

AMNESTY INTERNATIONAL

FACTS AND FIGURES

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Making Love A Crime: Criminalization of same-sex conduct in Sub-Saharan Africa

- Homosexuality is still illegal in **38 African countries**

(Algeria, Angola, Benin, Botswana, Burundi, Cameroon, Comoros, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Libya, Malawi, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Nigeria, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Sudan, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe)
- There is no criminal law against homosexuality in **16 African countries**

(Burkina Faso, Cape Verde, Central African Republic, Chad, Congo-Brazzaville, Cote d'Ivoire, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Gabon, Guinea-Bissau, Madagascar, Mali, Niger, Rwanda, South Africa)
- In **Mauritania, Sudan, northern Nigeria and southern Somalia**, individuals found guilty of 'homosexuality' face the death penalty
- The last five years have witnessed attempts to further criminalize homosexuality in **Uganda, South Sudan, Burundi, Liberia and Nigeria**
- Cape Verde decriminalized homosexuality in 2004, and since 2009, **Mauritius, Sao Tome and Principe** and **The Seychelles** have also committed to decriminalizing homosexuality.
- **South Africa** has seen a number of positive legal developments over the past decade, including allowing joint adoption by same-sex couples in 2002, introducing a law on legal gender recognition in 2004, and equal marriage for same-sex couples in 2006.
- **South Africa** has also seen at least seven people murdered between June and November 2012 in what appears to be targeted violence related to their sexual orientation or gender identity. Five of them lesbian women and the other two were non gender-conforming gay men.
- In **Cameroon**, Jean-Claude Roger Mbede, was sentenced to three years in prison for 'homosexuality' on the basis of a text message he sent to a male acquaintance
- In **Cameroon**, people arrested on suspicion of being gay can be subjected to forced anal exams in an attempt to obtain 'proof' of same-sex sexual conduct.
- In most countries, laws criminalizing same-sex conduct are a **legacy of colonialism**, but this has not stopped some national leaders from framing homosexuality as alien to African culture.
- A cave painting in **Zimbabwe** depicting male-male sex is over 2000 years old

- Historically, woman-woman marriages have been documented in more than 40 ethnic groups in Africa including in **Nigeria, Kenya and South Sudan**
- In some African countries, conservative leaders openly and falsely accuse LGBTI (lesbian, gay, bisexual, transgender and intersex) individuals of **spreading HIV/AIDS** and of **'converting' children** to homosexuality and thus increasing levels of hatred and hostility towards LGBTI people within the broader population.
- LGBTI individuals are more likely to experience **discrimination when accessing health services**. This makes them **less likely to seek medical care** when needed, making it harder to undertake HIV prevention work for, and to deliver treatment where it is available. In many government programs they are not identified as an 'at risk' group, and therefore are not catered for in national HIV treatment and prevention programs.

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