



Protection against violence and discrimination based on sexual orientation and gender identity, in relation to the human rights to freedom of expression, association and assembly

Africa

Submission to the UN Independent Expert on Sexual Orientation and Gender Identity

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¹ ILGA World (International Lesbian, Gay, Bisexual, Trans and Intersex Association), <https://ilga.org>, established in 1978, is a federation of more than 1,700 organisations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex (LGBTI) human rights. ILGA World enjoys the ECOSOC status, consistently engaging with UN human rights bodies, and conducts legal and socio-economic research on the situation of LGBTI persons. ILGA World supports local LGBTI civil society groups engaging with United Nations treaty bodies, special procedures and the Human Rights Council. It also produces research publications on social and legal situation of LGBTI persons. This includes [Annual Treaty Bodies Reports](#), [Treaty Bodies Strategic Litigation Toolkit](#), [Special Procedures Factsheets](#) and [ILGA World Database](#)

² CHEVS is a hub for queer youth activism in West Africa. We mobilise, support, and amplify the voices and agency of young LGBTIQ+ persons, sex workers and organisations in the region, working collaboratively and intersectionally to build solidarity across the movement, closing the gap in youth leadership towards the realization of the rights and liberation of the communities we serve in West Africa <https://chevs.org/about-us/>

³ YIF serves as a positive representation of Ghanaian youths, primarily LGBTQIA+ youths in Ghana, by amplifying their voices in the movement for change

⁴ WISE works for the advancement of constructive environmental practices by empowering people, especially women and youth, to become environmental stewards (agents of environmental sustainability/sustainable development)

⁵ Global Unions LGBTI Workers (lgbtiworkers.org) is a project of the Council of Global Unions (CGU). The CGU represents 200 million workers in thousands of trade unions in all economic sectors and national trade union centres

Introduction

While substantial strides have been made in advancing the human rights of LGBTI communities in certain regions of Africa, there is a concerning number of criminalizing initiatives and the so-called anti-rights or anti-gender actors'⁶ influence in supporting bills against LGBTI persons rights. In recent years, various legislative and policy shifts and proposals at both national and subnational levels have emerged, encroaching upon the freedom of expression, association, and assembly for LGBTI individuals, as well as others within the spectrum of sexual and gender diversity.

This report specifically examines legislative and policy limitations on public discussions concerning sexual and gender diversity and LGBTI issues, along with restrictions on the use of inclusive language in schools across specific African countries. It underscores how these measures directly hinder the exercise of freedom of expression, association, and assembly, impacting not only LGBTI communities but also various other groups, including educators, students, and parents.

Methodology

For the creation of this report, ILGA World conducted initial desk research using the ILGA World Database⁷ to pinpoint current explicit and implicit legal impediments to freedom of expression and association in Africa. In addition, ILGA World collected information from ILGA member organizations in various countries of Africa, particularly recent cases and examples regarding the contextual circumstances surrounding the exercise of freedom of expression, association, and assembly for LGBTI communities.

Freedom of Expression

Common narrative of indecency and contrary to moral codes regarding LGBTI

In numerous African nations, a disconcerting narrative ostensibly rooted in decency, morality, societal norms, and moral codes, has been emerging within legal frameworks and manifests in laws severely curtailing the freedom of expression of the LGBTI community.

⁶ These actors employ a coordinated effort to undermine and restrict the human rights of women and LGBTI+ persons and promote an essentialist, cis-heteronormative understanding of gender and sex, based on hegemonic religious fundaments. For more information, see Damjan Denkovski, Nina Bernarding, and Kristina Lunz. (2021). "[Power Over Rights: Understanding and countering the transnational anti-gender movement Volume I](#)". Centre for Feminist Foreign Policy.

⁷ ILGA World Database: <https://database.ilga.org/jurisdictions-profiles>

Algeria underwent a legal transformation in 1982, introducing penalties for anything deemed "contrary to decency."⁸ In January 2023, concerns over potential infringements on freedom of expression arose with a ban on rainbow-coloured products⁹. In Cameroon, legal constraints extend to cybersecurity, criminalizing electronic communication between same-sex individuals and the public utterance of "immoral speech."

Cote d'Ivoire removed explicit mentions of same-sex relationships in 2019 but introduced Article 416, criminalizing "public contempt of modesty" and prohibiting information "contrary to good morals."¹⁰ Meanwhile, in the Democratic Republic of Congo, Article 176 criminalizes "insulting morals," posing challenges to freedom of expression within the LGBTI community.¹¹

In Nigeria, Section 217 of the Criminal Code Act expressly prohibits acts of "gross indecency" between men, as well as the procurement or attempted procurement of such acts. The stipulated penalty for violating this provision is three years of imprisonment¹². Moreover, according to the Prostitution and Immoral Acts (Prohibition) Law of Kano State, Section 9 specifies that any male person who conducts, behaves, or dresses in a manner that imitates the behavioural attitude of women commits an offence¹³. Niger faced proposed criminalization in 2022, followed by measures in 2023 targeting the "promotion of LGBTI rights."¹⁴

This shared narrative across diverse African nations reveals a widespread suppression of LGBTI expression under the guise of upholding decency and morality. The misuse of legal frameworks raises critical concerns about protecting individual liberties.

See more examples in the Annex

Dissemination of LGBTI content, mass media and internet restrictions

In several African nations, the struggle for freedom of expression restrictions extends beyond legal frameworks into media and online spaces, where measures ostensibly designed to "protect" minors stifle freedom of expression. Burkina Faso's Superior Council of

⁸ ILGA World Database <https://database.ilga.org/algeria-lgbti>, The Penal Code

⁹ ILGA World Database <https://database.ilga.org/algeria-lgbti>

¹⁰ ILGA World Database <https://database.ilga.org/cote-divoire-lgbti>, the New Penal Code

¹¹ ILGA World Database <https://database.ilga.org/democratic-republic-of-congo-lgbti>

¹² ILGA World Database <https://database.ilga.org/nigeria-lgbti>, Criminal Code Act

¹³ Information provided by CHEVS

¹⁴ ILGA World Database <https://database.ilga.org/niger-lgbti>

Communication (CSC) decision in August 2023 restricts the broadcast of LGBTI-related content, citing concerns about its impact on minors and societal norms¹⁵.

Burundi utilizes Article 564 of the Penal Code to prohibit materials "contrary to good morals," and a 2011 Ordinance allows expulsion for "homosexuality," fostering fear and self-censorship¹⁶. Ethiopia's Article 640 criminalizes "grossly indecent material," blocking websites and fostering intolerance¹⁷.

In Egypt, the law 175/2018 Anti Cyber and Information Technology Law was introduced, known publicly as "Anti-Cybercrime Law"¹⁸. In August 2019, the Ministry of Justice issued a decision to process cases convicted under this law in the economic courts. In 2020, a number of LGBTI persons were prosecuted with the Anti-cybercrime law with the convictions of misuse of social media and infringement of family principles or values of Egyptian society.

In Ghana, LGBTI individuals have been victims of cyberbullying, including the sharing of private videos without consent, leading to further stigmatization and harm. The leaked video of an individual resulted in public ridicule and no action was taken by relevant institutions to address the issue¹⁹.

Kenya has further reinforced restrictions. Section 12 of the Film and Stage Plays Act, effective since 1963, grants the Kenya Film Classification Board discretionary powers to restrict the exhibition of films²⁰. The Board's Classification Guidelines from 2012 age-restrict or outright ban films with themes that "promote or glamorize a homosexual lifestyle."²¹ This legal framework curtails artistic expression and reinforces societal prejudices against LGBTI narratives.

Similarly, in August 2022, Kenya's Ministry of Education and Technical Education issued instructions for awareness campaigns promoting "good behaviour," "manners," and religious values. The primary objective, as articulated, is countering the perceived influence of "homosexuality" from international streaming services like Netflix²².

¹⁵ ILGA World Database <https://database.ilga.org/burkina-faso-lgbti>, Press release

¹⁶ ILGA World Database <https://database.ilga.org/burundi-lgbti>, Article 564 of the Penal Code

¹⁷ ILGA World Database <https://database.ilga.org/ethiopia-lgbti>, Article 640 of the Penal Code

¹⁸ Information anonymously provided by the organisation working in the region

¹⁹ Information provided by Youth Initiative Foundation (YIF). Adepa TV (2024), "Hayford and Headucator trumu leaked video..."

Area boys catch Hayford for Ghana Center "dead meat" Retrieved from

<https://www.youtube.com/live/IHhZLrsoKyl?si=FHD0ITVghcAg7Psg>

²⁰ ILGA World Database <https://database.ilga.org/kenya-lgbti>

²¹ ILGA World Database <https://database.ilga.org/kenya-lgbti>

²² ILGA World Database <https://database.ilga.org/kenya-lgbti>

Tanzania's Article 175 restricts materials "tending to corrupt morals," and Article 154 criminalizes same-sex intimacy, contributing to a climate of censorship²³. In addition, the ban on rainbow paint, the effort to ban books promoting same-sex relations, and the shutdown of websites and social media accounts promoting homosexuality highlight a comprehensive approach to limit discourse and awareness on LGBTI matters in Tanzania²⁴.

Restrictions within Education sector

In the educational sector, laws and measures are being implemented to stifle LGBTI inclusivity. In Ghana, for instance, LGBTI students face discrimination and are often excluded from educational opportunities due to societal prejudice and a lack of inclusive policies²⁵.

Kenya, for instance, has witnessed recent legislative efforts aimed at curtailing Comprehensive Sexuality Education (CSE) in schools. The Family Protection Bill (2023) seeks to ban CSE in pre-primary, primary, and secondary school programs²⁶. Under the guise of upholding parental rights, the bill reinforces a conservative narrative that restricts access to vital information on sexual and gender diversity.

The Education Cabinet Secretary's plan, announced in March 2023, adds another layer to this trend in Kenya²⁷. Niger, under its transitional military government, announced stringent measures in October 2023 to combat the "promotion of LGBTI rights" within the educational sector²⁸. The government's proactive stance, including the identification and prosecution of individuals involved in such activities, reinforces an environment where expressing or discussing LGBTI issues is deemed contrary to national laws and moral values.

In Morocco, increasing LGBTI visibility has sparked social backlash, with hate speech by public figures. The Ministry of National Education, in September 2023, intensified efforts against the spread of LGBT ideology in schools under foreign missions, emphasizing adherence to local values and law. A controversy involving French school students led to demands for an apology²⁹.

²³ ILGA World Database <https://database.ilga.org/tanzania-lgbti>, Article 175 of the [Penal Code](#)

²⁴ ILGA World Database <https://database.ilga.org/tanzania-lgbti>

²⁵ Information provided by Youth Initiative Foundation (YIF)

²⁶ ILGA World Database <https://database.ilga.org/kenya-lgbti>

²⁷ The proposal to "prevent LGBTIQ+ education" and introduce chaplaincies, with religious leaders involved in a new governmental committee, reflects an alarming move towards endorsing a singular worldview. This strategy, led by an Anglican archbishop, raises concerns about potential biases impacting the educational system, perpetuating discrimination and exclusion. ILGA World Database <https://database.ilga.org/kenya-lgbti>.

²⁸ ILGA World Database <https://database.ilga.org/niger-lgbti>

²⁹ Retrieved from Outright International Country Overview <https://outrightinternational.org/our-work/middle-east-and-north-africa/morocco>

In Nigeria, the House of Representatives unanimously passed a resolution in October 2023, urging the Federal Government to review and censor "immoral" educational materials³⁰. The criminalization of distributing materials mentioning terms such as "gay" underscores a worrying inclination to suppress any positive discussions around LGBTI issues within educational settings. Moreover, the recent ban imposed by the Kano State Government on six textbooks in all Nursery, Primary, and Secondary schools has raised concerns about the potential for misconceptions and misuse of laws, particularly when it comes to censorship. The decision, as outlined in a press release signed by the Director of Planning Research and Statistics office of the Special Adviser and Voluntary Institutions in Kano, reflects an "attempt to protect young students" from what is described as inappropriate and sexually explicit content³¹.

Uganda's Anti-Homosexuality Act (2023), signed into law in May 2023 introduces severe penalties for the "promotion of homosexuality."³² The Act's Section 10 covers a broad range of activities, including advertising, providing financial support, and operating organizations promoting homosexuality. This legislative onslaught is complemented by investigations into an alleged increase in homosexuality within schools, further marginalizing LGBTI students.

These instances across multiple African nations underscore a growing challenge to inclusive education, with legal measures and policies reinforcing discrimination against LGBTI individuals.

Freedom of Association and Freedom of Peaceful Assembly

Refusal to register an organisation

In several African nations, LGBTI organizations face formidable legal barriers hindering their recognition. Algeria's Law on Associations grants the government broad discretion to reject associations contrary to "good mores," obstructing the formal registration of LGBTI groups³³. Burkina Faso, through Law No. 064-2015/CNT, allows authorities to reject groups based on causes considered "illicit or contrary to laws and good morals," leaving LGBTI organizations in perpetual legal limbo³⁴.

Burundi denies registration to associations "contrary to the law, public order, or morality."³⁵ Activists, compelled to focus on HIV/AIDS issues, navigate limitations on LGBTI rights

³⁰ ILGA World Database <https://database.ilga.org/nigeria-lgbti>

³¹ Information provided by Women Initiative for Sustainable Empowerment and Equality (WISE) formerly Women Action for Gender Equality (WAGE), see also <https://www.thisdaylive.com/index.php/2023/10/07/kano-bans-six-textbooks-in-schools-over-inappropriate-content>

³² ILGA World Database <https://database.ilga.org/uganda-lgbti>, the [Anti-Homosexuality Act](#)

³³ ILGA World Database <https://database.ilga.org/algeria-lgbti>, Article 2 of the Law on Associations ([Law No. 12-06](#))

³⁴ ILGA World Database <https://database.ilga.org/burkina-faso-lgbti>, Article 16 of [Law No. 064-2015/CNT](#)

³⁵ ILGA World Database <https://database.ilga.org/burundi-lgbti>, Article 6 of [Decree-Act No. 1/11](#)

advocacy. Cameroon's Law Regulating Non-Governmental Organizations imposes restrictions, forcing NGOs to exclude LGBTI references for legal status³⁶.

Chad's Ordinance on Organization of Associations declares groups against laws and good morals "automatically void," presenting significant hurdles for organizations addressing sexual and gender diversity³⁷. Comoros shares a similar stance, prohibiting associations contrary to laws or good morals³⁸.

Egypt restricts associations under Article 14(b) of The Law of Associations and Other Foundations, enabling legal action against those destabilizing public morals³⁹. In addition, authorities refuse to register independent unions and use legislation barring associations allegedly engaging "activities that result in destabilizing the national unity, national security, public law and order, and public morals" from registering, effectively driving LGBTI civil society underground⁴⁰.

In Middle East and North Africa (MENA), all 19 countries impeded the registration of trade unions and excluded workers from the right to establish and join a trade union. LGBTI+ civil society organisations are either explicitly or effectively prevented from registering and operating across the region⁴¹.

Eswatini denied registration to Eswatini Sexual and Gender Minorities, citing constitutional contradictions on same-sex relations⁴². In Liberia, the Associations Law refused registration to the Trans Network of Liberia in 2016, citing "activities not allowed in Liberia."⁴³ Libya's Law on the Reorganization of NGOs mandates operations within the framework of law, morals, and public order⁴⁴.

Nigeria's Same-Sex Marriage (Prohibition) Act criminalizes same-sex relationships and prohibits the registration of "gay clubs, societies, and organizations."⁴⁵ Sierra Leone, South Sudan, Uganda, and Zimbabwe all pose legal hurdles under various acts, restricting NGOs operating without government registration.

³⁶ ILGA World Database <https://database.ilga.org/cameroon-lgbti>, Law No. 99/014

³⁷ ILGA World Database <https://database.ilga.org/chad-lgbti>

³⁸ ILGA World Database <https://database.ilga.org/comoros-lgbti>, Article 5 of Law No. 86-006/AF

³⁹ ILGA World Database <https://database.ilga.org/egypt-lgbti>, Article 14(b) of The Law of Associations and Other Foundations Working in the Field of Civil Work (Law No. 70)

⁴⁰ Information provided by the Global Unions LGBTI Workers Project

⁴¹ Information provided by the Global Unions LGBTI Workers Project

⁴² ILGA World Database <https://database.ilga.org/eswatini-lgbti>

⁴³ ILGA World Database <https://database.ilga.org/liberia-lgbti>

⁴⁴ ILGA World Database <https://database.ilga.org/libya-lgbti>, Law No. 19 (2001)

⁴⁵ ILGA World Database <https://database.ilga.org/nigeria-lgbti>

These legal obstacles, rooted in moral codes, underscore the urgent need for legal reforms that protect the rights of all citizens, regardless of sexual orientation or gender identity.

Danger to LGBTI Individuals, HRDs, and organisations

The challenges to the right of freedom of association and assembly of LGBTI groups in Africa transcends legal impediments, revealing a harsh reality of violent attacks and precarious conditions for activists and organizations. Cameroon experienced a wave of violence in 2019, as civil society organizations supporting the LGBTI community became targets of unfounded accusations of "promoting homosexuality," resulting in violent attacks, vandalism, and police interrogations⁴⁶.

In Ghana, a bill proposed by eight Members of Parliament in 2021 seeks to criminalize LGBTI activities and prosecute individuals and organizations supporting the community. This bill has raised concerns about human rights abuses and is currently in its final stage of review⁴⁷.

In Egypt, consensual same-sex relations are not explicitly criminalized, but Law 10/1961 on combating 'prostitution' is misused to target LGBTI individuals. The law's Article 9(c) is invoked, leading to convictions for "habitual prostitution or debauchery" with imprisonment of up to three years and fines ranging from 25 to 300 Egyptian Pounds. LGBTI activists, defenders, and individuals have been submitted to arrests and torture, as has been the case for Malak El-Kashif (who has been released in May 2019), Eman Al-Helw and Hossam Ahmad - (who have been released in May 2019)⁴⁸.

Kenya's Kakuma refugee camp faced scrutiny in October 2023, with Parliament launching an investigation into alleged homosexuality promotion⁴⁹. The inquiry highlighted the dangers faced by LGBTI advocates, emphasizing the risks within the camp.

In Morocco, in 2020, an online harassment campaign exposed LGBTI individuals by creating fake accounts on dating platforms, revealing gay and bisexual men. Journalists attempting to investigate these incidents faced arrests⁵⁰.

⁴⁶ ILGA World Database <https://database.ilga.org/cameroon-lgbti>

⁴⁷ Information provided by Youth Initiative Foundation (YIF). Rightify Ghana (2024), "Status of the anti-LGBT+ Bill.". Retrieved from <https://rightifyghana.org>

⁴⁸ Information anonymously provided by the organisation working in the region. More information: Front Line Defenders: <https://www.frontlinedefenders.org/en/case/trans-woman-human-rights-defender-malak-al-kashif-detained-and-charged>

⁴⁹ ILGA World Database <https://database.ilga.org/kenya-lgbti>

⁵⁰ Arab, The New. "Morocco's LGBT Community Lives in Fear after Gay Men Outed in Homophobic Online Campaign." Alaraby, The New Arab, 27 May 2020, <http://www.english.alaraby.co.uk/english/society/2020/5/27/moroccos-lgbt-community-is-living-in-fear>

Somalia's challenging landscape for local CSOs includes harassment, extortion, and obstruction, coupled with the criminalization of same-sex activities and the looming threat of the death penalty⁵¹. This hostile environment makes it exceedingly difficult for organizations championing sexual and gender diversity to operate or register.

In Nigeria, LGBTI individuals have routinely faced the threat of arrest and arrests. An illustrative incident occurred in August 2023, where a mass arrest of approximately 67 people took place in Ekpan town in southern Delta State, purportedly during an event labelled as a 'gay wedding' by authorities⁵². Similarly, in 2018, 57 individuals were apprehended at a gathering, and 47 of them were subsequently charged and tried under the Same-Sex Marriage Prohibition Act (SSMPA)⁵³.

In Lebanon, conference planned for Beirut was cancelled after Minister of Interior Bassam Mawlawi ordered the Internal Security Forces to "immediately take the necessary measures to prevent any type of celebration, meeting or gathering" during Pride month⁵⁴.

Tanzania witnessed violent incidents, including a police raid in Zanzibar, leading to arrests for "promoting homosexuality." A subsequent task force intensified intimidation, forcing activists into hiding. The government's deregistration of established organizations in 2019 underscored the hostility faced by LGBTI advocates⁵⁵.

In Senegal, recent years have seen significant instances of the enforcement of anti-LGBTI laws, leading to frequent arrests and arbitrary detentions of individuals within the LGBTI community, exposing them to the risk of torture. From 2015 to 2023, more than 120 suspected members of the LGBTI community have been arrested, experienced unwarranted home raids conducted by both state and non-state actors, and faced detention, public humiliation, and even lynching. In 2022, two individuals were convicted and sentenced to two years in prison⁵⁶.

In Sudan, SOGI Coalition documented events that took place on the 6th and 7th of March 2020 at 'Tawaheen Al-Dahab market, Abu Hamad, River Nile State, north of Khartoum, Sudan', where a Sudanese citizen was killed because of his perceived sexual orientation, several shops and cafes were damaged and burned, and approximately 80 persons were arrested⁵⁷.

⁵¹ ILGA World Database <https://database.ilga.org/somalia-lgbti>, The [Federal Constitution of Somalia](#) (2012) (Arts. 16 and 20)

⁵² Information provided by [CHEVS](#) – a hub for queer youth activism in Africa

⁵³ Information provided by [CHEVS](#) – a hub for queer youth activism in Africa

⁵⁴ Information provided by the Global Unions LGBTI Workers Project. More at <https://www.hrw.org/news/2023/09/05/lebanon-attack-freedoms-targets-lgbti-people>

⁵⁵ ILGA World Database <https://database.ilga.org/tanzania-lgbti>

⁵⁶ Information provided by [CHEVS](#) – a hub for queer youth activism in Africa

⁵⁷ [Reported](#) by Sudan SOGI Coalition (SSC)

Despite these challenges, LGBTI activists persevere, highlighting the urgent need for international attention and concerted efforts to safeguard the fundamental rights and safety of those advocating for LGBTI rights in Africa.

ANNEX

Freedom of Expression

Common narrative of indecency and contrary to moral codes regarding LGBTI

- Djibouti's Penal Code outlaws materials "contrary to good morals," creating an environment of fear for individuals expressing their identities⁵⁸.
- Libya's Article 421 criminalizes "indecent" materials, further intensified by 2016's Law No. 11, prohibiting acts "contrary to public morals and Islamic law."⁵⁹
- Sudan's Article 152 criminalizes materials "contrary to public morals" as well⁶⁰.
- Zambia criminalizes acts of "soliciting for immoral purposes," as exemplified by the persecution of LGBTQ+ rights advocate Paul Kasonkomona in 2013⁶¹.

⁵⁸ ILGA World Database <https://database.ilga.org/djibouti-lgbti>

⁵⁹ ILGA World Database <https://database.ilga.org/libya-lgbti>, Law No. 11 (2016)

⁶⁰ ILGA World Database <https://database.ilga.org/sudan-lgbti>, Penal Code of Sudan

⁶¹ ILGA World Database <https://database.ilga.org/zambia-lgbti>, Penal Code of Zambia, Article 178(g)