid in a friend’s house but a newspaper article reported he was back in the city and his friend asked him to leave. He stayed with another friend until an article in a local magazine, *Weekend*, reported that a friend of Pape’s, who had not appeared in the photos but had fled the country from fear, had been murdered in Mauritania at the end of April because he was gay. In May, Pape fled to the Gambia.

However, soon after he arrived, on May 15, Gambian President Yahya Abdul-Azziz Jemus Junkung Jammeh announced at a political rally that he would “cut off the head” of any homosexual found in the Gambia and gave all “homosexuals” 24 hours to leave the country. He also threatened that laws “stricter than those in Iran” criminalizing homosexuality would soon be introduced in the Gambia and warned: “Any hotel, lodge, or motel that lodges this kind of individuals [sic] will be closed down, because this act is unlawful. We are in a Muslim dominated country and I will not and shall never accept such individuals in this country.”³² Pape told us that all government-owned TV, radio, and newspapers reproduced the president’s words and that at one point his name was specifically mentioned in some of the coverage. Activists in the country informed Human Rights Watch that at least three Gambian men were detained on suspicion of homosexual conduct immediately following the president’s pronouncement.³³

³⁰ “Banned March against Homosexuality: Black Friday in Dakar,” *Sud Quotidien* (No.4472), February 16-17, 2008.

³¹ One of the men in hiding, Souleymane (not his real name) had jumped out of the fourth-floor window along with three others when the police arrived. He was captured, though the others escaped, and badly hurt in the fall. Pape and the others were unable to seek medical treatment for his injuries for fear of discovery. Souleymane fell ill and died a month later, while they were in hiding in Ziguinchor. Pape speculated that their neighbors heard them wailing upon Souleymane’s death and guessed who they were.

³² “President Plans to Kill Off Every Single Homosexual,” <http://en.afrik.com/article13630.html>, May 19, 2008; “Gambia Gay Death Threat Condemned,” <http://news.bbc.co.uk/2/hi/africa/7416536.stm>, May 23, 2008; “No Room for Gays in the Gambia,” <http://observer.gm/africa/gambia/article/2008/5/19/no-room-for-gays-in-gambia>, accessed on October 22, 2009.

³³ See Human Rights Watch’s June 2008 letter to the Gambian president at: <http://www.hrw.org/en/news/2008/06/10/letter-gambian-president-regarding-reported-statements-fuel-homophobia>.

Pape returned to Dakar on May 16. He was out of money, and within days, local newspapers and radio as well as *l'cône* magazine reported that he was in Dakar and on the run. His friends were too frightened of neighborhood violence to see him or help him.

After several weeks, he managed to flee Senegal and subsequently received asylum in the United States. Pape told Human Rights Watch that though he misses his mother and his friends and fears that he might never see them again, he can never return to Senegal.

Ababacar, 25, from Grand Dakar, lost his family, friends, and community overnight when his photo appeared in the magazine. Although this was the first time that a public “outing” of such magnitude had taken place in Senegal, Ababacar knew enough to leave home the moment he heard about the publication, before he had even seen the story in the magazine:

A friend called me at 3:00 p.m. on Friday [February 1, 2008] and told me my photo was in the magazine. ... I left home straightaway. I went to [a friend's] Daouda's house and spent the night there, he was in the magazine too. On Saturday morning, when Daouda and I got a copy of the magazine and I saw my picture, I started crying and screaming. From Saturday to Tuesday, I ate nothing.

By Monday, all the other newspapers had picked up the story. That's how all the people came to know it. The other newspapers also published the photos. When my relatives and family saw the photos, they knew why I had left. On Monday, I got a phone call from my younger brother. He said that my older brother had said to him, “If you see [Ababacar], tell him never to come back because if he ever comes back, I will kill him.” My sister called [my friend] Daouda and said, “If Ababacar is with you, throw him out so we can take him to the police.”

On Tuesday, I got a call from a girl from my neighborhood whom I didn't get along with. She told me, “I showed your sister the magazine. All the thugs are looking for you. When they find you they will beat you up, cut off your legs, and kill you.” After that I turned off my phone. I left Daouda's house and went to a neighborhood in Rufisque. I got a room there and stayed in for three months. A friend helped me pay the rent and gave me money for food. No one knew me in Rufisque, so I could go out to get food.³⁴

³⁴ Human Rights Watch interview with Ababacar (not his real name), Dakar, July 28, 2009.

Ababacar's friend Daouda, 22, identifies as homosexual though he has a girlfriend; he started having sex with men in 2006, the same year that he attended the party. He says:

I was so freaked out [when I saw the photos]. I kept staring at them and couldn't find myself, I was looking so hard. My first thought when I recognized myself was that I have to kill myself. Near my house, some people went after one of the other people who was in the pictures, who lived close by. Some of the boys in my community with whom I was friends were in the crowd, too.

One of them, a close friend, said to me, "I can't accept that you are in those pictures, that you're gay. I am always with you, people will associate me with you [and think I'm gay]." By this time [Wednesday, February 6], other newspapers had picked up the story and the photos. On Thursday, I went to an aunt's house. I told her what had happened and that I needed help and a place to stay. My aunt had seen the photos; she said to me, "Go back home. You won't be safe anywhere. The only safe place you have is your parents' house."

I went back home. People in my neighborhood were organizing a march to denounce the activities of gay people. The neighborhood used to know who visits whom and they knew that some femme guys came to my place sometimes. They asked me to join the march. I declined, and people said, "So, you must be gay." I didn't know if this was a trick to get me to come out of the house so they could beat me or kill me. I didn't go out. Someone called me on the cell phone and said, "You can only come out at night. If you come out during the day, you will be killed." Between the following Friday [February 8] and Sunday, there were about 20 such calls. Some female sex workers offered to take me in, but I didn't go because I thought I would not be safe anywhere but inside my parents' house. I thought they will get me if I live anywhere else.³⁵

Absa, 25, lives with HIV, and has had to deal with the stigma and violence of being a gay, HIV-positive sex worker for a few years now. Yet the impact of the publication of his photo was "bigger than [his] positive status":

³⁵ Human Rights Watch interview with Daouda (not his real name), Dakar, July 28, 2009.

I was the only one whose close-up appeared in the magazine and in newspapers and on TV. After the photo appeared, everyone in the neighborhood [where I lived] knew, so I had to leave.

I was at Pape Mbaye's house with another friend the night after the photos came out [Saturday, February 2]. [When the police came] I ran up to the fourth floor and the police chased me. The only way to escape was to jump. I considered not jumping and having the police arrest me but the way I was dressed was so feminine, I thought if they caught me, something bad would happen. So I preferred to jump and landed on the roof of a nearby house; I hurt my knee very badly and scraped my face. I managed to drag myself to a friend's house. I had a large wound on my forehead and a bleeding gash under my lip.

When I got home several people from my neighborhood were on the rooftops. I managed to sneak into my place without being seen. I didn't know why the neighbors were out. I had never seen them like this. I assumed they must have seen the photos. The magazine had been out the whole day and it was scandalous, everyone knew about it.

I left my house that night for Thiaroye and I've never been back. I went to a friend's house. For three days I could not see a doctor because I was afraid. Some friends gave me some money and I went to Casamance. Laye [the leader of an MSM association] got me three months' supply of ARVs [anti-retroviral drugs], too.

I came back to Dakar after a while. I spent a lot of time in my room. I wore a hat to hide my eyes and face when I went out. After a while I couldn't pay rent and couldn't find a place to stay. My friends were afraid to take me in because the police might be looking for me. I had nowhere to go. Another friend rented a room for me [in an area] where no one knows that I'm gay or positive, and that's where I am now.³⁶

Laye, 31, HIV/AIDS activist and the president of an MSM association, is another well-known figure in the gay community; he and eight other members of the association were arrested

³⁶ Human Rights Watch interview with Absa (not his real name), Dakar, August 5, 2009.

and charged under Article 319.3 in December 2008. His photo appeared in *lcône* and other publications, too; he was not arrested but he lived in constant fear of arrest and attack for months following the publication:

I had found the venue for the party. Most people at the party were from Dakar but I was from Petit Mbao [the party took place in Mbao]. Every day, I would lock all the doors and windows, cover up the windows, and watch TV for news of what was happening. I would hear on the news that the community of Mbao was very angry. The cops talked about arresting all the people in the photos and I was expecting to be arrested.

A week after the incident, someone went to my workplace with the newspaper and told my coworkers I was in the photos. Though I worked with MSM, I had not told [my coworkers] that I was homosexual; I didn't feel comfortable having everyone know.³⁷

Tapha, 32, is the president of another MSM association. He lives in Thies, the second largest city in Senegal, east and slightly north of Dakar. He has lived in different neighborhoods in Thies and is well known all over the city:

One of my friends was clearly identified in the photo. *L'Observateur* [a privately owned newspaper] also published his photo. He was a *griot*, a performer. He dressed sexily; people noticed him wherever he went. In one of the photos... he was clearly identifiable. That photo exploded! He left home because his brother wanted to kill him. My friends and I collected some money and he left for Mauritania the day after *lcône* published the photos. He is an exile because of this.

Now, I had only been shown in profile in the photos. My family recognized me from that. But even for others, I became recognized because my friends became recognized. Everyone knows me now because of the gay marriage fiasco.

³⁷ At that time, Laye worked as an MSM peer facilitator and mediator at the CTA (Ambulatory Treatment Center), which provides testing and treatment facilities for HIV/AIDS. Human Rights Watch interview with Laye (not his real name), Dakar, August 5, 2009.

The police in Dakar were starting to get hold of homosexual people. I said to myself, after Dakar, they will come to Thies. It [the arrests] was stopped before it got out of hand because the international community intervened.³⁸

The Aftermath

Though they were not arrested, these men's lives were changed beyond recognition. Ababacar did not see his mother for seven months following the publication of the magazine:

Then I went home to visit her. While I was in Grand Dakar, I bumped into two guys I didn't know. They asked me, "Are you the *goorjigeen* whose photo came in the magazine?" There was a fight but I got away. I can't go back to Grand Dakar during the day to visit my mother because people will recognize me.³⁹

Daouda continues to live with his parents; he has nowhere else to go and no way to support himself:

Everything changed after that. At home I had [had] my own room. Friends would come over to my place. Now I have to share a room with my brother. I am constantly being monitored. If I am out somewhere, my siblings will call me and tell me to come home. Every time I go out, they call to ask where I am; they say, "So you're out prostituting yourself." They check my phone to see who's calling me, check my text messages. They burned all my clothes because they felt that they were flashy clothes and what transvestites would wear.

I was in the 10th grade when it happened. I dropped out of school because there were rumors that the other students would beat me up. I have a one-year-old daughter with my girlfriend. I want to get married to her because life is so hard right now. People call me names, I get beaten up, I have scars all over my body. Getting married may buy me some safety.⁴⁰

Having his photo published exposed Tapha to his family and in his neighborhood as homosexual, and exponentially increased his vulnerability to physical violence:

³⁸ Human Rights Watch interview with Tapha (not his real name), Dakar, July 23, 2009.

³⁹ Human Rights Watch interview with Ababacar (not his real name), Dakar, July 28, 2009.

⁴⁰ Human Rights Watch interview with Daouda (not his real name), Dakar, July 28, 2009.

Before that people had had doubts. Now everyone knew. It shook up the entire family. My best friends were in *lcône*. By association everyone knew I was gay too. Now people don't say hello to me, they don't speak to me. There's verbal aggression, and even violence. I'm not safe anymore. After the photo incident, when we [MSM in Thies] would go out in the evenings, youth would follow us and insult us, sometimes beat us up. So, we don't dare to go out, except if we come to Dakar sometimes. They call me names like “*goorjigeeen*,” “*dunx*” [Wolof for “feather,” “weak,” or “emasculated,” a term used to abuse gay men],” and “*lâche*” [weak]. They say, “You deserve to be killed.”⁴¹

Absa had a few though not many options before the incident; now, living far from Dakar, he has practically none:

I do sex work in Dakar to make a living; it's the only thing I can do to pay rent and eat. But I can't make much money from sex work now because there isn't much demand where I am now living. And I can't live anywhere else [such as Dakar] because I will be recognized. If I come here [to Dakar] to do sex work, I cannot take public transport because someone will recognize [me]. Any money I make goes into taxi fare, which leaves me very little to survive. But I don't know people outside Dakar. My friends are here and they may give me some money.

Of all the people who were exposed in *lcône* in a big way, I'm the only one who is still here. And I had the most visibility of them all. Sometimes I think it would have been better to have been arrested. I could have got out of the country. The thing I need most is to leave Senegal because here even eating is hard. I don't have food. My friends are afraid to have anything to do with me. This kind of life has become too hard to bear. Sometimes I save some money and travel more than 200 miles outside Dakar to a friend's house so at least I can eat.⁴²

The publicity that the *lcône* article and the subsequent arrests received affected other people too. Abdoul, 32, is a singer whose music speaks of tolerance and respect for diversity. However, he has felt compelled to denounce homosexuality following the incident, as he is

⁴¹ Human Rights Watch interview with Tapha (not his real name), Dakar, July 23, 2009.

⁴² Human Rights Watch interview with Absa (not his real name), Dakar, August 5, 2009.

afraid he will be identified as homosexual unless he echoes popular anti-homosexual sentiments:

After *lcône* and the arrests I'm really scared. There's this kind of tension in the neighborhood now. The name of Mbaou was so much in the news people associate it with "gay." The imams of these neighborhoods preach against homosexuality and call for gay people to be killed. They say, "If you see two men together, you should kill them." The place where the "marriage" was held, the imams prayed over it thrice to purify it. In Petit Mbaou, the relatives of imams spread their teachings; this is the normal way of spreading teachings. So, apart from hearing speeches in mosques, it passes by word of mouth.

Abdoul plans to get married and continue to have sex with men. He carries condoms in his shoes because he has been searched by police in the past and he is afraid that "condoms will give you away." A group of men who suspected him of being gay once viciously attacked him; he spent a day in hospital and needed stitches in his head:

When I was recovered, I went to the police and made a complaint. They didn't ask me why I was assaulted and I didn't tell them. I have not heard from them. If the police find the guys, they will tell the police I'm a *goorjigeen*, and nothing will happen [to the men]. Maybe the police will come after me if that happens. So, in fact I hope they don't find them.⁴³

The "Nine Homosexuals of Mbaou"

In December 2008, police arrested nine members of AIDES Senegal, a group that does HIV/AIDS education and prevention work among gay men and men who have sex with men in and around Dakar; they had just finished an HIV/AIDS training session. Many people we spoke to told us that while there had been other occasional reports of such arrests, the publicity and the denunciations in this case surpassed anything Senegal's gay community had faced before.⁴⁴ The men spent four months in detention, where police tortured them. They have suffered persecution, physical assault, and the constant threat of violence since their release in April 2009.

⁴³ Human Rights Watch interview with Abdoul (not his real name), Dakar, July 31, 2009.

⁴⁴A report of two men sentenced to two years in prison, titled "Gay Marriage in Dakar: An Old Belgian and a Young Senegalese Sentenced to 2 Years" appeared in *L'Office*, August 22, 2008. *L'Office* carried another story on December 17, 2008, of two men in Sicap Mbaou, titled "Two Gay Men Caught in Full Frolic." According to the report, one of them was handed over to the police by local youth.

Their ordeal began around 10:00 p.m. on Friday, December 19, when four policemen from SICAP Mbaou police station in Dakar rang the doorbell of Laye's apartment.⁴⁵ There were six men, including Laye, in the apartment at the time, watching television and chatting while one prepared dinner. When Laye opened the door, the police burst inside, saying over and over, "Are you gay? You are gay."

The men had just finished an association meeting and on a table in the living room lay HIV education materials—condoms, lubricant, and dildos. The policemen took one look at the safer-sex materials and said, "No need to ask questions. It's obvious you use all this on yourselves. It's obvious you are gay." The policemen made the six men take off their shirts and kneel, and handcuffed them; they searched the apartment, smashing things. One of the policemen called the police commissioner and told him that they had just arrested gay men engaged in homosexual activity, and soon the commissioner came over.

Laye recalls:

We were slapped repeatedly, hundreds of times. All four of the policemen slapped us, only the commissioner didn't. They also beat us with their batons. We had welts on our backs. For days, we couldn't lean against the wall. They hit me with the baton on the head, they beat another [guy] on the buttocks so hard that he couldn't sit or kneel. We were all bleeding. They beat us for an hour and a half. All this time they were abusing us, calling us names—"dirty fag." "You are not good for the country." "You are damned." "You are a shame for the people." They kept calling us *goorjigeeen*, thousands of times, and *domaram* [bastard], *kattelsande* [motherfucker]. Only I had admitted to being gay. The other five had denied it. In that hour and half, as the police were beating us and saying, "Tell us that you are gay," everyone admitted that they were gay.

They took our cell phones. I had CFA 55,000 (US\$110) on me; they took the money. They took the TV, the computer, DVDs and my DVD player, gifts and clothes I had bought in Morocco the previous month, my passport and the passport of a friend, and my driver's license and ID. I didn't get these things

⁴⁵ Later, in January 2009, when Laye and the others were sentenced and moved to the prison in Rebeuss, Laye met a man who had been arrested along with another man two days before the police arrested Laye. He and his companion had been charged with having sex with each other in a park. The police had apparently beaten him up and had demanded that he tell them the whereabouts of other gay men. The man told the police that he had heard of a gay man called Laye and told them where he lived. The informant did not at the time know Laye personally but had heard his name and gave it to the police when they beat him up. Human Rights Watch interview with Laye (not his real name), Dakar, August 5, 2009.

back even after we were released. The neighbors did not break into my apartment and steal things [as some accounts of the incident maintained]; it was the police who took everything that night.⁴⁶

Modou, 28, says of the arrest: “I was very surprised and afraid. I started reciting the Qu'ran. The police said to me, “You don't have the right to say the Qu'ran or pronounce God's name.” Malang, 27, told us:

I will never be able to forget that day. I was fixing food in the kitchen when the doorbell rang. One of them dragged me out of the kitchen. They said, “You're the *grand dame*, the lady of the house. You should fuck your mother.” They called us *kattelsande*, *duggalsande* [motherfucker]. They called me *khoi bai* [your father's dick]. The first thought that came to my mind was of my wife and child. I went to the window and tried to throw myself out. I knew that the story would break. I could only think of throwing myself off.

Another member of AIDES Senegal, Issa, 25, arrived at Laye's apartment after the police got there. “As soon as I got to the door... the policeman grabbed my scarf and pulled me in and made me get on my knees. They didn't ask me anything, just started calling me names and abusing me.”⁴⁷ As the men were being led out to the police van around 11:30 p.m., yet another member of the association, Aliou, 24, arrived:

I thought something was odd and started to leave. But two policemen saw me and got me before I could go. The police officer asked me if I knew Laye. I said I didn't but he didn't believe me. I was never even taken to the apartment. I was taken to the [police] van and beaten.⁴⁸

Curious onlookers had gathered outside the apartment; the police told them over and over these were “dirty goorjigeen.” “The population gathered and threw stones at us and insulted us,” Modou says, “I was beaten all over my body, on my sides. One policeman kicked me with his boots, on my thighs. One of them took my ID and threw it out of the car.”⁴⁹

⁴⁶ Human Rights Watch interview with Laye (not his real name), Dakar, July 24, 2009.

⁴⁷ Human Rights Watch interview with Issa (not his real name), Dakar, July 25, 2009.

⁴⁸ Human Rights Watch interview with Aliou (not his real name), Dakar, July 25, 2009.

⁴⁹ Human Rights Watch interview with Modou (not his real name), Dakar, July 25, 2009.

Police delivered the eight men to SICAP Mbao police station. Malang speaks of their first five days in the police cell:

The cell was about 10 feet by 15 feet [3x4.5 meters]. It was cramped. We couldn't lie down, it was dirty. We had to sit or stand all the time. Most of the time, I just sat, never lying down. During the day, there would be people at the police station, [who would have] come to look at us. The entrance to the police station was directly in front of the cell. There were bars, no walls, so we were always visible. Most of the time, we sat squatting, with our shirts pulled over our heads.⁵⁰

“They kept abusing us all the time,” Laye says, “calling us *goorjigeeen* at least a thousand times.” They also called us *dunx*, *kanara*, which is “goose” or “duck,” another pejorative for gay men, and *tapette* [French pejorative for “gay”]:

We were beaten morning and evening. We didn't see a magistrate, we were not allowed to make any phone calls. The policemen told us we had no rights, we were impure, damned, and we couldn't share anything with others, even restrooms. For those five days, we were not allowed to use the toilet. We relieved ourselves in one corner of the cell we were being held in. We were not given any food or water; some family members brought us food and water. The police called our relatives. They got the numbers from our cell phones. They called my mother, said, “Your son is a fag,” and hung up.

They made me get on a table on my chest and beat me on my buttocks. This happened every day. We were called for “questioning,” taken to the office, made to kneel and beaten. The police would ask me such questions as, “How many sexual relations have you had? Have you ever slept with women?” With every question they would slap me. The beatings were random, they happened especially when the commissioner was not in the office. They took dozens of photos of us, on their personal cameras. I don't know what they will do with them.⁵¹

The next night, December 20th, another member of AIDES Senegal, Khadim, 22, called Laye's cell phone and asked if he could come to the apartment. The person at the other end told

⁵⁰ Human Rights Watch interview with Malang (not his real name), Dakar, July 28, 2009.

⁵¹ Human Rights Watch interview with Laye (not his real name), Dakar, July 24, 2009.

him to come over.⁵² Khadim was waiting for Laye to open the door to his apartment when some neighbors came by and began questioning him. He panicked and started to run:

The men came after me, yelling “thief, thief!” Other people started to chase me too, about 20 in all. I decided to just stop and explain that I was not a thief but only looking for Laye. They said, “Do you know that Laye is a *goorjigeeen*? If you came to see him, you must be one too.” All the people started grabbing stones to stone me. One man said they should take me to the police station. He slapped me, took my phone, and took me to the police station. The guy told the police officers that I was a *goorjigeeen* and I had been looking for Laye. The police officer said to him, “Good job. All people looking for Laye should be brought here.”

The police hiked my shirt up and beat me on the back with batons. I was screaming all the time. One police officer kept calling me names and hitting me—“fag,” “*goorjigeeen*,” “*kattelsande*,” other names. The Chief of the Investigations Unit, Ndiouga, came to the police station around 1:00 in the morning and started calling me names and beating me. He asked me what I was doing at Laye’s place and whether I knew Laye was gay. When I denied [knowing anything], he slapped me and yelled, “Stop lying. You are a *goorjigeeen*, too. You are all the same.” I pleaded with him, “In the name of the Prophet, please stop, I’m begging you.” He said, “You can’t be Muslim, you’re gay. You have no right to use the name of the Prophet!”

The next day, Ndiouga asked for me to be sent to the office. He made me strip and lie down on a table on my stomach. He beat me on the neck, back, buttocks. For about an hour with a baton. After that, this happened every morning and evening.⁵³

Police beat and verbally abused all nine members of AIDES Senegal over the five days they were held at SICAP Mbaou station.⁵⁴ Some got special treatment. Modou was singled out because of his family name:

⁵² The policemen had taken Laye’s cell phone the previous night and he could only assume that one of the policemen answered the phone and pretended to be him. No one except Laye knew Khadim was gay.

⁵³ Human Rights Watch interview with Khadim (not his real name), Dakar, July 31, 2009.

⁵⁴ While they were held in the police station, the commissioner called Laye in and said to him, “You see, you came clean and no one has been beating you. The others are being beaten because they won’t admit. Anyway, don’t worry, no one can be punished for being gay, only for having sex.” The commissioner appeared not to know that Laye was being beaten, too.

I have the same name as one of the police officers. That officer beat me senseless saying, “How dare you have the same name as me. No gay man can have the same name as me.” They beat me so hard, I passed out. My nails were bleeding. I couldn’t breathe. When I passed out, they slapped me to wake me up and continued to beat me up.⁵⁵

Cherif, 23, was also abused because of his name:

On December 19, when the police came, I was really scared. One of the cops who came was also called [the same last name as mine]. He beat me a lot, calling me *domaram*. He said, “You’re a disgrace to the Pulaar clan.⁵⁶ How can you be Pulaar and gay?” The commissioner called us names and told the other officers to beat us and then he went away. I was stripped naked, made to lie on a table on my stomach and beaten on the back of my thighs, buttocks, back with a baton.

The first night, I and another [of the nine] were taken to another police station for the night. At the entrance of that police station, the police made us strip naked. They took off our leather talismans [worn loosely around the waist] and used them as whips to beat us. They told us we were doomed children and the shame of our families. Once the inspector called three of us into the office and he was touching our buttocks while verbally abusing us.⁵⁷

The police asked each of the nine if they were sexually passive or active, and Thierno, 27, admitted to being the active partner, the “top,” in sexual relations:

I was beaten on the stomach, head, legs, thighs. [Thierno then describes how they taunted him, in graphic terms, about his status and sexual performance as a “top”] They would not let me speak, just kept beating me. I was beaten up so badly, worse than others, because I was the only top in the group. They kept asking me why I wanted men instead of women.⁵⁸

⁵⁵ Human Rights Watch interview with Modou (not his real name), Dakar, July 25, 2009.

⁵⁶ Pulaar is a language with a few dialectical variations, and Haal Pulaar is the name of an ethnic subgroup of Peuhl (also known as Fulani, Fulbe, and Fula) called Toucouleurs, or Tukulor.

⁵⁷ Human Rights Watch interview with Cherif (not his real name), Dakar, July 25, 2009.

⁵⁸ Human Rights Watch interview with Thierno (not his real name), Dakar, July 25, 2009.

In contrast to the punishment meted out to Thierno for being, in the eyes of the police, “masculine” but homosexual, Malang was picked for especially degrading treatment because he was seen as “feminine.” “Because I was in the kitchen [when the police came], they thought I was definitely a bottom.”

One of the police officers said, “Don’t hit them on the face, head or on the back. Hit them on the buttocks. They have anal sex, maybe this will make them stop.”

In the police station [the first night], the police made me take off my clothes and do a fashion show in my underwear. They beat me all over my face, back, shoulders, head, and on the buttocks. I cannot remember all the things they said. I asked to use the toilet and they said, “How can you pee? Do you even have a penis?” They wouldn’t let me use the toilet for several hours.

They made me lie on a table, on my chest, in only my underwear. Then they beat me with batons on my buttocks. From the 20th to the 24th, everyday, morning and evening, they would say to me, “Come and get your breakfast” or “Come and get your dinner,” when they wanted to beat me on the buttocks. It was the same people [policemen] everyday. They were called Ndiouga and Sow. I had bruises and welts. I couldn’t sit, I had to lie always on my back. I needed to pee but I was not able to because peeing was painful. From the 20th to the 23rd, I was not able to pee. I would stand there for minutes trying to pee but nothing would happen.⁵⁹

Aliou, who was apprehended by the police close to the apartment, speaks of direct sexual assault at the hands of a policeman:

At the police station I was made to remove all my clothes though [most of] the others were only asked to remove their shirts. One police officer said to me, “You used to be physically active, now look at your body, you have turned into a *goorjigeeen*.” As he said that, he rammed two fingers into my anus. To this day I feel pain in my rectum.⁶⁰

In Prison

On December 24, the nine men were transferred to Rebeuss Prison. There, they were separated. Of the 44 cells in the prison, some held over 100 people; other, smaller ones held

⁵⁹ Human Rights Watch interview with Malang (not his real name), Dakar, July 28, 2009.

⁶⁰ Human Rights Watch interview with Aliou (not his real name), Dakar, July 25, 2009.

four or five. Everyone in the prison seemed to know the “nine homosexuals of Mbao.” “Some people heard about us on TV and from newspapers, but soon everyone in the cell[s] knew.”⁶¹

Modou says:

We were taken to the room where new prisoners are received, they made me get naked. In the cell we were packed head to toe. There was no space to move or turn. If one got up to go to the toilet those few inches of space were gone. Because no one wanted to touch us, they wouldn't give us any room to lie down. Sometimes I wanted to pray but the other people [inmates] said, “You're a homosexual, why do you want to pray?” and they would not give me any space to pray.⁶²

Cherif described the constant threat of sexual assault:

The living conditions in the first prison were terrible. There were 100 people in my cell. People propositioned me for sex all the time. When I went to pray, they told me I couldn't. Men would come up to me and say they wanted to have sex with me. I would deny that I was gay. This happened in both prisons. There were no condoms in the prison. There was a lot of unprotected sex in prisons.⁶³

Khadim had to protect himself from rape threats by other inmates. “In the first prison, another inmate said that he was going to have sex with me because I was gay. He told me that he was going to rape me.”⁶⁴

Because they were known to be gay, the other inmates could deny them access to even basic facilities such as the shower. Laye said:

There were ticks and fleas on my skin and on my clothes. I was not able to shower for 13 days. In the prison, you had to stand in line [for the shower]. When I would get to the shower, the person ahead of me would drive me away. They would say things like, “Gay person can't shower where we shower.”⁶⁵

Malang was in a cell with 180 other inmates:

⁶¹ Human Rights Watch interview with Laye (not his real name), Dakar, July 24, 2009.

⁶² Human Rights Watch interview with Modou (not his real name), Dakar, July 25, 2009.

⁶³ Human Rights Watch interview with Cherif (not his real name), Dakar, July 31, 2009.

⁶⁴ Human Rights Watch interview with Khadim (not his real name), Dakar, July 31, 2009.

⁶⁵ Human Rights Watch interview with Laye (not his real name), Dakar, July 24, 2009.

I would stand for hours to use the toilet, then they would say, “You can’t use the toilet because you’re gay.” I would go to pray and they wouldn’t let me. We were packed like sardines in the cell. The first few days, I would leave my [sleeping] place [at night] to go to the toilet and come back and there would be no space for me to squeeze into. So I would spend the rest of the night standing or sitting in a corner. I couldn’t go to the toilet during the day because they wouldn’t allow me so I went at night—that meant I couldn’t sleep.⁶⁶

The nine were tried on January 6, 2009. They were charged under Article 319.3 of Senegal’s Penal Code, which imposes a maximum sentence of five years, and with conspiracy to form a criminal association (Article 238). The sentences, eight years in prison each, were harsher than even the five years the prosecution had demanded. After two months in the prison at Rebeuss, they were transferred to Camp Pénal de Liberté 6, also in Dakar.

The men, represented by their lawyer, Biram Sassoum Sy, appealed the case, arguing that the law criminalized acts, not identities, and there was no evidence of homosexual acts in this case. Meanwhile, from January 2009 on, domestic and international nongovernmental organizations as well as foreign governments advocated with Senegalese authorities for the release of the men. The appeal ended with the overturning of the conviction and the sentence on the grounds of a lack of evidence of criminal activity as well as procedural flaws in the arrest, and the men were released on April 20, 2009. Though they were freed at 10:00 a.m., they did not leave the prison for 12 hours, because a crowd, including journalists, had gathered outside the prison and the men feared mob violence and further media coverage. They left for Mbour the same night in order to lie low, but angry, pursuing crowds forced them on a long roundabout route back to Dakar:

We couldn’t stay in the same place for long. People would start finding out about us, so we moved around. We spent one night in Mbour and the next morning, the whole village knew. They were out on a witch hunt. It was in the news that we were in Mbour, and the news went from house to house. I don’t know how they found out... we had been all over the radio and newspapers, maybe someone saw us.

Since then, we have had no jobs. I moved from one friend’s place to another. From Mbour to St. Louis. I didn’t have anything. Whom do you ask when you have no money? Where do you go? If I take a cab to Pikine, that’s already CFA

⁶⁶ Human Rights Watch interview with Malang (not his real name), Dakar, July 28, 2009.

6,000 [US\$12]. You don't know how to get to where you need to go. Mostly we eat one meal a day. Some of us went for several days without food because we had no money.⁶⁷

“Whatever Happened to Us is Still Going On”

The men moved around from town to town over the next two months. When Human Rights Watch spoke to them in late July, seven of the nine lived in Dakar; two of them lived with their families. Their lives were still in turmoil. Laye said:

I would rather be in jail than out right now. I am very exposed, vulnerable. I don't have a job. I can't go back to where we used to live. I'm still not out of prison. All I want to do is some work. I get bouts of fear and anxiety, as if something is going to happen. I can't take public transportation; I am afraid to take even taxis because taxi drivers play the radio and they have programs about *goorjigeeen*. I am afraid that someone will recognize me or get suspicious. I'm always thinking about what to do.⁶⁸

Issa was destitute:

I lost my job when this happened; no one will give me credit for buying things. The banks don't support me and no one else will give me loans. I live on whatever my friends might give me. I have a hard time sleeping, I have nightmares and I am constantly thinking that someone is coming to get me.⁶⁹

Cherif used to work with his mother; after the arrest, he lost his family and his livelihood:

Now I rent a room [in Rufisque]. Business is hard because I don't have much money. Losing my family has meant losing my place in society. I feel very vulnerable and that anything can happen at any time. I always feel like someone is going to sneak up behind me and stab me. While I was in prison my younger brother posted photos of me in the neighborhood that said, “This person is gay.” Now I have no guarantee that I will eat every day. I buy clothes to sell and if I make a profit, I eat.⁷⁰

⁶⁷ Human Rights Watch interview with Laye (not his real name), Dakar, July 24, 2009.

⁶⁸ Human Rights Watch interview with Laye (not his real name), Dakar, July 24, 2009.

⁶⁹ Human Rights Watch interview with Issa (not his real name), Dakar, July 25, 2009.

⁷⁰ Human Rights Watch interview with Cherif (not his real name), Dakar, July 31, 2009.

Malang lost everything:

I don't live in Rufisque now. I have never been back. I moved to a village not far from Rufisque. I have to start life over, it's a rebirth. If I have to go to the market, I go at dawn or at dusk so that no one will recognize me. The villagers don't know but I'm afraid I'll meet someone who knows me or someone on the public transport will recognize me. I had to cut all ties with friends, relatives, with life. Even in the MSM community, people tell others to be careful of being seen with me. Whatever happened to us is still going on.

I haven't seen my mother since the arrest. I'm in survival mode now. I live day to day. I don't know what I'll eat and when. I can go for 10-15 days without eating rice and fish [the staple meal]. I usually just eat porridge. I do whatever I can to get money. A friend may help me out sometimes with some milk and sugar. But it's hard, they themselves don't have much.

Sometimes, if I come into the city, I don't have money to get back home. Earlier, I was a tailor and I could take care of myself. Now, there's nothing. It's one thing when you don't have food or any money. I can just stay in my room and deal with that. But I don't have enough money for rent. The thought of one day being evicted is unbearable. The day that happens, I will write a note and kill myself. I see no other option.⁷¹

More than anything else, Thierno regrets losing his family: "Sometimes I just want to die. There's nothing worth living for any more. I resent the fact that I'm gay. Being Senegalese, everything centers around the family."⁷² Nothing will ever be right for Aliou either. "I think of drinking poison and just dying. The most important thing is life is to share [your life] with your family. Now I have no one."⁷³

Khadim continues to live with his family but he is not sure how long he will be safe there:

When people ask me questions about my life and what I've gone through, I just want to cry. After what happened, my family told me to stay home, and if I go anywhere they ask me where I'm going, when I'll be back, and that whether I like it or not I have to get married. I'd like to leave home but I don't

⁷¹ Human Rights Watch interview with Malang (not his real name), Dakar, July 28, 2009.

⁷² Human Rights Watch interview with Thierno (not his real name), Dakar, July 25, 2009.

⁷³ Human Rights Watch interview with Aliou (not his real name), Dakar, July 25, 2009.

have any money. I'm still in school and I don't have a way to make a living. I would lose the protection of my family. By losing your family, you're in danger. And you may even make enemies within your family and that's the worst thing you could do to yourself.

My family told the people in the neighborhood everything that happened. And now if I do anything that they don't like, they tell everyone else. Now that everyone in my neighborhood knows, I can't leave home. I would be easy prey. I can't be safe anywhere.⁷⁴

Eight months after his release, in early February 2010, Laye and a friend were travelling on a bus and a group of young men on the bus were looking at Laye and appeared to be talking about him. One of them told Laye to leave the bus, saying that they could not travel on the same bus as him. When Laye protested, the men told him that if he did not get off, they would tell everyone else on the bus why they wanted him to leave. Laye and his friend got off the bus.

⁷⁴ Human Rights Watch interview with Khadim (not his real name), Dakar, July 31, 2009.

A Canvas of Abuse: Arbitrary Arrests, Community Violence

While the “gay marriage” scandal and the arrest and sentencing of the “nine homosexuals of Mbao” received some international attention, most of the violence in Senegal against gay men and men suspected of being gay goes unreported and receives little attention even locally. During our research, we spoke to 18 other men who had experienced violence, threats of violence, or abuse—some at the hands of private actors, others by the police.

All of them had faced verbal abuse and lived under the ever present threat of attack. Five men we spoke with said they had been arrested, or simply picked up by the police and held for hours or days without being charged, on suspicion of being homosexual. Six others reported physical as well as verbal attacks from strangers, neighbors, and family members—from brutal beatings to blackmail. The “evidence” of homosexuality that sparked the attacks varied: it included circumstantial factors, such as going to a club or a park known to be frequented by gay men; gender expression, often signaled simply by stylish or well-fitting clothes or wearing cologne; or deviance from what is seen as the normative life path—getting married, having girlfriends, having children.

The testimonies in this chapter show the impunity with which people attack those they suspect of being gay. They rely on the near-universal condemnation of homosexuality in the public sphere in Senegal, and on a widespread social unwillingness to oppose such violence. Government failure to protect members of the vulnerable MSM community is repeatedly and glaringly evident in these cases of unchecked violence. Further, state inaction in investigating incidents of violence by non-state actors and prosecuting those responsible signifies a grave dereliction of responsibility and a lack of accountability on the part of state authorities.

One common theme that emerged in our interviews is that the role played by the police in the two famous incidents detailed in the previous chapter has made people even more reluctant to attempt to seek protection when they are attacked. Tapha, the leader of an MSM association whose photo appeared in *lcône*, explains why he will not turn to the authorities:

I’m not sure about the police. We need the help of the police but when we tell them we’re gay they don’t do anything to help us. After the photos [in *lcône*], the police went looking for homosexuals. It’s because of others’ experiences with the police that I will not go to the police.⁷⁵

⁷⁵ Human Rights Watch interview with Tapha (not his real name), Dakar, July 23, 2009.

Makhtar, 38, has been physically assaulted several times. When we asked him if he ever went to the police, Makhtar shook his head, laughing ironically, and said, “What, to tell the police that I was attacked by these homophobic people because I am gay? To tell the police that?”⁷⁶

Makhtar’s and Tapha’s wariness of the police was shared by most of the men we spoke to. Especially in the wake of the well-publicized arrests, it is unreasonable to expect that individuals suspected of being homosexual will turn to the police when attacked or threatened. In fact, police involvement in attacks against individuals known or presumed to be gay sometimes turns against the victims of such attacks.

Arbitrary Arrest and Abuse by the Police

Moussa’s Story

Moussa, 25, told us that he has had problems since he was 13 years old because of his “comportement” and sexual practices. He has been arrested three times. In 2004, when he was 20, Moussa was arrested on suspicion of having sex with another man and taken to Dieuppeul police station:

Actually, they didn’t catch me having sex but assumed [that] from where I was and how I was dressed. They stripped me naked and beat me. I was detained for two months. I’m not sure what provision they arrested me under; I can’t read. But the police said I was being arrested for having sex with men. They abused me, called me *goorjigeeen*, *kattelsande*, *domaram*, *nangamtan* [“motherfucker” in Wolof]. They were beating me. They told me, “Since you are gay, we will take this baton and shove it into your mother’s vagina.” They stuck needles under my nails to get me to admit [I was gay].

They hit me on the head while questioning me. They kept asking if I was gay and I kept saying “no” and they kept hitting me. They tore my head, forehead, and face. I was beaten on my arms, buttocks, back. The police called me women’s names. They asked me, “What kinds of sexual acts do you do? Do you let your boyfriends fuck you?” This happened for three days at the police station. I was beaten every day. They also said they would kill me.

The second time Moussa was arrested, on October 7, 2005, police took him to Guédiawaye police station:

⁷⁶ Human Rights Watch interview with Makhtar (not his real name), Dakar, July 22, 2009.

It was 7:00 p.m. I had been having sex with a friend at his house. Some young men of the neighborhood called the cops. There were five cops, not in uniform. The door was shut but not locked and my friend and I were in our underwear though we were not [then] having sex. But they still arrested me and detained me for six months. They beat me with batons while taking me from the house to the police car. Next day, the commissioner interrogated me; he kept asking me if I was gay and I kept denying it. He picked up a metal pipe and said he would hurt me badly if I didn't admit. I admitted then.

I don't know what they charged me with. On October 8, I was taken to the correctional facility and on the 27th I was sentenced to six months at Rebeuss prison. There the inmates called me *goorjigeen* and beat me. The chief of the cell tried to have sex with me. I was transferred to another cell. There, too, an inmate tried to rape me. He was punching me, he beat me for an hour and no one intervened. I stabbed his leg with a radio antenna to get away and got another six months added to my sentence. And I was sent to another prison in Cap Manuel. Then I got the presidential pardon. I don't know how it happened.⁷⁷

Tamasir's Story

Tamasir, 28, lives with HIV. He has metal plates in both legs from an accident when he was 14. After saving money for years for an operation to have the plates removed, in June 2006 he went to the bank to deposit a check for CFA 55,000 [US\$110]. There, he ran into a friend and they stood talking. There was a police van parked close by, with four or five policemen. The policemen came over and asked for their IDs. The check fell out of Tamasir's pocket as he reached for his ID and the policemen saw it. They searched Tamasir and found his antiretroviral (ARV) medication. Although he told the officers the medication was for ulcers, the police demanded CFA 100,000 (US\$200), threatening to arrest the two men and claim they were caught having sex if they did not pay. Tamasir and his friend refused:

We were taken to the central police station in Dakar. On the way, the van stopped at a pharmacy and the policemen went in [with the ARVs].⁷⁸ At the

⁷⁷ Human Rights Watch interview with Moussa (not his real name), Kaolack, August 2, 2009. We were unable to collect more information pertaining to the presidential pardon.

⁷⁸ The policemen said to Tamasir that they would find out what the drugs were. Tamasir did not know what the pharmacist told the policemen but it appeared to Tamasir when the policemen came back to the van that they did not know the drugs were ARVs, or even what ARVs were.

police station, the policemen told the inspector that the drugs were to make people relax [anal muscular relaxant] when they are about to have sex.

We were in the police station for two days and then transferred to Rebeuss prison. At the police station, we were slapped repeatedly and not given food or water. There was no room in the cell. We spent two days standing or crouching in a corner. It was so bad we were looking forward to prison. A week after the arrests, we were allowed to call a lawyer; we were already in the prison by this time. I had to give the guard money to make a call to the lawyer. [In the prison] I would have to wait for hours for the shower. Some of the people in the cell, who had authority, could help you get a shower but you had to sleep with them. I did that, just to shower. There were no condoms. Other guys in the cell had sex with each other, too.

We were taken to the courthouse in downtown Dakar, the Madeleine Tribunal, to be tried under [Article] 319.3. The police would tell the people gathered around the courthouse that we were homosexuals. The people would say, "They should be thrown in prison and forgotten. Never let out, not sentenced to only a few months." The arresting officer failed to show up each time we were at the courthouse and we would have to return. This happened for six or seven days. We met the judge once and he said to us, "Look at you, you act like women, you talk like women, you sound like women. You have to change the way you act and talk. Look at your mannerisms, you are not men."⁷⁹

Tamasir and his friend continued to be held in prison without having their case heard. A guard told them after a few days that they had been sentenced to six months. They appealed and the sentence was reduced to three months. As they had served most of the time already, they were released a few days later. Tamasir spent all the money he had saved for his legs on the trial.

Ismaila's Story

Ismaila, 20, attended a friend's birthday party in mid-2008:

We were there at night, about 50 homosexuals, all about 19-20 years old. The person who organized the ceremony is well known as a homosexual in the community. So, when they [people in the neighborhood] saw all of us coming

⁷⁹ Human Rights Watch interview with Tamasir (not his real name), Dakar, August 6, 2009.

[to the organizer's house], they said we were all *goorjigeen*. They came to his house and started throwing stones at us. They were armed with makeshift slingshots and knives. I have a scar on my shoulder from the stones, I had head wounds, and I was bleeding. Many of the others were also hurt. There were dozens of people and they were hitting us from all sides. They said they needed to purify the place.

The police came and got everyone [who attended the party]. I spent one day in the police station. At the police station, they took photos of all of us and the next day, the photos were on TV and in newspapers—everyone got to know about us. We were beaten all night. The police kept saying, “You are a homosexual, you are *goorjigeen*.” They were shouting *nangamtan* at me. They beat me with sticks [batons] and slapped and kicked me.

The next day, my mother came to take me out. When I got home everyone in my neighborhood knew. My mother told me, “If you go out, they will kill you. Go away for some time, for three - four months, then you can come back.”⁸⁰

At the time we spoke to him, Ismaila was still living away from his family and he did not expect to return home.

Violence by Non-State Actors

Moussa's Story

Moussa, whose arrests are described above, organized a birthday party for himself on May 24, 2008:

The neighborhood people knew I'm gay, so, they assumed my friends were all gay too. A mob came in and started throwing stones and beating people up. There were about 30 people [in the mob]. A friend called the cops. The thugs were calling us *kattelsande*, *goorjigeen*, and other names. They got on top of the walls of the [courtyard of the] house and were saying, “We should burn them all inside the house, don't let them get out.”

The cops came but even they had a hard time controlling the mob. Nine people were arrested, many were wounded and bleeding. None of the aggressors were

⁸⁰ Human Rights Watch interview with Ismaila (not his real name), Dakar, July 24, 2009.

arrested. The police beat me. They told me they knew I was gay and asked if my friends were too. The police said that they thought we were having a gay marriage. I told them it was only a birthday party. Then the police said we should file a complaint against the thugs and released all of us. I didn't file a complaint though, because I was afraid. The neighborhood people told me they would hurt me if I went back there. The imams came to the police station [while I was there] and told the commissioner that if I came back [to the neighborhood], a group of youth would kill me, and they would let them.

I had to leave the police station late at night so that no one would see me. I slept on a bench in Pikine [another Dakar neighborhood] that night. My mother told me the next day that some journalists had come to the neighborhood asking for me; they had wanted my photo to publish. She came to see me in Pikine and told me never to come back. I [left Dakar and] went to Casamance, I had no food, nothing, and then I came to Kaolack [a city south of Dakar]. I have not seen my mother since then.⁸¹

Daouda's Story

Daouda described what happened to him after the *lcône* incident:

Five months after this, I was coming home one day. I got out of the taxi and was walking to my house. There were three guys from my neighborhood hanging about; they called me, making kissing sounds at me, catcalling. One of them said, "We're calling you; you should answer when real men call you." I told them to leave me alone. They said, "You can't talk back to us. Don't you know we are real men and you should just listen to what we say?" There was a fight. They had a knife.

One of the guys [who attacked me] is a "clandestine," he sleeps with men but he is closeted.⁸² He is a top and doesn't think of himself as gay. He took my cell phone. At that time my girlfriend called. She said to him that we would file a complaint. The guy said to me, "Sure, go. I can even kill you and if you go to the police, they won't save you. There is nothing whatsoever you can do to be safe from me. You know that."

⁸¹ Human Rights Watch interview with Moussa (not his real name), Kaolack, August 2, 2009.

⁸² "Clandestine" is the name used within MSM communities to refer to men who have sex with men but take an exclusively "active" (penetrative or insertive) sexual role. Clandestines pass as heterosexual and have sex with other men secretly.

I keep running into these guys. They throw stones at me sometimes. The guy who cut me with the knife goes about saying openly that he stabbed me but no one will do anything about it. He and the others have told people that whatever they did to me they will do again.⁸³

Tamasir's Story

Tamasir, whose ordeal at the hands of the police is described above, was in a car accident when he was 14; his older male lover was killed and he was badly injured. That is when his family found out that he had sex with men. He was in a coma for two months and when he came to his family threw him out of the family home. Tamasir had no money and no education. He stayed with friends for a while. He had nothing to eat; he dropped out of school. At this time, he started going to the beach and picking up men for sex work. He tested HIV positive in 2006:

I have been robbed and assaulted so many times I can't even remember them all. Even the people I would have sex with would steal from me and beat me up. I never had the courage to go to the police; the police have contact with the media and my name would have come out. People call me *goorjigeeen, pédé*, and I would never make a fuss and just give them what they wanted to avoid people from knowing what was going on.⁸⁴

David's Story

David, 29, is Togolese and identifies as gay. He has no immediate family in Senegal:

I have friends from different countries and cultures and I also have socioeconomic status, so things are not hard for me. I have sometimes had sex with people I've met online. The internet is the place where gay people in Senegal meet because of the cultural silence around homosexuality.

Once, in Feb 2006, I had sex with someone that I met online, at my place, and he demanded money though that had not been the arrangement. When I refused he said he would call his friends and they would stand outside my house and make a scene and out me to the entire community. My landlord

⁸³ Daouda has scars on his arms and on the side of his face from the attack. Human Rights Watch interview with Daouda (not his real name), Dakar, July 28, 2009.

⁸⁴ Human Rights Watch interview with Tamasir (not his real name), Dakar, August 6, 2009.

lived next door and I didn't want him to find out. He [the blackmailer] wanted 400 dollars. He told me, "You're lucky. Because you're black, I'm giving you the 'brother discount.'" I only had about 100 dollars and I gave him that.

Over a period of two-three months, he would call me and ask for money. When I threatened to go to the police he said that the police wouldn't bother with my complaint because I was a foreigner. My biggest fear was that my extended family in Senegal would find out. Altogether I paid him about 400 dollars. The worst part was feeling that I didn't have a choice or any control over the situation, that he could expose me whenever he wanted.⁸⁵

Sidi's Story

Sidi, 22, lives in Niary Tally, a Dakar neighborhood, and identifies as homosexual. In August 2008, he was in a park with a friend at about 11:00 p.m., sitting on a bench, talking and eating. The park was known in the neighborhood as a cruising area for men seeking sex with other men. A man had followed them and Sidi's friend went up to talk to him; soon, the man left, and Sidi and his friend continued talking. A little while later, the man returned with three others:

They started beating us. Then they stripped us naked. A man was walking by and asked them why they were doing this. They told him they caught us having sex, and because we were naked, the man believed them and left, telling our attackers that they should take us to the police. They beat us for about half an hour. All the while they were also calling us names—nangamtam, goorjigeeen. They beat us with their fists on the face and slapped us; one of them got a long piece of hard plastic, a car part, and began to beat us on the legs with it. They said, "Why do you need to be penetrated when you yourself have a penis? Why don't you go to women? You go to white people... for money. You're a disgrace to your country. You are no good for religion, and a disgrace to the neighborhood. If we see you again, we will kill you."

After they beat us, they threw our clothes at us, told us to be out of there in five minutes otherwise they would burn us, and ran away. They stole our phones, bracelets, and rings. There were some people around watching. No one intervened. Everyone knows it's a cruising area and people of that area

⁸⁵ Human Rights Watch interview with David (not his real name), Dakar, August 5, 2009.

have gathered in the past to talk about getting rid of gays. The imams of [Niary Tally] have said to the people that if they catch a gay person they should burn him. One of the onlookers said to us, “Be very careful. No one should ever know what happened. If they [people of the neighborhood] know you were thought to be gay they will burn you.”⁸⁶

* * *

It is evident from these testimonies that in parts of Senegal people can openly threaten, attack, abuse, and rob those they suspect of being homosexual with almost complete impunity. The testimonies show the utter helplessness the victims of such violence feel and point to how prominent community figures can incite that violence.

Police are failing in their responsibility in three key ways. First, in arresting, abusing, blackmailing, and torturing individuals on the grounds of real or perceived sexual orientation and/or gender expression, police themselves turn from would-be protectors to perpetrators of violence. Second, police are failing to protect individuals from attacks and threats by private individuals. At best, victims are advised to go into hiding and the police claim an inability to fulfill their responsibility to protect them; often enough, police turn against the victims themselves. Third, and as a result of the previous two failings, police are not an effective resource to a very vulnerable population; many individuals who have faced violence or threats of violence consider the police to be part of the problem rather than as public servants whose job it is to protect them.

⁸⁶ Human Rights Watch interview with Sidi (not his real name), 28 July, 2009.

“In Senegal, You Don’t Need Proof, Only Suspicions”: The Everyday Experience of Being Gay or Suspected of Being Gay

I’m a homosexual, what they call goorjigeen. It’s a negative word but it’s my life. I don’t go about saying it though. I need to hide it. If people were to find out, I would be crushed like leaves in a mortar.⁸⁷

—Aliou (not his real name), Dakar, July 25, 2009

There’s a proverb in Senegal: You shouldn’t overdo anything. My relatives want confirmation [that I am gay] but... confirming would be like flaunting. Why do this when I already feel accepted and free? Once my family starts feeling pressure from outside their behavior might change. At work, too, I’m pretty sure people know but I won’t tell them for the same reason. The gay marriage that was covered in the magazine [Icône]—that type of thing is flaunting. They bring unwanted attention and once that happens you can’t control the consequences.⁸⁸

—Ansou (not his real name), Kaolack, August 2, 2009

This chapter examines aspects of the Senegalese cultural context that require secrecy and extreme caution where non-normative sexual conduct is concerned. The testimonies below detail the climate of fear and some of the delicate social negotiation that is second nature to gay men and men who have sex with men. The need for secrecy and the absence of support structures not only cause emotional and psychological distress but all too often they compromise individuals’ ability to practice safer sex (including their ability to access information concerning safer sex practices for MSM populations) and make them vulnerable to extortion. The title of the chapter points towards the impunity with which individuals are threatened or attacked simply because someone *suspects* they are gay.

Suspicion and Secrecy

Pathe, 20, was beaten up by six men on suspicion of being gay; the news of the beating got back to his family. Now, his chief aim is to please his father and erase his family's suspicions. Behind the desire to appease lies a very real fear of the material consequences of losing social and economic support:

⁸⁷ Human Rights Watch interview with Aliou (not his real name), Dakar, July 25, 2009.

⁸⁸ Human Rights Watch interview with Ansou (not his real name), Kaolack, August 2, 2009.

I am happy at least to still be at home. I don't know what would happen if I didn't have a home. I would not be safe anywhere. At least when you have a home and family, you have some security; people can't beat you up.⁸⁹

Despite the absence of formal “lesbian” or “gay” organizing, gay men and men who have sex with men form communities and support networks. As several testimonies here show, these networks are often their sole source of social and economic succor in times of crisis. However, these indispensable networks can also be the point of vulnerability in individuals' otherwise cautious lives. Associating with individuals known or believed to be homosexual can undo a lifetime of careful social and familial negotiation in a single stroke.

Ousmane, 22, told us how his parents became suspicious:

My family drew conclusions about my sexual orientation because of my friends. In Senegal, you don't need proof to know anything; you only need suspicions. They knew when my sexy friends, with effeminate ways, came over, then they knew. There's a bar in Mbour where gay people hang out and it's easy to tell the gays apart. Some of the people in my community saw me there and drew their conclusions.⁹⁰

Once suspicion of homosexuality is established in people's minds, the most casual association with someone known or suspected to be gay can serve to confirm rumor or mistrust and elicit discriminatory attitudes and actions. The suspects become scapegoats on whom parents and siblings blame the family's problems, including poverty. Ziggy, 36, said:

There's a clear difference between how I move and dress and how others do. It is evident within the family. I have sexy, stylish clothes and things in my room compared to my brother's room. There's verbal aggression in the community every day. People call me *goorjigeen* all the time, every day.

One day a tailor came to the house with a dress for my mother. I knew him and we were talking. My sister had seen him in the market and “knew” he was gay; he had walked by one day while she was at the market and someone had told her he was gay. That was that. So, when she saw us talking, she drew her own conclusions. She told me that tailors were not

⁸⁹ Human Rights Watch interview with Pathe (not his real name), Dakar, July 28, 2009.

⁹⁰ Human Rights Watch interview with Ousmane (not his real name), Mbour, July 30, 2009.

allowed to come into the house. She started calling me names and that's when the big fight started. My sister called me *goorjigeeen*, and said, "You are dishonoring us. You are the personification of a curse. If there are people in the house who don't work it's because of you." That's when I left home.⁹¹

People who are suspected of being gay face intensified pressure to marry and fulfill other social and familial obligations. While everyone in Senegal faces such pressures, for individuals who are or are suspected of being gay, fulfilling these obligations is often the only way to avoid being discovered. "Whenever there's a TV or radio show on homosexuality," Idrissa, 38, told us, "my mother asks the imam to come over to our house and asks him to tell us about homosexuality":

The imam tells us that homosexuals are impure, unholy, they should be killed. That's probably my mother's way of saying she suspects about me. For example, she would tell me that a gay person died in Touba and worms were coming out of his body, or other such stories about dead or disfigured gay people. My mother also says all gay people should be killed. [She says] they are a disgrace for the family and for Muslim religion.

Last week a neighbor told my mother that I'm gay and that I pay men to have sex with me. [My neighbor] would see me with the leader of the [gay] association. He never hid his sexuality and she knew he was gay. My mother has decided that I must get married in the next six months. I don't really see how I could function in that [marital] relationship but she has threatened to throw me out of the house if I don't get married.

I can't even think about getting married but I can't refuse. I can't "perform" with women; I've tried. So now if I get married, I won't be able to have sex with [my wife], at which point, I'll have the other stigma and problem of being impotent.

If I could get a job I would leave home. A friend has invited me to stay with him but I can't leave without a job. By leaving home I would be confirming their doubts. And then I would be known as a gay man and, on top of that, have no job. I can't leave with nothing.⁹²

⁹¹ Human Rights Watch interview with Ziggy (not his real name), Mbour, July 30, 2009.

⁹² Human Rights Watch interview with Idrissa (not his real name), Kaolack, August 2, 2009.

Moha, 23, lives in Mbour, a town of 150,000 people, 50 miles south of Dakar. He says men who have sex with men live in relative freedom from persecution there, in part because smaller towns have fewer concentrations of visible gay men to raise suspicion and because they take greater care to hide. Still men often travel to Dakar to meet or make friends, or migrate to the city temporarily or for good, drawn by greater anonymity and looser community ties. Moha uses “maximum discretion” and will go to any lengths to “not raise suspicions”:

I don't act feminine at all. I can sense that there would be trouble if people found out about me. It's part of my plans to get married. I learnt about myself and also about risky sexual behavior by being a part of the [gay] association. I don't regret that. But once I'm married, I won't be a part of gay associations any more. Once I am married, I plan to not have sex with men. I think I won't be attracted to men anymore once I'm married and also I'm afraid that someone will tell my children that I'm gay.⁹³

Moha's testimony reveals the extent to which fear of discovery dictates individuals' behavior. The seemingly self-imposed line they take care not to cross is, in fact, drawn by fear of discovery and the possibility of retribution. Yet the rules of passing, of appearing to be “normal,” are often internalized and become part of the compass within that determines individual behavior.

For others, negotiating social conventions is more clearly a deliberate strategy. Lucas, 22, who also lives in Mbour, cannot be sure that his family does not know about his sexual orientation but he goes to great lengths to avert exposure. “I am very careful about how I portray, how I carry myself. I behave like a man. In private and among MSM I like being more effeminate, but in society I don't want to shock anyone.”⁹⁴

However, self-policing does not always seem sufficient to guard against persistent dangers. Moha fears that no amount of discretion on his part will protect him as long as others in the community can be identified as homosexual. Given the reasonable fear of guilt by association, self-policing often slides into community policing. In this vein M.C. says:

I work in this MSM association and my role is to do behavior change with MSM—how they dress and act, to make sure they do not act like women. I

⁹³ Human Rights Watch interview with Moha (not his real name), Mbour, July 30, 2009.

⁹⁴ Human Rights Watch interview with Lucas (not his real name), Mbour, July 30, 2009.

train them to be less flamboyant and attract less attention because that endangers the community and also the organizations that support us.⁹⁵

Strategies for Passing

“Passing”—indicating heterosexuality by dress, behavior, and the company one keeps—is a strategy available only to some individuals, including “clandestines,” who appear “masculine” enough to carry off the disguise or who can live in secrecy. Many people are not able to conceal their sexual orientation or quell suspicions raised by how they express their gender because of the popular association between certain modes of gender expression and homosexuality.

Bachir Fofana, a journalist with the newspaper *Le Populaire* who supports the criminalization of same-sex sexual relations, claims he can identify homosexuals from their dress and appearance. For instance, he reads tight t-shirts as a sign of homosexuality and as a “provocation.”⁹⁶ As the testimonies above show, the criminal justice system often partakes in these sweeping prejudices.

When police bring a charge of homosexuality or private persons accuse someone of being gay, the evidence is less important, in the eyes of courts as well as communities, than the mere fact that the claim was ever made. The charge performs what it alleges; in naming someone “homosexual,” it performatively produces that which it has named.⁹⁷ Too often, someone “is” gay, for communities and courts, if enough people believe them to be gay and if they cannot “prove” that they are *not* gay—as evident in the conviction and sentencing of the nine members of AIDES Senegal in January 2009 discussed in Chapter II. That the verdict was overturned does not distract from the fact that the men were initially found guilty despite the absence of evidence.

Some individuals have managed to carve out space for themselves in their families and communities, and take care not to compromise this safety. Ansou, 28, has been “accepted” in his family, with the tacit agreement that he will not push the limits of their tolerance. However, he does not trust this “acceptance” entirely:

⁹⁵ Human Rights Watch interview with M.C. (not his real name), Mbour, July 30, 2009.

⁹⁶ Human Rights Watch interview with Bachir Fofana, Dakar, August 6, 2009.

⁹⁷ Judith Butler uses the concept of performativity from speech act theory to speak of identities; Butler says, “a performative is that discursive practice that enacts or produces that which it names.” Judith Butler, *Bodies That Matter: On the Discursive Limits of “Sex”* (New York: Routledge, 1993), p. 13.

Friends come over sometimes, [they] wear makeup. My family asks if they are gay because they look feminine. I keep saying they are not but they don't believe me. I don't know if they can deal with the truth. They seem open-minded but I'm not sure they will be as open if it becomes a fact. Also, if I tell my family, it could get out. Even if my family is accepting, the rest of the community will not be.⁹⁸

Some gay men have girlfriends or marry women. Sadiou, 20, lives with his family, identifies as homosexual, and has “a girlfriend as camouflage.”⁹⁹ Bachir identifies as homosexual, is HIV positive, and also has a girlfriend as a cover:

I'm very discreet. I pay attention to how I dress, how I talk, and how I walk. When I go out, I go with my straight friends, not with anyone in the MSM community. I have a girlfriend so as to protect myself, so people don't think I'm gay.¹⁰⁰

Lassana, 20, also identifies as gay and also has a girlfriend. He told us that he sleeps with women to protect himself. In addition, Lassana also takes other precautions: “I make sure I have manly gay male friends. I make sure to not act effeminate. I dress like a straight man.”¹⁰¹ Jawara, 21, is suspected by his family of being gay because his friends are “flamboyant,” which is not discreet enough; he “make[s] girls come over so that people won't suspect.”¹⁰²

Tapha has sex with women but it is not enough to avert suspicion because of his HIV/AIDS work with an MSM association:

Since I've been in the [gay] organization, it has become clear to my family [that I'm gay]. Before that my family would hear rumors; now they have proof. They also know it through the people I hang out with. It's impossible for me to find a job. When I submit my dossier, apply for a job, people will know I'm gay, and there's too much stigmatization. Because wherever you go, someone will know you. This is the second-largest city in Senegal but it's still a small place. You go to a company to apply [for a job] and when you're

⁹⁸ Human Rights Watch interview with Ansou (not his real name), Kaolack, August 2, 2009.

⁹⁹ Human Rights Watch interview with Sadiou (not his real name), Kaolack, August 2, 2009.

¹⁰⁰ Human Rights Watch interview with Bachir (not his real name), Dakar, August 7, 2009.

¹⁰¹ Human Rights Watch interview with Lassana (not his real name), Kaolack, August 2, 2009.

¹⁰² Human Rights Watch interview with Jawara (not his real name), Kaolack, August 2, 2009.

leaving, someone [who knows or suspects that you're gay] will see you and tell everyone around. People will not hire you because there's a belief that if you hire a gay man, the company will not prosper but it will regress.¹⁰³

Jawara has no hope that his family will tolerate his homosexuality:

Coming out to my relatives is not an option for me. My family and grandparents come from a very religious family. When my relatives talk about homosexuality, they say homosexuals should be eradicated. When the imams say these kinds of things in the media or in the mosque, people in my family agree. They say in the media, "Homosexuals go to hell; they will never go to heaven. So we have to stop them. It's a sin for anyone to shake the hand of a homosexual."¹⁰⁴

More than anything else, the men we spoke to were afraid that their families would find out that they were gay and disown them. The seriousness of this fear and the magnitude of the consequences that could befall individuals who lose their families can only be grasped by understanding that the family forms the core of Senegalese social and economic life. Professor Cheikh Ibrahima Niang, a social anthropologist at the Cheikh Anta Diop University of Dakar who has worked extensively on HIV/AIDS prevention in the MSM and female sex worker communities, explains the importance of the family in Senegalese cultures:

You are part of a collective dynamic. You cannot live alone. Living alone is seen like a curse. The worst word for "poor" [in Wolof] is "lonely." If someone is [economically] poor, people will still ask "but is he [sic] lonely?" Being poor in economic terms is all right as long as you have your family. Even if you have lots of money but you are lonely, people will look down on you and you become vulnerable. Losing your family is like losing your self-esteem, it destroys your identity.¹⁰⁵

In addition, given the high rate of unemployment and poverty in Senegal as well as the relatively small portion of the population that is of working age,¹⁰⁶ for a vast majority of

¹⁰³ Human Rights Watch interview with Tapha (not his real name), Dakar, July 23, 2009.

¹⁰⁴ Human Rights Watch interview with Jawara (not his real name), Kaolack, August 2, 2009.

¹⁰⁵ Human Rights Watch interview with Cheikh Niang, October 7, 2009. For a brief description of the socio-cultural, religious, and historical factors that influence the make-up and dynamics of Senegalese family life, see Loretta E. Bass and Fatou Sow, "Senegalese Families: The Confluence of Ethnicity, History, and Social Change," in Yaw Obeneba-Sakyi and Baffour K. Takyi, eds, *African Families at the Turn of the 21st Century* (Westport, CT: Praeger Publishers, 2006), pp. 83-102.

¹⁰⁶ Loretta E. Bass and Fatou Sow, "Senegalese Families: The Confluence of Ethnicity, History, and Social Change," in Yaw Obeneba-Sakyi and Baffour K. Takyi, eds, *African Families at the Turn of the 21st Century* (Westport, CT: Praeger Publishers, 2006), p. 84.

Senegalese, it is impossible to survive without family support.¹⁰⁷ Often one earning member of a family supports the rest; most people cannot afford to lose that support and connection.

The Cultural Value of Privacy

One of the core values of Senegalese culture is “*sutura*,” Wolof for restraint or discretion. According to *sutura*, people should not flaunt their attributes, they should not draw attention to themselves or be outspoken about their activities and opinions. Its conventions demand a distinction between private and public life, and matters pertaining to sex and sexuality belong in the private realm. *Sutura*, therefore, is especially at play in matters concerning sex, including safer-sex outreach to address the spread of HIV/AIDS.¹⁰⁸

The recent visibility of men who have sex with men—itsself attributable to government efforts to reach vulnerable populations through recruiting peer educators and facilitating outreach to MSM populations—appears in this light as immodest display, or “flaunting,” by homosexuals who are seen as flouting the rules of *sutura* by being visible. However, the concept can also be understood to suggest non-interference in people’s private and sexual lives. Professor Niang suggests that the media could be seen as the ones who have violated *sutura* and respect for private life by publishing photos and personal information of individuals suspected of being gay—in this view, gay men are not offenders but victims.¹⁰⁹

Instead, *sutura* is being invoked to police individuals’ sexual autonomy. *Sutura* works through surveillance. Fofana’s conviction that he can tell if a man is gay from the way he dresses and the trouble Ziggy faced because of his “sexy, stylish clothes” suggest that people’s appearance and how they are perceived are crucial to their safety and all of the interviewees told us about protecting themselves from being perceived to be homosexual.

Niels Teunis points out that in Senegal secrecy must exist “in the absence of privacy” (as understood in the North American or European context). It is a matter of “keeping hidden what needs to be treated delicately.” Because no space is entirely private and inviolate, and because most aspects of individuals’ lives are entwined in family and community life and thus

¹⁰⁷ According to UN statistics, more than a third of the population subsists below the national poverty line. UNDP Human Development Report 2006, http://hdr.undp.org/en/media/HDR_2006_Tables.pdf, accessed on October 7, 2009. Senegalese authorities themselves out the figure at 57 percent—see note 125 below.

¹⁰⁸ Cheikh Niang has written about negotiating the principles of *sutura* in HIV outreach to and among female sex workers in Senegal. He speaks of the subtlety with which such work must be done, in order to not violate the principle of privacy contained in *sutura*. See Cheikh Ibrahima Niang, “Culture and Its Impact on HIV/AIDS Prevention and Care: Case Study on the Senegalese Experience,” 2001: 9-10, available at <http://www.safaid.net/files/2007%2006%2005%20Cultural%20Approach%20to%20Prevention.pdf>; accessed on September 25, 2009.

¹⁰⁹ Human Rights Watch interview with Cheikh Niang, Dakar, August 5, 2009.

visible, individuals have to negotiate the public domain—in the form of family, neighbors, and other community members—in most matters, including those concerning sexual practices. Thus, as Teunis puts it, “Secrets are in part an acknowledged aspect of one's life.”¹¹⁰

Sutura traditionally worked through this acknowledgement of secrets and a corresponding reticence in interfering with certain aspects of others' lives; *sutura*, therefore, guaranteed a specifically Senegalese form of privacy in the absence of “private space.” Such a model of privacy is, as Teunis points out, inherently vulnerable because it relies on reciprocity and honorable conduct on everyone's part.

While it is neither possible nor desirable that gay men and men who have sex with men in Senegal return to the socially marginalized and politically invisible space that they have long occupied, and while the state must take the lead in ensuring that members of marginalized populations are able to enjoy the rights and privileges guaranteed to all Senegalese, it is critical to also emphasize the value of the Senegalese equivalent to the right to privacy—*sutura*. The abuses and incidents of violence detailed in this report not only run contrary to domestic, regional, and international human rights standards and guarantees, but could also be read as violating cherished tenets of Senegalese culture.

Feminist scholar Codou Bop points out how recent attacks on homosexuals fit within a broader political and social agenda hostile to women's rights and gender equality:

Their strategy is not new. The Senegalese women's movement was threatened during a campaign organized in the 1990s by these same individuals and organizations aiming to deprive them of their legal rights. The mobilization and visibility of the women's movement at the heart of civil society are widely recognized and at the time of the fundamentalist campaign, they [women's rights activists] were mobilizing to change the family code to advocate for equality within the family and in society. Unable to imagine a society in which women would enjoy rights equal to those of men, these same Islamists, who today are hunting homosexuals, took action. They started an organization called the Islamic Committee for the Reform of the Senegalese Family Code (CIRCOFS) which required the adoption of an ordinance applicable only to Muslims. Derived from an extremely repressive interpretation of the Shari'a,

¹¹⁰ Niels Tuenis, “Same-Sex Sexuality in Africa: A Case Study from Senegal,” *AIDS and Behavior*, Vol. 5, No. 2 (2001), pp. 173-82.

this code mandated the creation of Islamic tribunals, the stoning of adulterous women, and the amputation of thieves' limbs.¹¹¹

The similarity of attacks on the bases of gender and sexual orientation/gender identity is no coincidence, of course. Homophobia and sexism are two edges of the same sword. In Senegal, the sexist nature of homophobia is evident in the general perception that all gay men are sexually “passive” and therefore effeminate. Misogyny underlies much of the violence against men who are not “masculine” enough, as evident from the testimony of all the men who regularly suffer verbal abuse and physical assault because of their non-normative gender expression.

“Clandestines”—men who have sex with men but who take an exclusively “active” sexual role and have a normatively masculine gender expression—thus often do not identify as gay and, in fact, can themselves be physically and verbally abusive towards “real” homosexuals. Some of the men spoke of being beaten up by clandestines and understood this violence to be part of the clandestines' strategy to avert suspicions about their own sexual preferences and practices. This is not surprising in a context where the merest suspicion of homosexual conduct, including by association, can cost people their lives. In this landscape of violence and fear, Bop draws lessons from the feminist struggle of the 1990s:

As in their current homophobic campaign, the Islamists were [then]... calling the women who fight to defend their rights “westernized feminists” seeking to destroy “the Senegalese family.” They utilized the media, and sought the support of the usual religious and political authorities. But they failed in their attempt because the women's organizations resisted, backed by human rights organizations, trade unions, and all groups fighting for the promotion of women's rights.¹¹²

Fatoumata Sow, feminist radio journalist who heads Manouré FM, a women's radio station, also calls for an intersectional approach:

It would be good to get women's organizations to see the situation [attacks against gay men] as a crackdown [against] diversity but most women's groups are conservative. Some [even] support the violence against homosexuals. Even human rights activists might have difficulties accepting sexual rights, as [the

¹¹¹ Codou Bop, “Senegal: Homophobia and Islamic Political Manipulation,” *Sexuality Policy Watch Working Papers*, No. 4 (March 2008), p. 3, http://www.sxpolitics.org/wp-content/uploads/2009/03/texto-codou-_revny.pdf, accessed on October 9, 2009.

¹¹² *Ibid.*

term] sexuality will be interpreted as homosexuality. Asking for recognition and tolerance will face resistance. I feel we have to push [for decriminalization of homosexual conduct]. We have a good family law now. It was bad at first and we had to fight to get it changed. It was a struggle but we managed after 10 years. If you don't ask for anything, you don't get it.¹¹³

¹¹³ Human Rights Watch interview with Fatoumata Sow, August 7, 2009.

Promoting Fear: The Role of Religious Leaders and the Media

A Campaign against Homosexuals

Mainstream media in Senegal created the “gay marriage” scandal with little verifiable evidence—a media “scoop” that led to the arrest, public humiliation, and prolonged persecution of men suspected or known to be gay, destroying lives and livelihoods and driving individuals and groups at high risk of HIV transmission further underground. At the time, the editor of *l’cône* claimed that *l’cône* was serving as the “sentinel of moral values” in Senegal. Some religious leaders manipulated and fueled the sensationalist depictions and unsubstantiated claims.

Religious leaders and organizations have the right to promote their values and express their beliefs free of state surveillance. This is a core principle that Human Rights Watch defends in its work. However, where there is widespread antagonism against a particular group and influential leaders intentionally seek to provoke violence, their expression can cross the line into criminal incitement. As several testimonies here show, some Senegalese religious leaders at times have made statements that directly legitimize or sanction violence against individuals perceived to be gay under circumstances in which they knew or should have known that acts of violence by their followers was a likely consequence.

Similarly, Human Rights Watch recognizes and supports everyone’s right to freedom of expression and belief, and we promote the existence of a free and independent media everywhere. Even as we uphold individuals’ right to privacy, we maintain that, except in the event of violating international human rights standards or directly inciting violence, no media organ should be subject to state sanction. However, it is incumbent upon the media to be objective in its reporting. All too often in the past two years, the Senegalese media has presented one-sided accounts, become a cheerleader for intolerance, or itself recommended violence against people perceived or known to be gay. Although, as this report describes, the anti-gay campaign has had a devastating effect on the lives of scores of men in Senegal, we are not aware of a single profile of such individuals in the Senegalese press that presents the story of persecution and loss, or the views of religious and political leaders and activists who condemn the attacks and call for tolerance.

Upon the release of the nine men, 25 Islamic organizations and religious leaders formed a coalition called the Front Islamique pour la Défense des Valeurs Éthiques (Islamic Front for the Defense of Ethical Values) whose main mission is to “eradicate homosexuality in

Senegal.”¹¹⁴ In an analysis published soon after the February 2008 arrests in the so-called gay marriage case, Codou Bop, the Senegalese scholar quoted in the chapter above, addressed many of these themes, emphasizing the political opportunism of “a few numbers of imams, religious Muslim associations, male politicians known for their fundamentalist stances, and journalists [who] have been leading an extremely virulent campaign against the supposed ‘degradation of morality and disrespect of religious values.’”

They always attack during a time of economic and social crisis. They target those vulnerable groups which, after mobilizing to win economic and sexual rights, have seen their efforts begin to bear fruit. First the focus was upon the issue of women’s rights, and today, upon homosexuals, an even more vulnerable group because of the profound social stigma against them. The strategy is always the same: the fundamentalists select a current situation that will unleash popular vindictiveness. They designate a target group, accusing its members of acting contrary to Islamic moral values or copying “perversions of Western societies.” These same people manipulate the media to represent themselves as defenders of the faith and of the moral order (theirs, of course) and they present the State as weak and complicit:

Their attacks are most often carefully timed to occur as a political election is about to take place ... Since local elections will be taking place in May 2008, it’s time again for them to take a stand. Moreover, by seizing this opportunity to decry homosexuality—an opportunity furnished and shamelessly exploited by the press—they risk endangering the physical and moral integrity of homosexuals.¹¹⁵

As if to provide evidence of Bop’s analysis, on March 11, 2008, a month after the release of the men and, tellingly, just days before Senegal was to host the Islamic Summit of the Organisation of the Islamic Conference, four members of the National Assembly, including Imam Mbaye Niang of the Movement for Social Reform and Development (MRDS), presented a draft bill to the president of the National Assembly seeking “worsening of the law against homosexuality” by increasing the prison sentence from a maximum of five years to 15 years.¹¹⁶

The writings of Senegalese scholars, journalists, lawyers, and activists show that there is great diversity of opinion within Senegalese culture on the legal, religious, social, and political status of homosexuality, as there is on any other question. There is a long and powerful

¹¹⁴ “After the Liberation of Nine Homosexuals Imams in Jihad against Moral Depravity,” *Le Quotidien*, April 28, 2009.

¹¹⁵ Bop, 2008, p. 3.

¹¹⁶ “Proposed Law against Homosexuality: The Case of Goorjigéen en route to the Summit,” *Walf Grand Place* (No. 681), March 11, 2008. We have been unable to determine the status of the bill at the time of writing.

tradition of acceptance and tolerance in Senegalese culture, including within religious culture. This tradition is in danger of being eroded because a few religious and political leaders, aided by some members of the media, have unleashed a campaign against homosexuality.

The Changing Religious Landscape

To understand the sudden explosion of violence against individuals on the grounds of sexual orientation and gender expression and the role of religion in this violence, it is important to get an overview of the religious landscape in Senegal. Senegal rightly prides itself on being a tolerant and stable democracy. Within its political structures, Islam plays significant but diverse roles. About 95 percent of the population is Muslim, and some 90 percent of the Muslims are Sunni. Islam in Senegal, unlike in many other Muslim-majority countries, draws from Sufi traditions, in which individuals are members of religious brotherhoods founded by sheikhs. The oldest Sufi order in Senegal is the Qadriyya (with origins in Baghdad), while Tijaniyya (originally from Morocco) is the largest, and Muridiyya (founded by a Senegalese) is the fastest growing.¹¹⁷

The two dominant brotherhoods in Senegal at present are the Muridiyya and the Tijaniyya. Each brotherhood is led by a descendent of the founder, known as the caliph, and members of a brotherhood, the talibé (laypersons), follow the teachings of the founder of the brotherhood and vow obedience to living spiritual leaders, the marabouts, who, as a consequence, wield immense influence over the talibé. Laypersons, especially non-literate people, often rely almost exclusively on marabouts and imams (leaders of mosques) for interpretations of religious texts. The teachings of imams and marabouts are spread through word of mouth, as our interviewees told us, and also broadcast on the media. Religious leaders also exercise significant influence over the government, including as members of political parties.¹¹⁸

Several people we interviewed spoke of the tolerant nature of Senegalese Islam and considered the country's secular character inviolable. Other voices insist that, since the

¹¹⁷ See Mara Leichtman, "The Authentication of a Discursive Islam: Shi'a Alternatives to Sufi Orders" in *New Perspectives on Islam in Senegal: Conversion, Migration, Wealth, Power, and Femininity*, edited by Mamadou Diouf and Mara A. Leichtman (New York: Palgrave Macmillan: 2009), pp. 115-17.

¹¹⁸ For instance, Imam Mbaye Niang, an influential religious leader and a member of the Collective of Senegalese Islamic Associations (CAIS) is the president of the political party Mouvement de la réforme pour le développement social (MRDS; Movement for Social Reform and Development), a member of the National Assembly, and an opposition member of parliament. Abdou Latif Gueye, another member of CAIS and the president of the NGO Jamra, is also a member of the National Assembly. Religious leaders also exert indirect political influence and are courted by political leaders. See Human Rights Watch report *Off the Backs of the Children: Forced Begging and Other Abuses against Talibés in Senegal*, pp. 29. <http://www.hrw.org/en/reports/2010/04/15/back-children-o>

1979 Iranian revolution, some strains of Senegalese religion have looked to an “Islamic revival,” drawing on international models for an increasing politicization of the faith.¹¹⁹ Since the 1980s, Sunni Muslims have been informally “converting” to Shi’a Islam, which is spreading more generally in West Africa. Mara Leichtman claims that the “discovery” of Shi’a Islam among Senegalese Muslims is the result of a search for an “*authentic* Islam.”

“Throughout the Muslim world there is a tendency to return to earlier practices of Islam perceived as a solution to the failures attributed to Western influence and the innovations (*bida*) in recent Islamic practice.” Leichtman attributes this move to a two-pronged effort to establish Shi’a Islam as not only “*authentic* Islam but also as *authentically Senegalese*.” This dual process seeks to adapt “Shi’a theology and ritual to distinctly Senegalese cultural practices”¹²⁰:

In addition to a small network of Shi’a Muslims developing in Dakar, Senegalese in the countryside are also beginning to convert. ... Ideas of Shi’a Islam’s historicity in Senegal were also actively promoted through Iranian efforts strategically aimed at combating Saudi Arabian objectives of spreading throughout Africa a *Wahhabi*-influenced Islam. ... The Iranian embassy has also played a subtle role in encouraging Shi’a Islam in Dakar. Iran has a history of economic cooperation with Senegal... [h]owever, certain embassy events continue to promote Shi’a Islam. The presence of Iranian Presidents Rafsanjani and Ahmadinejad at the Organization of the Islamic Conference meetings in Dakar in 2001 and 2008 respectively was highly publicized, as was [sic] Senegalese President Wade’s 2003 and 2006 visits to Iran.¹²¹

In 1979, Al-Hajj Ahmad Khalifa Niasse, popularly called the “Ayatollah of Kaolack” (Kaolack is a city south of Dakar), created the first Islamic political party in Senegal. However, he soon forsook the goal of claiming political power. In 1984, he established the newspaper and television empire, Wal Fadjri, in an effort to affirm the faith through press and broadcasting. Wal Fadjri became a key medium through which Senegalese were exposed to Shiite

¹¹⁹ For a discussion of the recent politicization of religion in Senegal, see Fabienne Samson, “Islam, Protest, and Citizen Mobilization: New Sufi Movements” in *New Perspectives on Islam in Senegal: Conversion, Migration, Wealth, Power, and Femininity*, edited by Mamadou Diouf and Mara A. Leichtman (New York: Palgrave Macmillan: 2009).

¹²⁰ Leichtman, 2009, pp. 111, 113 (*emphases in original*).

¹²¹ *Ibid.*, pp. 115, 113, 117. Shi’a Islam was brought to Senegal in the 19th century through Lebanese migration into Senegal but it was not until later in the 20th century that religion featured in Lebanese identity formation with the formation of the Lebanese Islamic Institute in 1978. In the 1970s, Lebanese Sheikh El-Zein began to teach Shi’a Islam to the Senegalese. He claims to have founded five mosques and 130 religious schools outside Dakar. “Senegalese converts partially depend on the Lebanese Sheikh and prominent Lebanese merchants to fund their institutions and activities” (*ibid.*, p. 120). Leichtman traces the dual influence of Lebanese Shi’a Islam and the Iranian revolution in the Senegalese turn towards Shi’a Islam.

perspectives. This influence has not meant, despite some conversions, that the Senegalese *en masse* have rejected Sunni Islam in favor of Shi'a Islam. Rather, some strains of existing Senegalese Islam have incorporated Shiite influence, particularly among the intellectual elite.¹²² Education has been another main vehicle and many Shiite schools and institutions were built in Dakar's suburbs in the 1990s.¹²³ Wal Fadji was at the forefront of sensationalist media coverage of the “gay marriage” and the arrest and release of the “nine homosexuals of Mbao,” as shown below.

The change in the religious landscape is also connected to increasing poverty and social disenfranchisement. Since the national economic crisis of the early 1980s, which saw structural adjustment policies implemented at the direction of international financial institutions, poverty levels in Senegal have risen, with an estimated 57 percent of the population living below the poverty level.¹²⁴ According to World Food Programme statistics from 2006, 46 percent of the population is vulnerable to food insecurity.¹²⁵ These stresses arguably reinforce growing trends among youth to “cultivate orthodox piety [as a way] to rebel against ideological vestiges of Senegal's colonial past as well as its Sufist religious traditions.” Sociologist Erin Augis writes of increasing conservatism among Senegalese youth:

This defiance [increasing conservatism] is not simply the next generation's natural inclination to distinguish itself from the previous; it is more so a way to negotiate new social, political, and economic circumstances as well as introduce new belief systems by challenging old ideologies. As Sunnite youth construct new selves as devout Muslims in an international field, they contrast their morality to their parents' values, which they view as parochial. They evoke their parents' applications of European and maraboutic culture as misled and contrary to the tenets of orthodox, or *true*, Islam.¹²⁶

Anthropologist Donna Perry examines the “crisis of masculinity” accompanying economic liberalization and “domestic struggles over labor and income,” and the consequent diminishing of men’s control over women among the Wolof in Senegal’s peanut basin. She

¹²² Leichtman claims that the Shi'a converts are “an elite community of highly educated intellectuals who frequently speak standard Arabic among themselves and share a minority religion that others do not understand and often do not even know exists in Senegal” (*ibid.*, p. 120).

¹²³ See *ibid.*, pp. 121-126, for a detailed account of these institutions.

¹²⁴ 2007 Statistics from the Ministry of Economy and Finances, Republic of Senegal, cited in Bop, “Senegal: Homophobia and Islamic Political Manipulation,” p. 3.

¹²⁵ <http://www.wfp.org/countries/senegal>, accessed on October 9, 2009.

¹²⁶ Erin Augis, “Jambaar or Jumbax-Out: How Sunnite Women Negotiate Power and Belief in Orthodox Islamic Femininity” in *New Perspectives on Islam in Senegal: Conversion, Migration, Wealth, Power, and Femininity*, edited by Mamadou Diouf and Mara A. Leichtman (New York: Palgrave Macmillan: 2009), p. 219.

argues that Wolof men channel their frustration with women's increasing economic power into "the Islamic revitalization now taking place throughout rural Senegal."¹²⁷

Thus, at least since the 1980s, a generational shift in religious views has affected Senegal.¹²⁸ The change includes increasing religious orthodoxy and critiques of earlier generations' attitudes, the latter increasingly characterized as having been shaped by "French imperialism, Western secular influence, and inadequate Quranic education."¹²⁹ The increasing religious orthodoxy also gives independence to young people who find themselves in a politically and economically disenfranchised position.¹³⁰

Bop highlights the relationship between disenfranchisement and orthodoxy in analyzing the recent upsurge of violence on the basis of sexual orientation and gender identity/expression and claims that widespread and increasing poverty is among the factors that drive people to "seek refuge in religion." She warns, "Today, a growing number of Senegalese people, especially youth, are attracted to fundamentalism because [of] the economic and social problems they encounter."¹³¹

Secular laws are also seen by groups such as the Comité Islamique pour la Reformé du Code de la Famille du Sénégal (CIRCOFS) to be colonial imports or remnants.¹³² Opposing secularism thus signals individuals' political and spiritual independence from colonial and Western values, and adhering to norms for gender and sexuality are integral to the reconfiguration of self undertaken by the younger generation. In 2003, for instance, a young woman wrote in a *Wal Fadjri* newspaper editorial in support of the CIRCOFS initiative to replace Senegalese secular family law with Sharia provisions, "Whether your man recognizes it or not, it is in his blood to possess several women."¹³³ Such positions on gender and sexual norms are not only

¹²⁷ Donna L. Perry, "Wolof Women, Economic Liberalization, and the Crisis of Masculinity in Rural Senegal," *Ethnology*, Vol. 44, No. 3 (Summer 2005), pp. 207-226: 211.

¹²⁸ Also see Leonardo A. Villalón, "ASR Focus: Islamism in West Africa—Senegal," *African Studies Review*, Vol. 47, No. 2 (September 2004), pp. 61-71.

¹²⁹ Perry, 2005, p. 220.

¹³⁰ The scope of the emergent ideological change is all the more striking in the light of the demographic fact that (in 2001) close to 60 percent of the population was under 20 years of age, with only 5 percent over 60. http://www.achpr.org/english/state_reports/Senegal/Senegal_2nd%20report.pdf, accessed on December 6, 2009. Eighty-seven per cent of the world's youth live on the African continent.

¹³¹ Bop, 2008, p. 8.

¹³² Founded in 2003, in the face of the growing Senegalese feminist movement, CIRCOFS, an Islamic association, demanded adapting Senegalese national family law to Sharia; it called for "a restoration of Muslim courts... and a modification of several articles of the [secular Family] Code" that affect women's rights within marriage and of inheritance and divorce. See Nadine Sieveking, "Negotiating Women's Rights from Multiple Perspectives: The Campaign for the Reform of Family Law in Senegal," in Gudrun Lachenmann and Petra Dannecker, eds, *Negotiating Development in Muslim Societies: Gendered Spaces and Transnational Connections* (Plymouth, UK: Lexington Books, 2008), p. 152.

¹³³ Quoted in Augis, 2009, p. 226.

a blow to the hard-won gains made by women's rights movements, they also place a burden on men to live up to rigid and heterosexual ideals of masculinity. It is the normalization of such ideals of masculinity that explain such statements as, “Why would you not want to be with women, our pretty women?,” “Do you even have a penis?,” and “Why do you need to be penetrated when you yourself have a penis?”—all rhetorical questions posed to men suspected of being gay as they were being beaten, the first two by police personnel.¹³⁴

The Role of Religious Leaders Condemning Homosexuality

Human Rights Watch has previously noted:

While it would be inappropriate for the human rights community to advocate for or against any system of religious belief or ideology and wrong to judge or interpret the principles of any religion or faith, it would be equally mistaken for the human rights groups to turn away from human rights violations or appeals for discrimination made in the name of religious principle or law. ... On the one hand, rights activists should more aggressively stand up for religious freedom and the rights of believers in secular and religious societies alike; on the other, they should directly oppose pressures from religious groups that seek to dilute or eliminate rights protections—for women, sexual minorities, atheists, religious dissenters, and so on—that such religious groups view as inconsistent with fundamental religious teachings and deeply held beliefs. Human rights groups should oppose efforts in the name of religion to impose a moral view on others when there is no harm to third parties and the only “offense” is in the mind of the person who feels that the other is acting immorally.¹³⁵

In the wake of the February 2008 arrests and ongoing persecution of Pape Mbaye and others in the “gay marriage” scandal, Imam Mbaye Niang of MRDS was quoted in a major newspaper calling for singling out homosexuals for enhanced punishment and pitting Islam against HIV/AIDS prevention:

It is inadmissible. You cannot decriminalize homosexuality in Senegal. We ask instead the strengthening of the sentence. We must single out

¹³⁴ Human Rights Watch interview with Babacar (not his real name), Dakar, July 27, 2009; Human Rights Watch interview with Malang (not his real name), Dakar, July 28, 2009; Human Rights Watch interview with Sidi (not his real name), Dakar, July 28, 2009.

¹³⁵ Jean-Paul Marthoz and Joseph Saunders, “Religion and the Human Rights Movement,” *World Report 2005: Events of 2004* (New York: Human Rights Watch, 2005), pp. 41-42.

homosexuals, and punish them by penalties far more severe. ... We will do everything to prevent [the “insurrection” of homosexuality in Senegal]. The [MSM] associations, which operate under the banner of human rights, are not worthy. We will create associations defending the ideals of Muslims.¹³⁶

The Collective of Senegalese Islamic Associations (CAIS), which includes the Islamic organization Jamra, organized a rally to protest the release of the men on February 6, 2008. A February 8, 2008 newspaper story on the march proposed by CAIS quoted Imam Mbaye Niang of MRDS: “All these evils corrupting our society without the State nor the court taking the responsibility to enforce the law are destroying the foundations upon which the balance of Senegalese society [rests].” The newspaper also informed its readers that Jamra vice-president Imam Massamba Diop would deliver a special sermon on homosexuality at the Grand Mosque in Pikine.¹³⁷

The rally took place the following Friday and police had to disperse the protestors by force when, in the charged atmosphere following Friday afternoon prayers, the rally turned violent, with men demanding the extermination of homosexuals. The violence ensured that the rally got an extended airing in the media—a fact not insignificant in light of Bop's analysis of the political opportunism of some religious leaders.

In December 2008, just days before the arrest of nine members of AIDES Senegal, 66 states read a statement at the United Nations General Assembly condemning human rights violations on the grounds of sexual orientation and gender identity, and calling for the universal decriminalization of homosexual conduct. In early 2009, while the members of AIDES Senegal were still in prison, the Islamic NGO Jamra attempted to rally religious leaders against the statement, which Senegal did not sign; Jamra's visits to other religious leaders followed on the heels of one of the largest annual religious events in Senegal, the Grand Magal in Touba.¹³⁸ A newspaper report quoted from a communiqué issued by Jamra that claimed to demonstrate how “obscure lobbies engaged in global large-scale corruption, not hesitating to disburse huge sums, [are] working skillfully to... achieve their sinister purpose: to legalize the unions against nature in... African countries.”¹³⁹

¹³⁶ “Homosexuality: Request Depenalization,” *Le Quotidien* (No.1529), February 11, 2008.

¹³⁷ “To Protest against the Liberation of Homosexuals: March and Protest Sermon of Imams on the Menu,” *Sud Quotidien* (No. 4465), February 8, 2008.

¹³⁸ The Grand Magal de Touba is the annual festival of the Muridiyya brotherhood and is held in Touba, an important pilgrimage site, to commemorate the going into exile (due to pressure from French imperial forces) and return of the founder of the brotherhood. Hundreds of thousands of believers, from Senegal and abroad, attend the festival every year.

¹³⁹ Draft Universal Decriminalization of Homosexuality—Serigne “Abdoul Aziz Sy 'Junior': 'Senegal Will Never Sign This Agreement of Shame!,” *Le Quotidien*, March 11, 2009.

Upon the sentencing of the nine members of AIDES Senegal in January 2009, Imam Masamba Diop, executive director of the Islamic association Jamra, declared on Senegalese TV that “the sentencing of the nine was mild. If we lived under Sharia law, the nine would have to be killed. I repeat, they would have to be killed.”¹⁴⁰

After the overturning of the verdict and the release of the nine in April 2009, and marking the formation of the Islamic Front for the Defense of Ethical Values, Imam Mamadou Lamine Diop of Guédiawaye publicly wished death upon all homosexuals. He declared that “homosexuals should be banned to the fringes of society, and if they refuse, they should join the silence of the cemeteries, be simply removed from life.”¹⁴¹

Imam Mbaye Niang of MRDS, also a member of parliament, criticized the judges for releasing the men upon appeal: “Gay men will never be free in Senegal. They expose us all to danger. The judges should understand that Senegalese people need to protect their children, their families from homosexuality.” Claiming that the “liberation has angered [the] Senegalese,” Niang claimed:

It’s not wise to force an acceptance of homosexuality in Senegal. That risks inciting Senegalese to take the law into their own hands when faced with the failure of state justice. Believe me that the population is going to seek its own justice and that that justice will be much harsher.¹⁴²

Such words from a prominent and influential religious and political leader, appearing to justify and, arguably, encourage vigilante violence against homosexuals, are a matter of grave and continuing concern. Cherif, one of the nine men arrested in December 2008, speaks of the increase in religious condemnation of homosexuality following that year’s incidents:

My father’s second wife’s older brother is an imam. After the [December 2008] arrest and since then, he makes a point of talking about homosexuality. My mother goes to the mosque every Friday, and they talked about homosexuality at the mosque a lot after the arrests. Imams in many mosques make a point of talking about homosexuality since these cases.

¹⁴⁰ <http://futursenegalvideo.fliggo.com/video/oQGGdeM7> (translation by Human Rights Watch).

¹⁴¹ “Création d’un Front islamique pour la défense des valeurs éthiques,” *Jeune Afrique*, April 29, 2009. <http://www.jeuneafrique.com/Article/DEPAFP20090429T222200Z/-justice-Religion-homosexualite-islam-Creation-d-un-Front-islamique-pour-la-defense-des-valeurs-ethiques.html>, accessed on October 29, 2009.

¹⁴² “Gays Under Threat in Senegal,” *GlobalPost*, April 25, 2009.

After the *lcône* incident I remember hearing on the radio that imams were saying that if you see a gay person you should kill him.¹⁴³

All 10 men we talked to in Kaolack said that they had heard imams in their community say both in mosques and on radio and TV: “Homosexuals should be beaten, they should be burned [and] kicked out of their family homes.”¹⁴⁴ Sidy, 28, gave an example:

This morning, on the TV station 2S, there was a program on [the show] “The Right Path.” The host was Imam Alioune Sall. He said that back in the days of the prophet, when men were caught [having sexual relations with other men], the population wanted to burn them. The imam said that people shouldn’t burn homosexuals because only god can burn them, but they can and should stone them to death, and then bury them. He also said that touching a homosexual, setting foot where a homosexual has been, and touching anything that they have touched is not permitted. [The imam said] “If you know someone is homosexual, you must not do these things; once a homosexual is dead, you can prepare the body for burial but you can’t bury him in a Muslim cemetery and stones should be placed on top of his grave.” [The imam] was saying that a homosexual has to be killed.¹⁴⁵

Bamar Guèye, executive director of the NGO Jamra, secretary general of the Islamic organization Jamra (which was a driving force behind the formation of the *Front Islamique pour la Défense des Valeurs Ethiques*),¹⁴⁶ and executive secretary of CAIS, spoke to Human Rights Watch about the December 2008 arrests. He endorsed both the criminalization of homosexual conduct and the irrelevance of evidence in finding the nine men guilty in this case. “Neither of us knows what happened inside the room where they were caught, but you have to call a spade a spade,” he said. “When you see those men with certain clothes and behaviors entering a house, you know what they are going to do.” He stressed, “I am against any violence, I am for equity,” but insisted “that our beliefs [be] respected”:

¹⁴³ Human Rights Watch interview with Cherif (not his real name), Dakar, July 31, 2009.

¹⁴⁴ Human Rights Watch interviews, Kaolack, August 2, 2009.

¹⁴⁵ Human Rights Watch interview with Sidy (not his real name), Kaolack, August 2, 2009.

¹⁴⁶ Less than a week after the release of the nine members of AIDES Senegal on April 20, 2009, 25 Islamic organizations and several religious leaders held a day-long meeting at Omar Mosque in Dakar and founded the Front, with the express purpose of “preserving Senegalese moral values” by opposing homosexual practice and resisting international as well as local pressure to decriminalize homosexual conduct. At least one parliamentarian attended the meeting. One of the first actions undertaken by the Front, as also reported in the media, was visits to mosques and other religious institutions, including to Christian religious leaders, to promote their agenda. “After the Liberation of Nine Homosexuals Imams in Jihad against Moral Depravity,” *Le Quotidien*, April 28, 2009.

These are people who collide with the faith of their neighbors. In these cases there is an action [the presumed behavior of homosexuals] that provokes a reaction in the surroundings. People [homosexuals] are trying to bring other people to take the path of homosexuality. If one doesn't defend one's offspring, sooner or later, the youth will fall to deviance. There is a first violence [homosexuality] that can be so dazzling, colliding with religious faith, that it creates reactions that we cannot control.... We try to avoid confrontations, but sometimes we cannot avoid the reactions.¹⁴⁷

Responding to the release of the nine AIDES Senegal members, Serigne Modou Bousso Dieng, the “president” of Senegal’s religious leaders, was quoted in a news story, speaking “bitterly”: “We have a responsibility to face any evil that is corrupting our religion. We must look for these criminals and kill them publicly and I will be at the forefront!”¹⁴⁸

Notwithstanding the protections due freedom of expression, some of these statements violate international human rights standards, as they were intended to and could have been expected to directly incite violence. Further, Article 7 of the Senegalese constitution begins with the words: “The human person is sacred. The human person is inviolable. The state shall have the obligation to respect it and to protect it.” This value, which is consistent with religious precepts and traditional Senegalese culture, is contravened when leaders purposefully incite violence against a group of people because of their sexual orientation or gender expression.

Article 24 of the Senegalese Constitution grants religious institutions and communities autonomy and the right to develop. However, these rights are subject to “respect for public order.” Calls for persecuting and killing individuals on the basis of their sexual orientation and/or gender identity and expression clearly violate this condition.

The Role of the Media in the Escalation of the Violence

The media in Senegal has played a largely negative role on the issue of homosexuality and has in some cases itself fueled further violence against individuals on the grounds of sexual orientation and/or gender identity and expression.

Media reports of the arrest and release of the men involved in the two famous cases as well as other incidents have been overwhelmingly one-sided, scarcely ever presenting the voices

¹⁴⁷ Human Rights Watch interview with Bamar Guèye, Dakar, August 29, 2009 (translation by Human Rights Watch).

¹⁴⁸ Quoted in an article about “religious leaders and imams vowing to suppress homosexuality in *Le Quotidien*, April 30, 2009.

of either the men themselves or those who deplored the violence against them. Senegalese journalists have almost entirely ignored perspectives critical of the criminalization of consensual homosexual conduct and the effect of anti-gay panics on the lives of affected individuals. And their ostensibly objective reporting all too often is loaded with negative value judgments (through the use of pejorative language, for instance), with newspaper editorials themselves sometimes calling for violence or fueling hostility.

A sensationalist and unsubstantiated story in the popular magazine *lcône* in 2008 started a chain of arrests and persecution of gay men. The media continued to fuel public rage and endanger the men even after they were freed, encouraging people to hunt them from town to town across the country. *lcône* is not within the economic reach of most of the population. However, *lcône*'s story was picked up by other, cheaper magazines and newspapers and by radio and TV stations and widely disseminated over the course of the days and months following the initial publication.

Laye, founder and leader of an MSM outreach and education group, who had organized the venue for the party in February 2006, told us:

People from the community said on the radio and on TV that the police were looking for all of us. Imams talked about it on Wal Fadjri radio, on RDV TV, and other radio and TV stations. The police never themselves went on radio or TV but journalists would say that they had talked to the police, who had told them that they were going to arrest all the people [in the photos]. When the men were released, the imams held a demonstration in Dakar, it was a Friday, so, you can imagine what the atmosphere was like.

The media are responsible for the way the population reacted. There were a thousand versions, each worse than the other, each TV channel and newspaper had their own “twist” to the story. The day after the arrest, one newspaper said that because the people arrested were gay, they were going to be tested for HIV. And all the newspapers and TV picked this up and said the same thing.¹⁴⁹

Bop describes how the media covered the story:

¹⁴⁹ Human Rights Watch interview with Laye (not his real name), Dakar, July 24, 2009. *Au Senegal* ([No. 725], February 6, 2008) was one of the newspapers that made this claim.

The media reported on this subject daily during the entire month of February, fueling debates about homosexuality among sociologists, experts in *Qu'ranic* studies, legal experts and psychologists. Ordinary citizens were invited to express their opinions on the subject by mail or in interactive discussions. ... Muslim authorities described the marriage in terms of perversion and repudiation of Holy Scripture. Psychologists called it sickness and sexual deviation. Others blamed the evil influences of cultural globalization.¹⁵⁰

Myriam Wedraogo of West Africa Democracy Radio (WADR) describes the effect of how *Le Populaire* (a national newspaper) covered Pape Mbaye's flight to the United States in August 2008 and his life in New York City:

At the time it was published, I was traveling to Saint Louis by bus. Many of the youth on the bus saw the article and said: ...“We cannot access normal migration channels, but by being gay and claiming your rights are violated, we could afford expensive apartments and meet Ban Ki Moon.”¹⁵¹

Safietou Kane, a journalist with another national daily, *L'Observateur*, who wrote a few articles on homosexuality in Senegal in 2004, claimed that “criminalizing [homosexuality] is important because it is in our religion”:

Allowing homosexuality will mess up society. I could not allow that because society runs on rules. I don't see a contradiction [between the right to privacy and the criminalization of private consensual sexual conduct]. If we start stoning homosexuals, I would say, start with those who are hiding [homosexuals who are in hiding]. Jesus said, whoever is innocent, let him cast the first stone. I doubt this would happen in Senegal [but if it does] I won't be the one to cast the first stone.¹⁵²

The newspapers provided not only soap-opera-style coverage of the arrests and hounding of men suspected of being gay, but also served as a medium for conservative religious voices to opine about the “evils,” “corruption,” “disease,” and “scourge” of homosexuality.

¹⁵⁰ Bop, 2008, pp. 2, 3.

¹⁵¹ Human Rights Watch interview with Myriam Wedraogo, Dakar, August 7, 2009.

¹⁵² Human Rights Watch interview with Safietou Kane, Dakar, August 5, 2009.

The Wal Fadji media group—founded by Al-Hajj Ahmad Khalifa Niassé, the “Ayatollah of Kaolack,” and a key medium for spreading Shiite rhetoric in Senegal—served as an ideal forum for propagating the homophobic views of religious leaders. On February 17, *Walf Grand Place*, one of the group’s publications, reported on CAIS’s “walk against gay sex” subtitled “Jihad in Dakar.” The rally had been organized at the Grand Mosque in Dakar to protest the release of the men arrested in relation to the “gay marriage,” and the newspaper editorialized on the “black Friday” to claim that the mosque had been “desecrated by Senegalese police,” who had entered the mosque to break up the illegal and violent rally. The story cast the protesters as “the faithful” who had been set upon by “enemies” in their defense of Islam. The story criticized the banning of the rally by the prefect of Dakar “under the guise” of maintaining order while ostensibly claiming to respect the state’s responsibility for protecting “fags, real dangers to our society.”¹⁵³

The men were released because there existed, in fact, no legal grounds for the arrests. Yet, a few days later, Wal Fadji published the “disappointment” of the president of the NGO Jamra, Abdou Latif Gueye, upon the “surprise release” of the men: “The fight against homosexuality and all the deviations which dehumanize the individual is a legitimate struggle, and certainly highly moral and of civic patriotism. ... At stake is the preservation of our family, the preservation of mental health, moral and physical development of our children....”¹⁵⁴ Wal Fadji did not acknowledge the absence of evidence against the men; in giving extensive courage to anti-gay religious sentiment and ignoring other points of view, it appeared to continue the trend set by *Icône* editor, Mansour Dieng, who claimed that his magazine was “the sentinel of moral values.”

Media reporting on the arrest (in December 2008) and release (in April 2009) of the nine members of AIDES Senegal was also largely sensationalist and unsubstantiated. One newspaper story headlined news of the release of the nine men and the formation of the Islamic Front for the Defense of Ethical Values that followed with the words “The Imams Stalk the Fags.” While citing a statement read by Jamra’s director, blaming (foreign) homosexual “lobbies” engaged in “reckless pursuit” of decriminalizing “these practices against nature,” it opined: “Homosexuality has no place in Senegal and can not be tolerated.”¹⁵⁵ Yet another newspaper announced the release of the nine with the words “Anti Dunx” (*dunx* is a pejorative for homosexual, “fag” in Wolof).¹⁵⁶ A few days earlier the same

¹⁵³ “Walk against Gay Sex: Jihad in Dakar,” *Walf Grand Place* (No. 661), February 17, 2008.

¹⁵⁴ “Case of Homosexuals: Latif Gueye Seeks Uncompromising Application of the Law,” *Wal Fadji* (No. 4777), February 21, 2008.

¹⁵⁵ “After the Liberation of Homosexuals [of] Mbao: The Imams Stalk the Fags,” *L’AS* (No. 1090), April 30–May 1, 2009.

¹⁵⁶ “Anti-Dunx,” *Le Populaire* (No. 2826), April 29, 2009.

paper had carried a long article titled “Nine Vicious Rescued by a Vice,” with subheadings ranging from the sarcastic to the indignant: “Gay Lawyers Rejoice and Welcome the Courageous Members of the Court,” “Mactar Gueye, Vice-President of Jamra: 'This is Sexual Deviance that Should Be Fought as Bestiality, Necrophilia,'” and “Imam Ahmad Dame Ndiaye Alleges Neocolonialist Practices of France.”¹⁵⁷

Yet another newspaper covered the release of the nine men by recounting the events of the previous few months and closed with a list of the names of the nine men.¹⁵⁸ Some coverage was more sensationalist and overtly homophobic than other; an article in *Walf Grand Place* claimed that the nine men “had rented an apartment to engage in acts against nature. But they show others that they were an organization that educates gays on the transmission of HIV/AIDS.”¹⁵⁹ The article presented no evidence to support its claims.

Laye spoke of some of the media coverage following their release in April 2009:

When we were released, the newspapers and TV said it was because we were [HIV] positive and the authorities didn't want us infecting the other inmates. They said that we had been taken to Division SIDA and tested. The media kept manipulating the population with stories like this. I was shocked at the language they used in the papers; they used words like “*le pédé*” [to characterize us] which you don't use! Both around these arrests and for the *Icône* incident. Over and over again. It is unthinkable to me to use this language. Every article had an angle. They would talk about Cheikh Niang, because he was criticizing the arrests, and call him crazy.

They used my name and everything is out in the media. The police have our photos on their personal cameras... I'm really worried about that. If those pictures ever come out [in the media], we will have to leave home that very day.¹⁶⁰

Soon after the release of the nine members of AIDES Senegal, *L'Observateur* carried an interview with Abdoul Aziz Kebe, an Islamic and Arabic scholar at Cheikh Anta Diop University, in which the scholar called the release of the men “illegal”¹⁶¹ (The newspaper did

¹⁵⁷ “9 vicieux sauvés par un... vice,” *Le Populaire* (No. 2819), April 21, 2009.

¹⁵⁸ Untitled piece, *Le Quotidien* (No. 1882), April 21, 2009.

¹⁵⁹ “The Court of Appeal Release Nine Homosexuals: The goorjigéen Have a Smile,” *Walf Grand Place* (No. 664), April 21, 2009.

¹⁶⁰ Human Rights Watch interview with Laye (not his real name), Dakar, August 5, 2009.

¹⁶¹ “The Law Was Broken by Releasing Homosexuals,” *L'Observateur*, April 28, 2009.

not point out that, in fact, the arrest of the men had been illegal). Through their selective and biased coverage, newspapers gave the impression all political, scholarly, popular, and religious opinion opposed homosexuality in Senegal.

Similar to the casting of Senegalese women's rights advocates as “westernized feminists” intent on destroying Senegalese culture, sometimes the media cast homosexuality as a “neocolonial” foreign import.¹⁶² Both editorial content and news reporting warn luridly of this cross-border incursion. One editorial linked decriminalization of homosexual conduct with new-imperialist agendas and claimed:

After his country [France] had as a vampire sucked our natural resources with the complicity of many African irresponsible leaders, having argued that Africa is not yet part of history and many other kind of gibberish, this “settler” Sarkozy wants to pollute our families almost by ordering us to decriminalize homosexuality....¹⁶³

Another titled “Masonic and Homosexual Lobbies” declared:

Homosexuality is a mental illness inherited from the colonial French.... Homosexuality is a lifestyle contrary to our values and our way of doing things. Men or women who take these paths are generally very intelligent, but suffer from the obsession with carnal pleasure or material wealth. ... Unfortunately, Senegal is a victim of international opinion and poverty.... Europeans see us as their subjects, they all laugh at our values, but all use our natural resources. Europe refuses to accept polygamy, the headscarf to school, and in return we accept that homosexuals come to spend their weekends, weddings or honeymoon in our hotels and public places.¹⁶⁴

Imam Mbaye Niang of MRDS elaborated on the connections: “[W]e know the relationship between Freemasonry and homosexuality. There are Masonic rituals that somehow trivialize sex.”¹⁶⁵

¹⁶² Bop, 2008, p. 9.

¹⁶³ Quoted in an editorial criticizing French president Nicolas Sarkozy’s call for the decriminalization of homosexuality in Senegal in *Sud Quotidien*, April 27, 2009.

¹⁶⁴ Ousmane Drame, “Masonic and Homosexual Lobbies: A Big Social Scourge,” June 26, 2009, <http://www.seneweb.com/news/article/23667.php>, accessed on October 1, 2009 (translation by Human Rights Watch).

¹⁶⁵ Freemasonry is a social organization, often called a “secret society,” of a religious nature (though not a religion) dating to at least the 18th century in Europe (with some references dating as far back as the 14th century); it claims to be the oldest and largest worldwide fraternity (membership is still formally restricted to men) dedicated to “the Brotherhood of Man under the

Fofana, the journalist at *Le Populaire* who believes that homosexuality must be criminalized in Senegal because “my religion tells me it is a sin,” claims that the media merely reflect prevailing social attitudes and do not influence public opinion: “People will think what they are thinking in any case, they have already made up their minds, we can’t change that, we just report on facts.” Fofana told Human Rights Watch that in both cases—the “gay marriage” scandal of February 2008 and the arrest of the nine members of AIDES Senegal in December 2008—*Le Populaire*’s reports only appeared after the incidents had become “criminal” matters (that is, once the arrests had begun) and had, therefore, entered the public domain. In the latter case, Fofana told us that police personnel had contacted *Le Populaire* to inform journalists of the arrest of “homosexuals” (However, he believes that religious leaders have been misinterpreting the religious texts: “It is true that people who do acts from Sodom and Gomorrah should be killed, like adulterers, but there should be four witnesses [to the criminalized acts] who are in a position of confidence in the community”).¹⁶⁶

State functionaries and the media cooperate in developing a convenient interpretation of the distinction between public and private domains. Police treat as “public” information they receive about homosexual conduct regardless of evidence. The press then cements the case’s “public” character, claiming that they are simply reporting what is already in the public domain, as in the case of both the “gay marriage” arrests and persecution and the arrest of the members of AIDES Senegal.

Wedraogo points to the collaboration between political leaders, the media, and religious leaders:

Religious leaders influence politics. They will call their followers to vote for a certain politician and they have opinions on social issues. Social intolerance is not new, but now media is covering it more and religious leaders are speaking about it more openly.¹⁶⁷

The media, purportedly objective, Wedraogo argues, respond to pressure from religious authorities and other leaders. Fatoumata Sow, who heads the women’s radio station Manouré FM, was critical of media culture in Senegal:

Fatherhood of a Supreme Being.” Because of the allegorical use of King Solomon’s Temple in Masonic imagery, Freemasonry is often associated in Islamic societies with Zionist principles and a desire to rebuild the Temple on the site of Al-Aqsa Mosque in Jerusalem. Interestingly, Freemasonry, like many forms of Sufism, propounds tenets of fraternity, cooperation, and non-violence.

¹⁶⁶ Human Rights Watch interview with Bachir Fofana, Dakar, August 6, 2009.

¹⁶⁷ Human Rights Watch interview with Myriam Wedraogo, Dakar, August 7, 2009.

The press is not conscious of its social and cultural role; most [only] want to sell newspapers and make money. They don't care about the consequences and impact of their writings. Most are not trained to be journalists. ... Newspapers need to find a scoop, so news reports become very bloody.¹⁶⁸

As evident from the examples above, some journalists and newspapers have reflected homophobic attitudes and violence by offering editorial comments (sometimes within news stories) that appear to support calls for intolerance and violence. Thus, the media has sometimes effectively participated in and incited violence against individuals by both state and non-state actors.

The weight of the anti-homosexuality discourse as disseminated by the media is such that dissenting voices clearly stand out. A news story quoted the education coordinator of the Family Life Education program of the Group for Population Studies and Education (GEEP) calling, on the occasion of World Aids Day 2008, for breaking the taboo around homosexuality and ensuring that students have access to both safer-sex materials and information: "MSM should not be a means of spread of HIV / AIDS in schools. It is no longer a taboo subject, we need to take care of homosexual students."¹⁶⁹

One former associate editor-in-chief at *Le Soleil*, who wished to remain anonymous, told Human Rights Watch that in his opinion neither the public nor the state had the right to persecute people on the basis of their sexual orientation and private sexual practices. Even Safietou Kane, who claimed that "allowing homosexuality will mess up society," admitted that the media coverage of the "gay marriage" incident had been "purely sensationalist," especially the publishing of the photos "to get attention and boost sales":

The life of Pape Mbaye became hell because [journalists] went overboard with sensationalism. They should respect [people's] privacy. A person's sexuality belongs in [the] private [sphere]. Everyone has things in their lives they want to keep private. Homosexuals should be allowed their privacy.¹⁷⁰

Among the short list of dissenting voices, one news report, which criticized the characterization of Senegalese culture by Western political leaders as "barbaric" and the French government's "concerns" for "its former 'subjects,'" nevertheless went on to say:

¹⁶⁸ Human Rights Watch interview with Fatoumata Sow, Dakar, August 7, 2009.

¹⁶⁹ Quoted in an editorial in *Le Quotidien*, December 8, 2008.

¹⁷⁰ Human Rights Watch interview with Safietou Kane, Dakar, August 5, 2009.

However shocking and selective, the Western outcry does pose a real problem of individual freedom at home. ... This fear of rowing against the tide of the pack that strangles us all and too often prevents us from denouncing harmful failures [of] society in our own societies.

Speaking of the sentencing of the nine members of AIDES Senegal to eight years in prison, the writer suggests, “Perhaps we must admit that there are some excesses in all the rage.” While equivocating on the question of whether consensual sexual conduct should be criminalized, the writer nevertheless claims: “[I]t would serve us to be less hypocritical, less cowardly and more tolerant.”¹⁷¹

¹⁷¹ “Intolerance,” *Sud Quotidien*, January 15, 2009.

HIV/AIDS and Homosexual Conduct in Senegal

Editorializing after the release of the nine members of AIDES Senegal in April 2009, one journalist criticized “the promptness of [Senegalese] government to often act to please the former colonizer.” Roundly rebuking the “gay lobbies” of the West, the journalist confidently informed the reader that “AIDS primarily affects homosexuals and drug addicts.”¹⁷²

This chapter explores some of the health consequences of the targeting of gay men and men who have sex with men by officials and private individuals. The testimonies here as well as evidence from other countries show the detrimental effect of criminalization of consensual sexual conduct on HIV/AIDS outreach and treatment among high-risk populations. Peer educators and outreach workers among MSM play a critical role in prevention efforts. The recent arrests and persecution have devastated nascent government efforts to include MSM populations in its HIV/AIDS programs. The contradiction between laws criminalizing same-sex sexual conduct and public health imperatives to stem the spread of HIV/AIDS among underserved populations is glaringly apparent.

The stories also point to the risks involved in doing HIV/AIDS outreach work among the highly stigmatized MSM populations. Often, outreach workers’ efforts to reach these populations makes the workers themselves vulnerable to violence as they too are presumed to be gay.

The Effect of Violence on HIV/AIDS Outreach

Senegal is, in many ways, an HIV/AIDS success story; it was “the first sub-Saharan African country to establish an antiretroviral (ARV) treatment program in 1998 and is one of the few African countries that provide free ARV treatment.” HIV prevalence in the general population in Senegal is less than 1 percent. According to a recent report:

Several factors have contributed to Senegal’s success in maintaining a low HIV-prevalence rate. Since the 1970s, Senegal has made a safe blood supply a priority and had also required sex workers to register and to have quarterly checkups. These efforts have helped reduce the risk of HIV transmission through blood transfusions and through sexual contact with legal sex workers.

¹⁷² Quoted in an editorial criticizing French president Nicolas Sarkozy’s call for the decriminalization of homosexuality in Senegal in *Sud Quotidien*, April 27, 2009.

However, success has not reached everyone in the population. The same report concludes that, “Despite Senegal’s contained HIV/AIDS epidemic, the national response has not sufficiently targeted high-risk populations, such as men who have sex with men.”¹⁷³ HIV prevalence is estimated to be about 25 percent among men who have sex with men¹⁷⁴ yet this population was largely absent from the way the medical establishment conceived of the HIV/AIDS crisis in its early years. Even as late as 2000, HIV/AIDS workers overlooked men who have sex with men.¹⁷⁵ A June 2001 issue of *Africa Recovery* speaks of Senegal’s early response to the epidemic, its concerted efforts to reach (female) sex workers, and the critical role of women’s groups and religious organizations in Senegal’s “success” but makes no mention of men who have sex with men.¹⁷⁶

In 2003, Professor Niang, who produced the first research in Senegal on HIV/AIDS among MSM and gay male communities, co-authored a paper that examined violence and discrimination against men who have sex with men in Dakar as well as HIV prevalence in this community.¹⁷⁷ The same year, the National AIDS Council (CNLS), which is Senegal’s HIV/AIDS coordinating body, started the first program to address the health needs of the MSM population. In 2005, Abdoulaye Sidibe Wade and others published findings from the first epidemiological survey of HIV and vulnerability to STIs among men who have sex with men in Senegal; they found a prevalence rate of 21.5 percent.¹⁷⁸

In 2006, a national NGO, Alliance Nationale Contre le SIDA (ANCS),¹⁷⁹ was appointed the Global Fund recipient for civil society and the private sector while CNLS was the principal recipient for the public sector.¹⁸⁰ Senegal’s 2006 proposal to the Global Fund identifies, among

¹⁷³ Open Society Institute, *HIV/AIDS Policy in Senegal: A Civil Society Perspective* (New York: OSI, 2007): 11, 14.

¹⁷⁴ UNAIDS/WHO Working Group on Global HIV/AIDS and STI, “Epidemiological Fact Sheet on HIV and AIDS: Senegal (September 2008): 7.

¹⁷⁵ In a paper published in 2000, Dr. Waly Diop of the West Africa Project to Combat AIDS claimed that “there was not really an epidemic of human immunodeficiency virus (HIV) to date within any single group.” He further claimed that among the factors that explained Senegal’s “exception” was “a severe moral condemnation of all forms of cohabitation not sanctioned by a religious act and that may involve sexual rapport.” There is no mention of men who have sex with men in the article. Waly Diop, “From Government Policy to Community-Based Communication Strategies in Africa: Lessons from Senegal and Uganda,” *Journal of Health Communication*, Volume 5 (supplement), Jan 2000: 113-117; p. 113.

¹⁷⁶ “Senegal’s Recipe for Success: Early Mobilization and Political Commitment Keep HIV Infections Low,” <http://www.un.org/ecosocdev/geninfo/afrec/vol15no1/15n01pdf/151aid11.pdf>, accessed on November 12, 2009. *Africa Recovery* is published by the United Nations Department of Public Information.

¹⁷⁷ Cheikh Ibrahima Niang, et al., “‘It’s Raining Stones’: Stigma, Violence and HIV Vulnerability among Men Who Have Sex with Men in Dakar, Senegal,” *Culture, Health & Sexuality* (Vol. 5, No. 6, Nov-Dec 2003): 499-512.

¹⁷⁸ Abdoulaye Sidibe Wade et al., “HIV Infection and Sexually Transmitted Infections among Men Who Have Sex with Men in Senegal,” *AIDS*, Vol. 19, No. 18,, 2005, 2133-40.

¹⁷⁹ ANCS is a nongovernmental organization founded in 1995 as a partner in the International HIV/AIDS Alliance. ANCS supports HIV testing centers and community-based organizations and does HIV/AIDS care and treatment advocacy nationally.

¹⁸⁰ The Global Fund to Fight AIDS, Tuberculosis and Malaria, an international financing organization, was founded in 2002 as a partnership among civil society, governments, and the private sector. It funds programs in more than 140 countries worldwide, giving grants to both state institutions and nongovernmental bodies.

other groups, men who have sex with men as a target group based on epidemiological data and surveys of poverty and vulnerability and highlights the need for the “reduction of stigmatization in all environments” as critical for service delivery to vulnerable populations.¹⁸¹ The proposal expresses a clear commitment to fighting discrimination and stigmatization, especially as they affect high-risk populations, including men who have sex with men. The 2007-2011 National Strategic Plan also identified men who have sex with men as a high-risk group requiring special outreach, testing, and treatment efforts. Ironically, but not surprisingly, the concerted series of attacks detailed in this report and rhetoric from many religious leaders condemning homosexuality as well as sensationalist media coverage of the arrest and persecution of “homosexuals” escalated in the same time period.

One factor clearly undermines the recent commitment by government and civil society to ensuring access to information, testing, and treatment to the MSM community—Article 319.3 of the Senegalese Penal Code, which criminalizes sexual acts deemed to be “*contre nature*.” This law’s mere presence in the books, even when it is not enforced, exposes gay men and men who have sex with men to extortion, blackmail, arrest, unlawful detention, and unchecked verbal and physical abuse at the hands of state as well as private actors.¹⁸² As state healthcare authorities acknowledge, criminalization of consensual same-sex sexual conduct and escalating violence against men presumed to be gay also prevent individuals from seeking HIV/AIDS and STI information, testing, and treatment.

The law also gives a platform to those religious leaders who condemn the very existence of homosexuals and whose position would therefore exclude this already vulnerable population from efforts to stem the epidemic. Wal Fadji reported that the NGO Jamra “denounced the participation of gays and lesbians” at the International Conference on AIDS and STIs in Africa (ICASA) held in Senegal mere days before the arrest of the nine members of AIDES Senegal. According to the news report, Jamra’s vice-president Massamba Diop called such participation “another attempt to promote a practice against nature, which even the animals, be they the most evil and vile, [find] repugnant to engage [in].”¹⁸³

¹⁸¹ “Project for Strengthening the HIV/AIDS Response for Universal Access to Care and Prevention,” http://accesstolife.theglobalfund.org/grantdocuments/6SNGH_1411_o_full.pdf, p. 47, 106.

¹⁸² The abuse of punitive anti-homosexuality laws in policing certain classes of individuals is a common phenomenon. In its July 2, 2009 judgment, the Delhi High Court declared the anti-homosexuality law, Section 377 of the Indian Penal Code unconstitutional and said, “Section 377 IPC is facially neutral and it apparently targets not identities but acts, but in its operation it does end up unfairly targeting a particular community. The fact is that these sexual acts which are criminalized are associated more closely with one class of persons, namely, the homosexuals as a class. Section 377 IPC has the effect of viewing all gay men as criminals.” See the decision of July 2, 2009, of the Delhi High Court in the case of *Naz Foundation Vs. Government of NCT of Delhi and Others*, pp. 79-80, paragraph 94.

¹⁸³ A report on the Dakar conference on AIDS in which Jamra denounced the involvement of homosexuals in *Wal Fadji* (No. 5019), December 12, 2008.

Dr. Abdou Diop, the deputy director of Division SIDA, the AIDS wing of the national medical system, admitted that 2008 and 2009 have been “tough” for HIV/AIDS prevention work because of the arrests of men who have sex with men and HIV/AIDS workers. He maintains that Senegal will have to decriminalize homosexual conduct “to give back to these people [MSM] their freedom and to facilitate our work”:

Anything that will improve our working conditions, anything that allows us to reach more people, should be done. Decriminalization is one of them. It is [only] a minority of MSM we are seeing. There are so many other people we are not seeing.¹⁸⁴

Babacar is treasurer of an MSM association with about 200 members that holds safer-sex workshops for men, does outreach and education work with the families of men who have sex with men, and distributes safer-sex materials to men in cruising areas. He told us in July 2009 that the association had not met in over six months, since the arrest of members of another MSM association in December 2008. As noted above, he said that the members of his association were afraid. He is himself careful to not be identified as a gay man.

Bassirou, the founder of Senegal’s first MSM association, told us:

I have friends who don’t seek treatment because of the recent incidents, especially within the NGO community. They will die but they don’t trust the centers. The gay marriage incident, the arrest of the nice men... these incidents have led to this situation. The media has never before behaved this way. The situation is much worse now. I don’t know how the gay community can organize now. People come to my parents’ house looking for me, to beat me up.¹⁸⁵

Dr. Diop told Human Rights Watch that according to peer educators and health professionals, there has been “a drastic drop” in the numbers of men who have sex with men accessing testing and treatment facilities in rural areas. These sources have informed Dr. Diop that since the *Icône* incident and the December 2008 arrests, potential patients call them on the phone for medical advice but say that they are afraid to come to the clinics. They fear they will be identified as or associated with homosexuals.

¹⁸⁴ Human Rights Watch interview with Dr. Diop, Dakar, August 7 and September 2, 2009.

¹⁸⁵ Human Rights Watch interview with Bassirou (not his real name), Dakar, July 23, 2009. Bassirou died in September 2009; see the Foreword to this report.

Evidence from several countries shows that laws criminalizing consensual sexual conduct do not need to be enforced to have a detrimental impact on HIV/AIDS prevention and treatment; their mere existence sends a message. They stigmatize certain marginalized populations and turn vulnerable individuals into criminals.

In its July 2, 2009 judgment, the Delhi High Court “read down” India’s “sodomy law,” (Section 377 of the Indian Penal Code, which criminalized consensual sexual conduct “against the order of nature”) to exclude adult and consensual sexual conduct from its ambit. Among other arguments, including those of public morality, the judgment addressed the question of public health, specifically HIV/AIDS outreach, education, testing, and treatment, stating that the law “acts as a serious impediment to successful public health interventions.” It noted:

[T]he High Risk Group [MSM] are mostly reluctant to reveal same-sex behaviour due to fear of law enforcement agencies, keeping a large population invisible and unreachable and thereby pushing the cases of infection underground making it very difficult for the public health workers to even access them.... Since many MSM are married or have sex with women, their female sexual partners are consequently also at risk for HIV/infection.¹⁸⁶

The perception of HIV/AIDS as a “gay disease” also stigmatizes HIV workers who operate in the MSM community and places them at increased risk of stigma and violence. Babacar’s testimony earlier shows how doing HIV/AIDS outreach among MSM populations exposes HIV/AIDS activists to attacks by the police and the public.

The testimonies below point to the misguided and dangerous links that the Senegalese public is encouraged to make between homosexuality, HIV/AIDS, and sex work. People often think that men who have sex with men engage in sex work with foreigners/white men. This association, apart from adding the stigma attached to (feminized) sex work as a shameful and sinful activity to the existing stigma against homosexuality (and conflating the two), also reinforces the perception that homosexuality is a western, un-African concept and practice, brought to Senegal by westerners.¹⁸⁷

¹⁸⁶ See the decision of July 2, 2009, of the Delhi High Court in the case of *Naz Foundation Vs. Government of NCT of Delhi and Others*, p. 51, paragraph 62.

¹⁸⁷ A May 2009 interview with the vice-president of the NGO Jamra illustrates the latter point well. <http://guissguiss.over-blog.com/article-31786071.html>, accessed on October 2, 2009.

Between prejudice and police abuse, it is becoming harder and harder for outreach workers to carry out effective education programs. As one MSM outreach worker, Ziggy, 36, told us:

People at home started to get suspicious when I became involved in HIV work a few years ago. Some people in my family found out I do HIV work with men, not with women or children, and that made them even more certain.¹⁸⁸

For HIV positive men who have sex with men, their HIV status can confirm, for family members and the broader community, suspicions about their sexual orientation. This can lead them to hide their HIV status from family as well as sexual partners, further increasing the risk of transmission.¹⁸⁹ In many cases, men who have sex with men and gay men also have sex with women or get married, in order to hide their sexual orientation and avert hostility. This may also expose their girlfriends and wives to STIs, including HIV.¹⁹⁰

Voices of HIV-Positive Gay Men

Khalifa, 42, identifies as homosexual and tested positive in 2005. He lives at home with his father and siblings. No one in his family knows he is gay. Khalifa does not have a girlfriend and his family asks him why he is not married. He tells them that without a job he cannot support a family; he thinks that this will keep him safe for the present:

I had heard of HIV on the radio and TV but I learnt of high prevalence among MSM only through attending talks organized by Laye [peer educator and leader of AIDES Senegal, who was arrested in December 2008]. I am pretty sure I had been positive for a while; I had always had unprotected sex. [Now] I am a part of AIDES Senegal but of course I can't tell anyone or be open about it because it's a gay organization. I can't share my status with relatives. I wish I could talk to someone about it but I know they will stigmatize me, and my family would never accept that I'm gay.

¹⁸⁸ Human Rights Watch interview with Ziggy (not his real name), Mbour, July 30, 2009.

¹⁸⁹ This is not a problem unique to men who have sex with men; there is enormous stigma attached to being HIV positive in Senegal, despite the relative success of the HIV/AIDS program in Senegal.

¹⁹⁰ A 2006 UNAIDS policy paper citing Professor Niang's 2002 study claimed that 88 percent of men who have sex with men in Dakar reported also having sex with women, and 20 percent reported having anal sex with women. See UNAIDS, "HIV and Sex Between Men," http://www.msmandhiv.org/documents/Links_direct_from_Homepage/SignificanceofSexualMinorities/Policy_Brief_MSM.pdf, accessed on October 20, 2009. The 2006 proposal by CNLS to the Global Fund shows that the prevalence rate among women at 0.9 percent and at 0.4 percent among men. See CNLS, Global Fund proposal, Project for Strengthening then HIV/AIDS Response for Universal Access to Care and Prevention in Senegal, August 2006. http://www.theglobalfund.org/grantdocuments/6SNGH_1411_o_full.pdf, accessed on October 17, 2009.

If I was with women, whether I was bisexual or straight, I would definitely share with my family that I'm positive. But I'm afraid that if I tell them now they will think I'm gay because of the childhood suspicions. [When he was about 10 years old, an aunt told him he was gay because of his mannerisms.] Right now things are under control, no one says anything but if I told them I was positive and I never have girlfriends and I dress and act this way, they will definitely suspect. Also in my family my relatives equate being positive to being gay.

Khalifa does not have a job and relies upon his family to support him; sometimes, he does sex work to earn a bit of money. Having no material resources places Khalifa in a particularly vulnerable position:

I pray I never get sick. I don't know how my family will react if I fall sick. If I do fall sick I will have to tell them I'm positive. I am hoping they will show some mercy because of my medical condition. I hope they will not throw me out. If they find out I'm positive as well as MSM, I can't predict what their reaction will be.

There are no support groups for positive MSM. They have general support groups for positive people at CTA [Ambulatory Treatment Center], I have been once. If you happen to be at the CTA on the day that they have the group, you can attend. I sometimes don't have money even for transport, so, I can't afford to go to the support group.

Speaking of the effects of the recent arrests on his ability to receive treatment, Khalifa said:

I used to keep my pills with Laye because I share a room with siblings. I would get medication for three days at a time from Laye and leave the rest with him [so that my family would not find them]. After Laye's arrest, I didn't take my medication for two months because I couldn't get any [from him] and I didn't want to go back to CTA alone. Finally, when I started to feel sick, I went there. When Laye was at CTA he would ask me how I was doing and I could talk to him a little. Now I get treatment and pills but the difference [when Laye was there] was that someone cared.¹⁹¹

¹⁹¹ Human Rights Watch interview with Khalifa (not his real name), Dakar, August 5, 2009.

Bachir identifies as homosexual, is HIV positive, and has a girlfriend. He lives with his aunt and uncle; he thinks they probably suspect he is gay because he used to have friends who were “very effeminate”:

My aunt and uncle love me very much and I don’t want to hurt them. They don’t know my status. I’ve been having sex with men since I was 17. Before 2004, when I found out [my HIV status after participating in an MSM association], I never used protection. I didn’t enjoy sex with condoms so I didn’t bother. I thought all the HIV talk was just talk.

I have not told aunt and uncle because I’m not sure how they will respond. There’s so much stigma that I don’t think they will be able to accept my status. People who are positive rarely ever tell their families because the families will kick you out or ostracize you within the family. People within the MSM and sex worker communities get very good information about HIV/AIDS—how it’s transmitted, how to live a healthy life, how to control it—but families don’t receive the same information.

I sometimes wish I could tell people. Sometimes I go to the clinic and see very sick people and I get scared. I ask the doctors how [it is that] positive people can live long and healthy lives. They reassure me and I feel they are not telling me everything. Maybe they don’t want me to be worried, but I’m already worried.

I have sex with my girlfriend now but I use condoms for protection, and it’s okay because we’re not married, but if we were married, I couldn’t use protection. I use protection when I’m having sex with men too. I do sex work, too.¹⁹²

The dual stigma attached to being HIV positive and homosexual greatly increases men's vulnerability to extortion and violence. Tamasir has no steady job and does sex work for a living. He tested HIV positive in 2006:

I used to use condoms when I had them. I was ashamed to go to the pharmacy to buy them, so, I didn’t always use protection. I got condoms from

¹⁹² Human Rights Watch interview with Bachir (not his real name), Dakar, August 7, 2009.

Division SIDA [AIDS Division of the Ministry of Health] sometimes, I had heard of [MSM] associations but didn't know anyone in them. In 2006, a friend told me they were giving free tests at CTA and also giving people transport costs for coming to get tested. I went there, found Laye was organizing it, got tested, and found out I was positive. Since then I've always used condoms. I felt comfortable with Laye and I got information on how to take care of myself. I attended talks organized by him, found out about his association, and from then could always get condoms [from Laye].

Tamasir was arrested in June 2006 and falsely charged under Article 319.3 of the penal code. He tried and failed to get ARVs in prison:

I went for two-three months without my medicines. I would go to the infirmary and wait for the warden or the head doctor; I didn't trust the nurses. It took a while before I could see the doctor. The doctor wanted proof that I was positive. I told him to call the CTA because I was a patient there. The next day they took me to the CTA, with guards. I was handcuffed. A doctor there made them take off the handcuffs. My CD count fell very low and after I was released I fell very sick.¹⁹³

Absa has known he is HIV-positive since 2005. His family realized he was gay when his photo appeared in *l'cône*, but he has not told them that he is positive:

I get two-three months' supply of ARVs from CTA and keep part of it with a friend for safekeeping because I don't want anyone at home to find them. People come home sometimes and go through my things and I don't want them to find my pills. And I try to keep as many as possible on me at all times. I have a close group of friends who are positive. If I'm with them I'll take my medication when I have to. But if I'm with people I don't know I won't take my medicines in front of them. People guess, they will ask questions, they will look at the pills and find out.¹⁹⁴

Tapha, leader in an MSM association in Thies, speaks of the risks attendant upon holding HIV/AIDS information sessions and support groups for men who have sex with men, particularly after the recent incidents of violence:

¹⁹³ Human Rights Watch interview with Tamasir (not his real name), Dakar, August 6, 2009.

¹⁹⁴ Human Rights Watch interview with Absa (not his real name), Dakar, August 5, 2009.

Recently I held a meeting [for MSM]. I'm not the only one people know [as gay]. [Tapha, too, was outed by *lcône*]. When the MSM came [for the meeting], the people in the neighborhood knew and when we left, they attacked. We always leave meetings two people at a time rather than in a large group to avoid being too visible. There are about 100 people in [the association] but at each meeting we only have 10 people, again to keep a low profile. We are prudent, we don't all leave together because we are very visible. I was upstairs. I heard voices. Two people had gone out. Five youth attacked them. They called them insults—*goorjigeeen*. Maybe the MSM answered back. But the youths attacked them. They were not armed because it was daytime. In Thies, the youth are always armed when it's dark but not during the day. So, they were hitting the MSM with their fists and trying to kick them. I got involved; other MSM ran away. I was injured on the left shoulder. It wasn't too serious, I went to see a doctor but I didn't want to tell everyone that I was having problems because I'm homosexual. It was after this incident that I was thrown out of my home.

Peer educators among men who have sex with men and leaders of associations are particularly vulnerable in this climate. Their work, essential to effective HIV outreach among high-risk populations, is itself a high-risk profession. With laws criminalizing the very activity that makes their work essential and exposing them to state and community violence, they are caught in a double bind, and undefended. Tapha continues:

We're not safe, obviously. Our lives are in danger, especially those of the leaders of associations—people who are well known. I'm not at home any more. I don't have a job. I have no network. What am I going to do if they come for me?¹⁹⁵

The arrest of the members of AIDES Senegal starkly shows the dire impact of the criminalization of homosexual conduct on HIV/AIDS prevention efforts. Fatou Kine Camara, a law professor at the University of Dakar and the Secretary General of the Senegalese Association of Women Lawyers said at the roundtable on homosexuality organized at the university on July 22, 2009, “At the time of the [December 2008] arrest, [the nine men] were in a meeting on HIV prevention. This was called a 'conspiracy.' We could not do better to discourage the fight against HIV.” At the same roundtable, Dr. Ibra Ndoeye, Executive Secretary of the National AIDS Council (CNLS), said of the impact of the arrests on HIV/AIDS prevention

¹⁹⁵ Human Rights Watch interview with Tapha (not his real name), Dakar, July 23, 2009.

and treatment: “It is too early to measure the quantitative impact of these events on the fight against HIV [among MSM]... but I fear that the epidemic burns as we stay silent.”¹⁹⁶

¹⁹⁶ Fatou Kine Camara's and Dr. Ibra Ndoeye's addresses at the roundtable “VIH/SIDA et Homosexualité au Sénégal: Etat de la recherche interdisciplinaire organized by the Sociology Club and Programme SAHARA (Social Aspects of HIV/AIDS & Health Research Alliance, Institut des Sciences de l'Environnement), Cheikh Anta Diop University, July 22, 2009 (translation by Human Rights Watch).

Relevant International and Senegalese Legal Standards

International Law

The government of Senegal is bound by international human rights treaties and customary law and accountable to the international community for protecting and promoting the fundamental rights of all Senegalese citizens and residents. Senegal has ratified key international human rights conventions without reservations; these conventions are therefore fully binding on Senegal.

Salient among Senegal's treaty obligations are those contained in the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR). Senegal ratified the ICCPR in 1978 and the ACHPR in 1982. Both the ICCPR and the ACHPR place obligations on Senegalese authorities to protect and promote various fundamental rights as well as provide the conditions necessary for the realization of these rights.

The Right to Life and Security

Article 9 of the ICCPR guarantees to all the “right to liberty and security of person” and protection from arbitrary arrest or detention. The right to security places an obligation upon the state to protect individuals against threats of physical violence. The UN Human Rights Committee, which monitors states’ compliance with the ICCPR, has criticized states' failure to protect people from sexual orientation-based violence.¹⁹⁷ Similarly, Articles 4 and 6 the ACHPR declare that everyone is entitled to respect for her/his life and integrity of her/his person, that no one may be deprived of these rights arbitrarily, including through arrest and detention, and that everyone has the right to liberty and security of person.

Right to Privacy

Article 17 of the ICCPR guarantees that “No one shall be subjected to arbitrary or unlawful interference with his privacy” and further guarantees the right to protection from such interference. In its 1994 decision *Toonen v Australia*, the UN Human Rights Committee held that laws criminalizing consensual adult homosexual conduct violate protections guaranteed under Article 17.

¹⁹⁷ Human Rights Committee, “Concluding Observations: El Salvador,” CCPR/CO/78/SLV, July 22, 2003, para. 16.

Protection against Torture, Inhuman, and Degrading Treatment

Articles 7 and 10 of the ICCPR protect against torture or “cruel, inhuman or degrading treatment or punishment” and stipulate that all persons shall be treated with humanity and dignity at all times, including while in detention or other official custody. Article 5 of the ACHPR likewise prohibits “torture, cruel, inhuman or degrading punishment and treatment” and guarantees the right to respect for the inherent dignity of persons.

The ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (ratified by Senegal in 1986) detail what states must do to enforce the prohibition, including the duty to investigate, prosecute, and provide effective remedies when violations occur.¹⁹⁸ The UN Human Rights Committee has also made clear that the duty to protect people against torture or inhuman treatment extends not only to acts by government officials, such as police, but also to acts inflicted by people in a private capacity.¹⁹⁹

Freedom of Expression, Association, and Information

Article 17 of the ICCPR affirms the right to privacy, Article 19, the freedom of expression, and Article 21 secures all persons' freedom of assembly. Article 9 of the ACHPR guarantees everyone the right to information and the right to freedom of expression, and Article 10 provides everyone the right to free association. The right of freedom of expression may be restricted where provided for by domestic law and necessary to protect the rights of others (Article 19 (3) of the ICCPR).

Non-discrimination, Fundamental Rights, and Equal Protection of the Law

Article 2 of the ICCPR requires that a state “ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind.” Article 26 of the ICCPR guarantees that all persons are equal before the law and entitled to equal protection of the law. The UN Human Rights Committee has made clear on several occasions that sexual orientation is a status protected against discrimination under these provisions.²⁰⁰ Article 2 of the ACHPR states, “Every individual shall be entitled to the

¹⁹⁸ See for example Communication no. 322/1988, *Rodriguez v Uruguay*, adopted July 14, 1994; 328/1988, *Blanco v Nicaragua*, adopted July 20, 1994; 1096/2002, *Kurbanov v Tajikistan*, adopted November 6, 2003.

¹⁹⁹ Human Rights Committee, “General Comment 20, Article 7” (Forty-fourth session, 1992), *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.1 at 30 (1994).

²⁰⁰ See *Toonen v Australia*, Communication no. 488/1992, adopted April 4, 1994; *Young v Australia*, Communication no. 941/2000, adopted September 18, 2003. The Human Rights Committee has also urged states to pass anti-discrimination legislation that expressly includes sexual orientation and to prohibit in their constitutions all discrimination based on sexual orientation and gender identity. Human Rights Committee, “Concluding Observations: Slovakia,” CRC/C/SVK/CO/2, June 8, 2007, para. 28; “Concluding Observations: Namibia,” CCPR/CO/81/NAM, July 30, 2004, para. 22; “Concluding Observations: Trinidad and Tobago,” CCPR/CO/70/TTO, November 3, 2000, para. 11; “Concluding Observations: Poland,” 66th Session, CCPR/C/79/Add.110, para. 23.

enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind.” Article 3 guarantees that everyone is equal before the law and shall have equal protection of the law. Article 19 promises: “All peoples shall be equal; they shall enjoy the same respect and shall have the same rights.”

Sexual Orientation and Gender Identity in the African Context

In 2007, Commissioner Lawrence Mute of the Kenya National Commission on Human Rights (KNCHR) spoke out against a campaign initiated by the Council of Imams and Preachers of Coastal Kenya to eradicate homosexuality and prostitution.²⁰¹ He expressed the KNCHR's concern about the “call to violence” contained in proclamations of religious leaders and said: “Whilst the KNCHR recognizes and respects the rights of religious institutions and individuals to hold their opinions, these opinions must not be allowed to victimize or place at risk any other community or individual.”

In a comment he made in early 2009, in which he explored the terrain upon which LGBT violations take place in some countries in Africa, Mute identifies “five dynamics.” Among these, he points to the “dynamic of criminalization” under which sodomy laws were legislated into colonial Africa and subsequently integrated into local “value ethics[s]”²⁰² and the extra-legal “discrimination or the violation of LGBT peoples’ rights to life, liberty, education, health or employment on account of their sexuality,” which are quite separate from the enforcing of sodomy laws; Mute criticizes “homophobic statements” by African heads of state “mobilizing popular opprobrium against homosexual people” and legislative silence on them. In conclusion, Mute says, “African states must acknowledge that there is an irreducible minimum of rights which must apply to LGBTI peoples [as] simply they do apply to all other human beings.”

The Senegalese Constitution

Senegal also has domestic obligations to protect and promote the rights of all its people, including lesbian, gay, bisexual, and transgender people. The Senegalese Constitution guarantees the right to life, freedom, and security under Article 7. Article 8 promises civil and political liberties, freedom of opinion, freedom of expression, freedom of association, freedom to hold meetings, freedom of movement, cultural freedoms as well as a right to health, a healthy environment, and information; it guarantees not only individual, social,

²⁰¹ Mute's statement may be found at <http://www.pambazuka.org/en/category/comment/53072>, accessed on December 16, 2009.

²⁰² See the Human Rights Watch report “This Alien Legacy: The Origins of ‘Sodomy Laws’ in British Colonialism” for an exploration of the imposition of sexual and social regulation laws on erstwhile territories of the British Empire. <http://www.hrw.org/en/reports/2008/12/17/alien-legacy>.

and economic, but also group rights. Article 16 guarantees the right to privacy in the form of the inviolability of homes and Articles 1 and 7 guarantee that all persons shall be equal before the law.

Recommendations

To the President and national government of Senegal

- Decriminalize homosexual conduct by repealing Article 319.3 of the Senegalese Penal Code;
- Publicly condemn all acts of violence, discrimination, and intolerance against individuals on the grounds of their real or perceived sexual orientation and/or gender identity;
- Publicly encourage HIV/AIDS healthcare frameworks that include vulnerable groups, including men who have sex with men and female as well as male sex workers;
- Condemn homophobic speech by government officials.

To the Ministry of Interior

- Issue a directive at all levels of the police force to refrain from active investigation or pursuit of charges against consensual sexual activity conducted in private;
- Investigate all claims of verbal and physical abuse or threat against individuals on the grounds of sexual orientation and/or gender identity and ensure fair and impartial investigations of the complaints;
- Investigate all arrests of individuals to date under Article 319.3 as well as reports of misconduct, and take disciplinary action against police personnel found guilty of misconduct, including physical violence, verbal abuse and harassment, extortion, and torture;
- Introduce training for police personnel at all levels on HIV/AIDS and sexual orientation and gender identity, including that people should not be arrested for possession of condoms, lubricant, and ARVs;
- Publicly denounce police targeting of vulnerable populations, including in areas considered to be frequented by homosexuals.

To Religious Leaders

- Condemn attacks against individuals on the basis of sexual orientation and/or gender identity;
- Condemn speech that incites hatred against individuals or groups on the grounds of their sexual orientation and/or gender identity and injunctions to kill or otherwise harm homosexuals.

To the Media

- Condemn attacks against individuals on the basis of sexual orientation and/or gender identity;
- Condemn speech, including pejorative language, that incites hatred against individuals or groups on the grounds of their sexual orientation and/or gender identity and injunctions to kill or otherwise harm homosexuals.

To the Ministry of Justice

- Investigate all convictions under Article 319.3 for procedural lapses, including convictions in the absence of evidence, arrests without warrants, and forced confessions, and overturn all that do not fulfill procedural requirements.

To the Ministry of Health

- Institute trainings for all healthcare staff in HIV/AIDS clinics on sexual orientation and gender identity;
- Establish more testing and treatment clinics in remote areas, and identify and train more MSM peer educators;
- Ensure distribution of adequate amounts of lubricant through testing and treatment centers as well as through MSM peer educators;
- Publicly and financially support MSM peer educators' work and fulfill the commitments made in the 2007-2011 National Strategic Plan to better incorporate MSM populations into HIV/AIDS outreach and prevention strategies;
- Step up general HIV education, especially directed toward vulnerable populations.

To the National Human Rights Commission

- Investigate reports of violence against individuals on the grounds of sexual orientation and/or gender identity by state as well as private actors;
- Monitor speech that incites violence or hatred against individuals on the grounds of sexual orientation and/or gender identity;
- Condemn attacks against and arrest of HIV/AIDS activists and attacks against individuals on the basis of sexual orientation and/or gender identity.

To the Global Fund, United Nations Development Programme, UNAIDS, and other concerned governments and international agencies

- Insist that Senegal treat LGBT people as well as men who have sex with men in accordance with international standards;
- Assist with decriminalization and legal reform;
- Support independent and efficient functioning of the National Human Rights Commission;
- Monitor violence against men who have sex with men and LGBT persons, including those engaged in HIV/AIDS outreach and prevention;
- Assist the Senegalese government with reformulating national HIV/AIDS frameworks to reduce stigmatization of vulnerable populations.

Glossary of Terms

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

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

Gender expression: the external characteristics and behaviors that societies define as “feminine” or “masculine”—including such attributes as dress, appearance, mannerisms, speech patterns, and social behavior and interactions.

Gender identity: a person's internal, deeply felt sense of being female or male, or something other than female and male.

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 taken to include violence targeting both women and men because of how they experience and express their genders and sexualities.

Sexual orientation: the way in which a person's sexual and emotional desires are directed. The term categorizes according to the sex of the object of desire—that is, it describes whether a person is attracted primarily to people of the same or other sex, or to both.

Heterosexual: a person attracted primarily to people of the opposite sex.

Homosexual: a person attracted primarily to people of the same sex.

Gay: a synonym for homosexual in English and some other languages, sometimes used only to describe males who are attracted primarily to other males.

Lesbian: a woman attracted primarily to other women.

LGBT: lesbian, gay, bisexual, or transgender; an inclusive term for groups and identities sometimes also associated together as “sexual minorities.”

MSM: men (or males) who have sex with men (or males). Men who have sex with men may or may not identify as gay or bisexual.

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Fear for Life

Violence against Gay Men and Men Perceived as Gay in Senegal

Violence against people on the grounds of sexual orientation and gender expression escalated in Senegal starting in early 2008. Men who identify as or are perceived to be gay have become targets of popular vengeance and arbitrary arrests. Abuses have included police beatings and arbitrary detention; physical threat, assault, and verbal abuse by private individuals; and blackmail, extortion, and robbery.

Although recent panics over homosexuality cast it as a new and foreign phenomenon in Senegal, all anecdotal and documentary evidence suggests that same-sex relations between men as well as women have long existed in Senegalese society, even if the terms have changed over time. What is new is the manipulation of anti-gay sentiment by some Senegalese political and religious leaders, which has fed an upsurge in private actor violence. Some religious leaders and Senegalese media have contributed to the upsurge by giving prominent coverage to the hate-mongering and offering virtually no counter-narrative.

Fear for Life helps fill that gap, revealing the impact of violence on individual lives and examining some of the underlying causes of the current intolerance. The report looks in detail at two key incidents—the “gay marriage” scandal of February 2008 and the arrest of the “nine homosexuals of Mbao” in December 2008—and examines several other cases that show the climate of fear and suspicion in which these attacks take place. It concludes with a call to Senegalese authorities to uphold the fundamental rights of all persons, end impunity for perpetrators of attacks, and promote a culture of tolerance.

(cover) Newspaper headlines from Senegal about the arrest and subsequent release of individuals perceived to be gay, and the response of religious leaders to the release.