



Stop AIDS in Liberia (SAIL)



LEGAL



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THE INITIATIVE FOR EQUAL RIGHTS

GLOBAL INITIATIVES FOR HUMAN RIGHTS
A HEARTLAND ALLIANCE PROGRAM

Center for International Human Rights
Northwestern
PRITZKER SCHOOL OF LAW
Bluhm Legal Clinic

Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Liberia

Submitted for consideration at the 120th Session of the Human Rights Committee

Submitted by:

Stop AIDS in Liberia (SAIL)

Transgender Network of Liberia (TNOL)

Lesbian and Gay Association of Liberia (LEGAL)

**Liberian Initiative for the Promotion of Rights, Identity,
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Association of Liberian People Living with HIV and AIDS (ALL+)

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**Global Initiatives for Human Rights (GIHR)
of Heartland Alliance for Human Needs & Human Rights**

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Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Liberia

This shadow report is submitted to the Human Rights Committee (“Committee”) by Stop AIDS in Liberia (SAIL),¹ the Transgender Network of Liberia (TNOL),² Lesbian and Gay Association of Liberia (LEGAL),³ Liberian Initiative for the Promotion of Rights, Identity, Diversity and Equality (LIPRIDE),⁴ the Association of Liberian People Living with HIV and AIDS (ALL+),⁵ ActionAid Liberia (AAL),⁶ The Initiative for Equal Rights (TIERS),⁷ the Center for International Human Rights (CIHR)⁸ of Northwestern Pritzker School of Law, and Global Initiatives for Human Rights (GIHR)⁹ of Heartland Alliance for Human Needs & Human Rights, in anticipation of the Committee’s adoption at its 120th Session of the List of Issues for its upcoming review of Liberia’s compliance with the International Covenant on Civil and Political Rights (“Covenant”).¹⁰

The purpose of this report is to direct the Committee’s attention to Liberia’s serious and ongoing violations of the Covenant rights of lesbian, gay, bisexual, and transgender (“LGBT”) individuals. In particular, this report will focus on the following violations:

¹ Stop AIDS in Liberia (SAIL) is a Liberian NGO that supports people living with HIV to advocate for access to HIV treatment and care. In Liberia, the HIV epidemic primarily affects key populations, particularly sex workers and men who have sex with men.

² The Transgender Network of Liberia (TNOL) is a Liberian NGO that advocates for equality, dignity, and non-sexism.

³ The Lesbian and Gay Association of Liberia (LEGAL) is a Liberian rights-based NGO, founded in 2012, that works to improve the lives of LGBTI people, prevent discrimination, stigma and abuse based on sexual orientation, gender identity, and gender expression, and promote equal access to justice and a safe environment for all. LEGAL uses a feminist and woman-centric approach to its work and prioritizes the wellbeing of lesbian women and girls and transgender individuals.

⁴ The Liberian Initiative for the Promotion of Rights, Identity, Diversity and Equality (LIPRIDE) is a national coalition of civil society organizations advocating for the rights of all Liberians, irrespective of their gender, health status, diverse background, sexual orientation, and gender identity. Present membership consists of 13 registered Liberian NGOs, including groups focused on women’s rights, people living with HIV, key affected populations, development, media, and human rights.

⁵ The Association of Liberian People Living with HIV and AIDS (ALL+), a Liberian NGO, is a network of people in Liberia who are HIV positive.

⁶ ActionAid Liberia is an NGO that works to end poverty in Liberia by promoting and advancing the rights of women, children, youth, and people living in poverty, using a human rights-based approach.

⁷ The Initiative for Equal Rights (TIERS) is an African NGO that envisions a society where human rights are guaranteed regardless of sexual orientation, gender identity and expression. TIERS works to achieve this through education, empowerment and advocacy.

⁸ The Center for International Human Rights (CIHR) of Northwestern Pritzker School of Law (Chicago, IL, U.S.) is dedicated to human rights education and legal and policy advocacy within the United States and worldwide. CIHR is in consultative status with the United Nations Economic and Social Council (ECOSOC).

⁹ Global Initiatives for Human Rights (GIHR) of Heartland Alliance for Human Needs & Human Rights is a specialized unit that supports the protection and promotion of human rights, with a particular focus on individuals based on their sexual orientation, gender identity and expression, through institutional strengthening, security and protections, and rights and advocacy.

¹⁰ International Covenant on Civil and Political Rights, 16 Dec. 1966, 999 U.N.T.S. 171.

- Criminalization of adult, consensual same-sex sexual conduct and the resulting arbitrary detentions and other police abuse, in violation of Articles 2(1), 7, 9, 17 and 26 of the Covenant;
- Denial of registration to an NGO working on the rights of transgender people and attacks on LGBT human rights defenders, in violation of Articles 2(1), 9(1), 22 and 26;
- Violence, threats and harassment targeting LGBT individuals; in violation of Articles 2(1), 9(1), 17 and 26;
- Homophobic and transphobic statements by political and religious leaders and by members of the media, which fuel violence, discrimination, and a pervasive climate of homophobia and transphobia, in violation of Articles 2(1), 17 and 26;
- Widespread discrimination in all aspects of daily life, in violation of Articles 2(1) and 26.

This report will discuss these violations and will propose for the Committee’s consideration issues pertinent to them. We respectfully ask the Committee to consider these violations and to include the suggested issues in the List of Issues for the upcoming review of Liberia’s compliance with its Covenant obligations.

I. Criminalization of adult, consensual same-sex sexual conduct and the resulting arbitrary detentions and other police abuse

The Penal Code of Liberia continues to criminalize adult, consensual sexual conduct by same-sex couples, in violation of Articles 2(1), 17 and 26 of the Covenant. Under Section 14.74 of the Penal Code, entitled “Voluntary Sodomy,” it is a first degree misdemeanor to engage voluntarily in “deviate sexual intercourse.”¹¹ Section 14.79 of the Penal Code defines “deviate sexual intercourse” to mean “sexual contact between human beings who are not husband and wife or living together as man and wife though not legally married, consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.”¹²

The penalties for violating the prohibition of voluntary sodomy are specified in Chapter 50 of the Penal Code. Sections 50.7 and 50.9 provide that a person convicted of a misdemeanor of the first degree, such as voluntary sodomy, may be sentenced either “to a definite term of imprisonment to be fixed by the court at no more than one year,” or to a fine of up to LBR \$1,000.¹³ Repeat offenders can be subjected to even more onerous penalties.¹⁴

An effort was initiated in 2012 to make the laws criminalizing same-sex sexual relations even more severe. Two bills introduced in 2012 by two different members of the Legislature would (a) expand the definition of criminal same-sex sexual conduct, (b) reclassify the offense as a felony rather

¹¹ Penal Law, Liberian Codes Revised Volume IV, Title 26, Section 14.

¹² *Id.*

¹³ *Id.*, Section 50.

¹⁴ *Id.*, Section 50.8.

than a misdemeanor, (c) increase the penalties for same-sex sexual conduct, and (d) explicitly criminalize same-sex marriage in Liberia. The bill proposed by Senator Jewel Howard-Taylor would have the effect of making the violation of the same-sex marriage prohibition a first-degree felony, punishable by a minimum of ten years in prison and a maximum penalty of death.¹⁵ Additionally, Representative Clarence Massaquoi introduced a bill to the House of Representatives in 2012 which proposed to amend the Penal Code to include the prosecution of anyone who “purposefully engage[s] in acts that arouse or tend to arouse another person of the same gender to have sexual intercourse” or who “willfully and without disregard to societal moral dignity, seduces, encourages, and promotes another person of the same gender . . . to engage in sexual activities.”¹⁶ Although the two bills subsequently failed to pass in the House of Representatives, they still remain in the upper house and could be revived in the future. Both of these bills violate the equal protection and non-discrimination provisions of Covenant Articles 2(1) and 26, as they target a specific group of individuals based on their real or perceived sexual orientation, and if enacted into law they would increase the intensity of discrimination, harassment and other violations against people in Liberia who are or are perceived to be LGBT.

There continue to be instances of arbitrary arrest and detention of individuals suspected of engaging in same-sex sexual conduct. There have been no reported cases of convictions under the Voluntary Sodomy provision of the Penal Code. However, the accused are often held in jail, without trial, for prolonged periods of time. The police have verbally and physically abused detainees and have confiscated their cell phones. The Penal Code criminalizes same-sex sexual conduct, which in practice makes state and non-state actors target not only people who are or are perceived to be lesbian, gay or bisexual, but also those who are or are perceived to be transgender. Police also exploit this provision of the Penal Code to harass and extort LGBT individuals, threatening to prosecute or to reveal the victims’ sexual orientation or gender identity to their families and the public. Examples follow.¹⁷

In October 2016 LS was arrested at his home and taken to the central police station in Monrovia to investigate charges under the voluntary sodomy provision in the Penal Code.¹⁸ He was later transferred to Kakata Central Prison where, as of 10 April 2017, he continues to be detained.

TK was also arrested in October 2016 for alleged sodomy and detained at the Monrovia Central Prison.¹⁹

In October 2016, FW went to the Kru Town police station to report that his phone had been stolen by a young man. When the thief was arrested and brought to the station, he “outed” FW as a gay man. FW was arrested and transferred to the central police station where he was detained for three

¹⁵ Letter from Sen. Jewel Howard-Taylor to President Pro Tempore and Members of the Liberian Senate (3 Feb. 2012).

¹⁶ Human Rights Watch, *It's Nature, Not a Crime: Discriminatory Laws and LGBT People in Liberia* (2013), pp. 23-24, available at https://www.hrw.org/sites/default/files/reports/liberia1113_ForUpload.pdf [hereinafter “HRW Liberia Report”].

¹⁷ In these examples and all others throughout this report, the names and initials of the victims have been changed to protect their identity.

¹⁸ Incident reported to SAIL.

¹⁹ Incident reported to SAIL.

days. After FW was released from the prison on bail, he was told to report to the police station every day.²⁰

In a case recounted by the victim in September 2016, a gay man reported to the police that he had been receiving death threats. Investigations were initially carried out, but the case was thrown out on the grounds that the victim “was a homosexual man and homosexuality is against the law.”²¹ The victim who had reported the death threats was himself arrested and had to spend the night in a cell.²²

In another incident recounted in September 2016, police harassed and attacked a group of transgender individuals: “We were at a place where transgender people usually meet, we were sitting and having a conversation with friends. The place sells drugs, but we were not doing anything illegal. The Drugs Enforcement Agency (DEA) arrived, they put on the lights and asked what we were doing. We said we were not doing anything, then the DEA officers said we were the ones who are spoiling the country.”²³ The officers then beat them up, took away their phones and jewelry, and demanded money from them.²⁴

In early 2016, a gay man who was beaten up reported the offense to the police. However, instead of investigating the victim’s complaint, the police arrested the victim because the alleged perpetrator told the police that the victim was homosexual.²⁵

On 12 April, 2013, the Liberian police arrested five young gay men in Logan Town’s Sayontown Bushrod Island community and asked them to pay bribes in order to be released. The police beat the five men, called them “faggots,” and mocked their “homosexual” demeanor, behavior, and dress.²⁶ On the same day, the police also conducted raids targeting the homes of LGBT individuals living in low-income communities, arrested the inhabitants, and then asked them for money in exchange for their release.²⁷

Police officers arrested a man after he was “outed” in the media as a homosexual. The man was kept in prison from 2010 to 2013 without a trial because of his sexual orientation.²⁸

Beyond leading to arrests, detentions and police abuse, Liberia’s sodomy law has the additional effect of perpetuating violence, discrimination, harassment and unequal treatment of LGBT persons. A climate of fear and discrimination persists against individuals based on their real or perceived sexual orientation, and this climate has led to LGBT persons being seen as criminals

²⁰ Incident reported to SAIL.

²¹ The Fund for Global Human Rights, *Strategic Litigation Consultative Meeting Report*, Monrovia, Liberia (31 March 2017), p. 8 [hereinafter “Strategic Meeting Report”].

²² *Id.*

²³ Strategic Meeting Report, *supra* note 21, p. 9.

²⁴ *Id.*

²⁵ United States Department of State, Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2016: Liberia*, p. 26, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dldid=265270> [hereinafter “2016 Country Report: Liberia”].

²⁶ Incident reported to SAIL.

²⁷ Incident reported to SAIL.

²⁸ Strategic Meeting Report, *supra* note 21, p. 9.

rather than human beings deserving rights and protection under the law. The existence of the sodomy law also discourages LGBT individuals from reporting crimes against them to the police, for fear that they would themselves be jailed or prosecuted if their sexual orientation or gender identity is discovered by the police.

II. Denial of registration to an NGO working on the rights of transgender individuals and attacks on LGBT human rights defenders

There is very little tolerance in Liberia for the work done by LGBT activists, and NGOs that are associated with defending the rights of LGBT people often face castigation from society.

In November 2016, the Trans Network of Liberia (TNOL) sought registration as a legal entity with the Liberia Business Registry but was refused. Proof of registration is necessary in order for an NGO to obtain a lease for premises or to open a bank account on behalf of the organization. It is also crucial for fundraising, as donors request to see if the NGO is registered in the country of its operation before providing funding to the organization.

In rejecting TNOL's application for registration, the Liberia Business Registry stated that the reason for the rejection was because TNOL's "articles of incorporation includes activity which is not allowed in Liberia."²⁹ The Registry added that "[t]he purpose of this entity's line of business is yet to be legalized under the laws of the Republic of Liberia."³⁰ The LBR\$250 application fee paid to the Registry was not refunded to TNOL. Moreover, at the Registry, the activists applying for registration on behalf of TNOL were held back for three hours and were told that they could not leave. Without registration, TNOL can only run on small donations and cannot access essential funding for the organization to work properly. TNOL has complained about the denial of registration to Liberia's Independent National Human Rights Commission (INHRC), but as of 15 April, 2017, TNOL has received no response from INHRC.³¹

LGBT human rights defenders face a significant risk of violence and harassment. Comments which could constitute hate speech are regularly left on blog posts written by LGBT activists, and activists have been victimized for standing up for human rights.

For example, on 13 January, 2012, two Liberian LGBT activists were stoned by students on the University of Liberia campus while giving a speech advocating for equal rights for LGBT people.³² On 27 January, 2012, the home of the mother of one of these activists was burned to the ground by arsonists.³³

On 23 February, 2012, mobs surrounded a radio station in Monrovia while it was airing a live interview with one of the two activists mentioned in the previous paragraph. The crowds shouted

²⁹ Liberia Business Registry Rejection Letter to TNOL, Dossier Journal No: I16-020334, November 2016.

³⁰ *Id.*

³¹ Information reported by TNOL.

³² Incident reported to SAIL.

³³ Incident reported to SAIL. *See also* Jonathan Paye-Layleh, *Liberian Anger over Gay Rights Call*, BBC NEWS, 18 Mar. 2012, <http://www.bbc.com/news/world-africa-17380950> (last visited 11 April 2017).

“let that dog come out here and he will know if his gay thing will hold in this country!” and threatened to “skin him raw.”³⁴ A day later, SAIL’s office was surrounded by angry mobs threatening violence against LGBT activists.³⁵

On 10 May, 2016, a leader of the Liberian transgender community was attacked following an event that she had helped host in central Monrovia. As the human rights defender (HRD) and other transgender women left the event, a crowd of men assembled across the street from them. When the HRD crossed the street to get a taxi, some of the men began to walk towards her. As she was about to enter the taxi, she was hit on the side of her head by an object and she blacked out. When she came to, she had a significant wound on the side of her head and her clothes were covered in blood.³⁶

In June 2016, a 27-year-old Outreach officer for LEGAL was attacked in the New Kru Town community. She was attacked with boiling water, causing injury to one side of her breast.³⁷

III. Violence, threats and harassment targeting LGBT individuals

LGBT individuals have all too often been subjected to violent attacks, threats and harassment. Examples follow.

In March 2017, THL reported that he was harassed because of his sexual orientation in the city of Paynesville by MT, an officer with Liberia’s Bureau of Immigration. One evening, when THL had a friend visiting, MT broke down THL’s window with a stick and accused THL and his visitor of engaging in homosexual activities. MT used a flashlight to illuminate THL’s room, woke up the neighbors who were sleeping, and nailed the front porch door to prevent THL and his friend from leaving. MT also threatened to use physical force against THL and his guest in the morning.³⁸

YS, a transgender woman who lives in Monrovia in a compound shared with another family, reported in 2017 that she has been subjected to death threats and harassment by a neighbor for most of the past year. For example, while YS was in her home one day, the neighbor came to her window and began goading her to leave her house and to confront him. The neighbor brandished a stick at YS outside her window and eventually called his brother over. As he continued to harass YS through the window, the neighbor and his brother both threatened to kill her. Once they left the compound, YS went to the police to report the case, but the police failed to investigate the incident.³⁹

A 2016 report noted that there have been reported instances of lesbians being raped to “correct” their sexual orientation, but women rarely report rapes to the police due to fear and social stigma surrounding both sexual orientation and rape.⁴⁰

³⁴ Incident reported to SAIL.

³⁵ Information from SAIL.

³⁶ Incident reported to GIHR.

³⁷ Incident reported to LEGAL.

³⁸ Incident reported to SAIL.

³⁹ Incident reported to GIHR in 2017.

⁴⁰ 2016 Country Report: Liberia, *supra* note 25, p. 26.

On 15 May, 2016, a transgender woman, XD, was attacked by a group of three men while she was walking home late one night in central Monrovia. XD had attended a gathering at a friend's home to mourn the loss of the friend's mother. XD left her friend's home at approximately 1:30 a.m. and began to walk home near the city center. While she was walking, XD noticed a group of three men behind her. It was dark and hard to see the men, but when they walked under a streetlight XD recognized the men as having been in attendance at her friend's house. XD recalled that the three men had been blatantly staring at her and speaking to each other about her while at XD's house. XD waited under a streetlight hoping that the men would pass. Instead, the men approached XD, yelled homophobic and transphobic slurs at her and then punched her in the face.⁴¹

On one occasion in 2014, two lesbians sought help from the police when the mother of one of them threatened to kill the other person involved because she was dating her daughter. The police officers refused to handle the case, and insisted that if the matter were reported to the police it would become a public issue because of the sexual orientation of the victims. Thus, the police failed to investigate the complaint further.⁴²

On 26 July, 2014, on Du-port Road, a lesbian was attacked and held captive for nine hours. While she was held captive the attackers threatened to kill her because she was a lesbian.⁴³

NS was assaulted on 14 February, 2014, by eight men who accused him of being gay, chased him, and called him derogatory names. NS reported the attack at the national police station, but subsequently refrained from formally registering the case with the police for fear of retaliation by the attackers.⁴⁴

In January 2014, while a group of LGBT Liberians were attending the wake of a fellow member of the LGBT community who had passed away, a group of five men attacked them for "being gay and acting like women" and threatened bloodshed if they did not leave the funeral.⁴⁵ One gay man suffered a significant injury. The victims of the attack did not press charges or report the crime for fear of retaliation from the police.⁴⁶

In August 2013, in the SKD Blvd. Community in Congo Town, a mob of about 50 men broke into the home of TL and CF, two active members of the Monrovia LGBT community who would often host other LGBT people at their home. During this attack the mob announced their intention to kill TL and CF and any other homosexuals in the community. Although TL and CF were not home at the time of the attack, they learned of the threats from neighbors who had witnessed the break-in and heard the mob's threats. In fear for their lives, TL and CF left their home and relocated to another neighborhood several miles away. As a result, TL had to drop out of his school and CF had to quit his job, as both the school and the workplace were located near their former home.⁴⁷ In November 2013, SAIL reported the case of TL and CF to the Ministry of Justice and the

⁴¹ Incident reported to GIHR.

⁴² Strategic Meeting Report, *supra* note 21, p. 9.

⁴³ Incident reported to LEGAL.

⁴⁴ Incident reported to SAIL.

⁴⁵ Incident reported to SAIL.

⁴⁶ Incident reported to SAIL.

⁴⁷ Incident reported to SAIL.

Independent National Human Rights Commission (INHRC). The Ministry of Justice had promised to follow up, but as of 15 April, 2017, it still has done nothing to hold the perpetrators accountable. The Independent Human Rights Commission of Liberia, which had promised to carry out community awareness and sensitization measures, has likewise done nothing as of 15 April, 2017.⁴⁸

On 8 September, 2012, a mob attacked a group of gay men at their home, injuring three of the gay men.⁴⁹ During the attack, the mob stated that being gay is “evil,” that their community “hates gay people,” and that the gay men have no protection since the police would not protect gay people. SAIL assisted the victims in reporting these incidents to the Human Rights Section of the Ministry of Justice, which advised the victims to file a report at the local police depot. The local police launched an investigation and questioned the attackers. The attackers falsely claimed that the gay men had tried to have sex with them and that therefore the attack had been in self-defense. Without further inquiry, the police threw the victims in jail. The attackers later admitted that they had given false testimony, so the victims were released. However, no action was taken by the police or the Ministry of Justice to hold the perpetrators accountable.⁵⁰

IV. Homophobic and transphobic statements by political and religious leaders and by members of the media, which fuel violence, discrimination and a pervasive climate of homophobia and transphobia

Liberian political and religious leaders and members of the media have used their positions of influence to make statements disparaging sexual minorities. These statements serve to further entrench the climate of homophobia and transphobia in Liberia and to “legitimize” acts of violence, harassment and discrimination against LGBT people.

In the political sector, politicians have made public statements against the LGBT community as a means to garner support, especially before important elections. For example, in announcing his bid for the presidency in September 2016, Senator Prince Johnson declared, “The government, under our watch, will never and ever accept gay rights. Liberia is not Sodom or Gomorrah! We will never accept that here, I want the west to take note of this and get me clearly.”⁵¹ Senator Prince Johnson is reported to have said publicly that the act of sodomy should be punished with fourteen years of imprisonment with hard labor, that all LGBT people should be hanged to death, and that if he is elected President in the October 2017 election, he would go from house to house searching for LGBT persons, and kill them all.⁵²

Other political figures have also made homophobic statements, characterizing homosexuality as “un-African” and contrary to traditional African values.⁵³ Jerome Verdier, former Chairman of

⁴⁸ Incident reported to SAIL.

⁴⁹ Incident reported to SAIL.

⁵⁰ Incident reported to SAIL.

⁵¹ Henry Karmo, ‘No Gay Rights’ - PYJ Avows to Resist Homosexuals at Presidential Bid Launch, FrontPageAfrica (Sept. 2016), <http://www.frontpageafricaonline.com/index.php/politics/1908-no-gay-rights-pyj-avows-to-resist-homosexuals-at-presidential-bid-launch>.

⁵² Comments reported by SAIL.

⁵³ HRW Liberia Report, *supra* note 16, p. 32.

Liberia's Truth and Reconciliation Commission, wrote in an open letter dated 12 January, 2012, that homosexuality is "anti-Liberian and anti-God" and is "condemnable as an abomination for the nation." He described a "conspiracy for gay rights" that promotes "legalizing carnality and exemplifying moral corruption and bribery."⁵⁴ Speaker of the House of Representatives Rep. Alex Tyler said in a January 2012 press conference, "I am a Methodist and traditionalist. I will never support a gay bill because it is damaging to the survival of the country."⁵⁵

Religious leaders have made similar remarks. In 2014, Catholic and Episcopal leaders in Liberia signed a resolution placing the blame for the Ebola outbreak on LGBT people.⁵⁶ Lewis Zeigler, Archbishop of the Catholic Church of Liberia, was joined by other church leaders in declaring that God was "punishing Liberia for being too gay."⁵⁷ These incendiary remarks led to a wave of violence and threats against the LGBT community. Windows of cars belonging to LGBT people were smashed, and LGBT individuals reported having to go into hiding.⁵⁸

Other religious leaders have made comparable comments. Reverend Jasper Stephen Ndaborlor, President of the Pentecostal Fellowship Union of Liberia and member of the Anti-Gay Rights Campaign Team declared in 2012 that "gay or lesbian right is not a human right."⁵⁹ The executive director of the New Citizen Movement, Inc., Reverend Cleopatra J. Watson, stated that "our children are already going astray. Legal homosexual practices will be the worst thing to allow them to be engaged in."⁶⁰

Media voices also fuel the homophobic and transphobic climate through incendiary and misleading reporting and anti-gay editorials. In June 2016, a Liberian newspaper, *The Inquirer*, "published a cartoon and sponsored an essay contest on whether FGM/C [female genital mutilation] or homosexuality was worse for society."⁶¹

⁵⁴ Jerome Verdier, *Open Letter, Homosexuality is Anti-Liberia! Anti-God!* 12 Jan. 2012, available at <http://www.frontpageafricaonline.com/old/op-ed-editorial/73-letter-from-the-editor/2221-homosexuality-is-anti-liberia-anti-god-former-trc-chair-verdier-laments.pdf>.

⁵⁵ Tamba Jean-Matthew, "Gay rights activists looking for new recruits in Liberia," *Africa Review*, January 2012, available at <http://www.africareview.com/News/Gay+rights+activists+looking+for+new++recruits+in+Liberia//979180/13114/89sip8z/-/>.

⁵⁶ John Aravosis, *Catholic, Episcopal leaders in Liberia: Ebola is God's punishment for "penetrating homosexuality."* America Blog, September 2014, available at, <http://americablog.com/2014/08/catholic-episcopal-leaders-liberia-blame-gays-ebola.html> (last visited 11 April 2017); Misha Hussain and Maria Caspani, *Gay community under attack in Liberia over Ebola outbreak*, Reuters (23 Oct. 2014), available at <http://uk.reuters.com/article/us-foundation-ebola-liberia-gay-idUKKCN0IC1GV20141023> (last visited 11 April 2017).

⁵⁷ John Aravosis, *Catholic, Episcopal leaders in Liberia: Ebola is God's punishment for "penetrating homosexuality."* America Blog, September 2014, available at, <http://americablog.com/2014/08/catholic-episcopal-leaders-liberia-blame-gays-ebola.html> (last visited 11 April 2017); Misha Hussain and Maria Caspani, *Gay community under attack in Liberia over Ebola outbreak*, Reuters (23 Oct. 2014), available at <http://uk.reuters.com/article/us-foundation-ebola-liberia-gay-idUKKCN0IC1GV20141023> (last visited 11 April 2017).

⁵⁸ Misha Hussain and Maria Caspani, *Gay community under attack in Liberia over Ebola outbreak*, Reuters (23 Oct. 2014), available at <http://uk.reuters.com/article/us-foundation-ebola-liberia-gay-idUKKCN0IC1GV20141023> (last visited 11 April 2017).

⁵⁹ *Liberia: Christians Intensify Anti-Gay Campaign - Rally More Signatories to Press Govt Pass Felonious Law*, ALLAFRICA, 2 Sept. 2012, <http://allafrica.com/stories/201209030769.html>.

⁶⁰ *Id.*

⁶¹ HRW Liberia Report, *supra* note 16, p. 27.

V. Widespread discrimination in all aspects of daily life

Because of the pervasive climate of homophobia and transphobia, reinforced by the existence of the sodomy law and the statements of political and religious leaders and members of the media, LGBT individuals face widespread discrimination in all aspects of daily life. Examples follow.

LGBT individuals do not have equal access to healthcare. For example, in May 2015 a transgender woman was turned away from a hospital although she was bleeding heavily after having been beaten nearly to death. The nurses at the hospital told her that “people of [her] kind should not pollute the hospital.” The victim was given no treatment at that hospital and had to be rushed to another hospital fifteen to twenty kilometers away. A police station was not far away and the police were contacted, but they failed to cooperate and did not investigate the case.⁶²

LGBT individuals who do receive medical attention are often subjected to humiliating treatment; this, in turn, leads some to avoid seeking out needed medical services. For example, gay men neglect visiting hospitals because they are repeatedly asked how they sustained anal ruptures and they are met with an unfriendly environment when doctors find out their sexual orientation.⁶³

LGBT individuals also face discrimination in employment. Employers in Liberia treat LGBT people with contempt and generally do not want to hire them because they are fearful that they would “influence” and pollute the workforce. LGBT employees are pressured to conceal their sexual orientation or gender identity for fear of abusive and discriminatory treatment by their co-workers and employers. They risk losing their jobs if their sexual orientation or gender identity is revealed to their employers. For example, in 2013 an employee of a leading Liberian bank was asked by his superiors to resign because of his sexual orientation.⁶⁴ Similarly, a woman who now works as a volunteer at LEGAL was terminated from her job because she is a lesbian; she now has no paid employment.⁶⁵ LGBT people who are suffering from AIDS are also discriminated against and stigmatized at work and often asked to resign.

LGBT people who do have jobs often suffer workplace harassment. For example, in October 2016, a gay man working for Liberia’s Ministry of Health was repeatedly ridiculed by a co-worker about his sexual orientation. That co-worker also “outed” him to other co-workers. The Ministry of Health failed to put a stop to the harassment or provide redress to the victim.⁶⁶

LGBT students face discrimination in educational institutions. Schools have expelled LGBT students because of their sexual orientation or gender identity. LGBT students can be subjected to bullying and sometimes violence by their classmates once a student’s sexual orientation or gender

⁶² Interview with witness to the incident; incident also reported to TNOL.

⁶³ Information provided to SAIL.

⁶⁴ Incident reported to SAIL.

⁶⁵ Incident reported to LEGAL.

⁶⁶ HRW Liberia Report, *supra* note 16, p. 26. See also Liberian Initiative for the Promotion of Rights, Identity, Diversity and Equality (LIPRIDE) and American Jewish World Service (AJWS), *Liberia 2015/16 Final Report (2017)*, p. 2.

identity is made known. In some instances, students have quit school due to bullying related to sexual orientation and gender identity.⁶⁷

For example, in January 2014 a 19-year-old gay high school student was bullied by his classmates for being gay. On one occasion, two of his classmates attacked him physically, beating him and tearing his shirt. The school did not discipline the perpetrators and instead asked the victim's parents not to report the attack. Because the victim's parents could not financially afford to transfer him to another school, the student had to remain at his school where he continued to suffer humiliation because of his sexual orientation, which caused his academic performance to deteriorate.⁶⁸

LGBT individuals also experience housing discrimination. They face difficulty in renting a place for themselves. If they do find housing, they risk eviction if their landlord finds out about their sexual orientation or gender identity.

Liberian government employees have also discriminated against LGBT individuals. For example, in April 2016 a transgender social worker was harassed and denied entry into the Ministry of Health because of her perceived sexual orientation.⁶⁹ The victim reported that security personnel asked her to leave because of “the look of [her] hair.”⁷⁰ When she asked what that meant she got a harsh response from the security personnel, who told her that “keeping [her] hair makes [her] look like a woman and as such men who does that are not allowed in the premises of the Ministry and so, [she] should leave from the gate entry.”⁷¹ The security personnel also told her that the way she looked was “not normal” for a real man.⁷²

In another incident, also in 2016, a transgender woman was mocked by an official of the Ministry of Justice and then barred from boarding a flight to South Africa. While the transgender woman was waiting in the boarding queue, the official came up and told her that she looked strange and funny. Shortly afterward, when the woman tried to board her flight, she was barred from doing so without any explanation. As a result, she was not able to travel to South Africa until the next available flight, which was not until two days later.⁷³

LGBT individuals also face discrimination and abuse from their own families, who sometimes shun or disown them because of their sexual orientation or gender identity.⁷⁴ For example, in October 2016, a 19-year-old gay man was thrown out of his home by his mother once she found out about his sexual orientation. The mother told the young man to leave as soon as possible before he transferred “his habit” to his younger siblings. The boy lived in the streets for two days before

⁶⁷ 2016 Country Report: Liberia, *supra* note 25, p. 26.

⁶⁸ Incident reported to SAIL.

⁶⁹ Incident reported to SAIL.

⁷⁰ Incident reported to SAIL.

⁷¹ Incident reported to SAIL.

⁷² Incident reported to SAIL.

⁷³ Interview with victim, March 2016.

⁷⁴ HRW Liberia Report, *supra* note 16, pp. 11, 28, 33-36.

SAIL intervened and was able to assist him.⁷⁵ A member of LEGAL was also thrown out of her home due to her sexuality, as was a 17-year-old transgender youth.⁷⁶

VI. Proposed issues to be included in the List of Issues for Liberia

1. When will Liberia repeal the provisions of its Penal Code that criminalize adult, consensual same-sex sexual conduct?
2. What measures will Liberia take to educate and sensitize law enforcement personnel to ensure that LGBT individuals are treated fairly and respectfully?
3. What measures will Liberia take to eliminate violence, threats, harassment and discrimination based on sexual orientation and gender identity? Additionally, what measures will Liberia take to ensure that such incidents are investigated, that perpetrators are held accountable, and that victims receive appropriate remedies? Is Liberia willing to establish a human rights desk at the Ministry of Justice and at the Independent National Commission on Human Rights, to which victims can report human rights violations based on sexual orientation and gender identity?
4. What measures will Liberia take to add Sexual and Reproductive Health Rights to the national curriculum?

⁷⁵ Incident reported to SAIL.

⁷⁶ Incidents reported to LEGAL.