



KALEIDOSCOPE
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**The Commonwealth
Equality Network**

CIVIL VIOLENCE

**THE VIRUS OF DISCRIMINATION ALSO KILLS:
INSTITUTIONAL VIOLENCE AGAINST LGBTI+
ACTIVISTS AND THEIR ORGANISATIONS
DURING THE COVID-19 PANDEMIC**



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INTRODUCTION

While restrictions on movement put in place by governments as part of the response to the COVID-19 outbreak were a necessary step given the emergency nature of the pandemic, these measures have had unanticipated effects. The United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, for instance, has received reports of the exacerbation of hate and discriminatory speech during the pandemic, often made by state officials. Expanding spaces for discriminatory practices and worsening inequalities have created a 'pandemic within a pandemic'.

This exacerbation has been partly triggered by the indirect effects of COVID-19, which have had far-reaching consequences no government was fully prepared to face given the unprecedented nature and scale of the pandemic. These indirect effects include the pandemic's negative impact on mental health and well-being, widespread economic uncertainty, and limits on access to services – all of which have contributed to increases in violence and discriminatory practices against LGBTI+ individuals. However, these stressors are not the only underlying cause for this increase in harm. Many countries have well-established discriminatory structures and practices in both institutional and legal spheres that affect LGBTI+ people. Specifically, countries that criminalise homosexuality are also affected by the virus of discrimination and prejudice, which can lead to targeted violence against the LGBTI+ community – especially during emergency situations.

This policy paper aims to identify and analyse specific cases of violence targeting LGBTI+ activists and their organisations in Commonwealth countries during the COVID-19 pandemic. To effectively meet this aim, we collected data from LGBTI+ activists and their organisations in Commonwealth member states through surveys and interviews. The case selection process depended on the response we received from the NGOs we contacted and the availability of data.

Although there was a limited response rate given the time constraints of the project (45 days), we coordinated with stakeholders in local communities to gather available data on incidents of discrimination and violence, as well as gathered information from media, social media and reports from NGOs, public bodies, and academics. A general limitation of research on this subject is that very few Commonwealth countries record and publish official data about LGBTI+ specific crimes, violence, and complaints.

¹ United Nations Office of the High Commissioner on Human Rights (2020). Governments must do more to prevent slavery and exploitation during COVID-19 pandemic. Available from: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26552&LangID=E>

² Bhanot, D., Singh, T., Verma, S. K., & Sharad, S. (2021). Stigma and Discrimination During COVID-19 Pandemic. *Frontiers in public health*, 8, 577018. <https://doi.org/10.3389/fpubh.2020.577018>

THE CONTEXT: CRIMINALISATION AND DISCRIMINATORY INSTITUTIONAL STRUCTURES

In 35 of 54 Commonwealth countries,³ homosexuality is still a criminal offence and, in two, it can result in the death penalty. There is a lack of official data on the basis of sexual orientation, gender identity and expression (SOGIE) in most Commonwealth countries. Where it is available, research shows that the number of hate crimes and violence against LGBTI+ people is high – and on the increase.⁴ For instance, in England and Wales, government data shows that sexual orientation hate crimes have increased by 19% (to 15,835) and transgender identity hate crimes by 16% (to 2,540) in 2019/20 when compared to the previous year.⁵ In Canada, police-reported hate crimes targeting sexual orientation increased by 41% in 2019 to 263 incidents, compared to 186 incidents a year earlier.⁶

TABLE 1: Hate crimes recorded by the police by monitored strand, year ending March 2016 to year ending March 2020.

HATE CRIME STRAND	2015/16	2016/17	2017/18	2018/19	2019/20	% CHANGE 2018/19 TO 2019/20
Race	45,440	58,294	64,829	72,041	76,070	6
Religion	3,962	5,184	7,103	7,203	6,822	-5
Sexual Orientation	6,700	8,569	10,670	13,314	15,835	19
Disability	3,393	5,254	6,787	7,786	8,469	9
Transgender	820	1,195	1,615	2,183	2,540	16
TOTAL NUMBER OF MOTIVATING FACTORS	60,315	78,496	91,004	102,527	109,736	7
TOTAL NUMBER OF OFFENCES	57,676	74,967	86,254	97,446	105,090	8

Table 1: Source (UK Gov, 2020)⁵

³ The geographic scope of this policy paper is the Commonwealth, formed by 54 member states. All of them, apart from Rwanda and Mozambique, were territories of the British Empire. They cover five regions: Africa, the Americas, Asia, Europe and the Pacific. All together, these countries have an estimated population of 2.4 billion people. They shared values and principles, and a legal system based in Common Law with a Westminster parliamentary model of government.

⁴ Mawira, E., Walters, M. (2020). Hate Crimes against the LGBT Community in the Commonwealth: A Situational Analysis. Equality & Justice Alliance. London.

⁵ UK Government (2020). Hate crime, England and Wales, 2019 to 2020. Official Statistics. Updated 28 October 2020.

⁶ Canada Gov (2021). Police-reported hate crime in Canada, 2019. By Greg Moreau, Canadian Centre for Justice and Community Safety Statistics. March 29, 2021. Retrieved from: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00002-eng.htm>

In Asia and the Pacific, LGBTI+ people are often the targets of violence on the basis of their real or perceived SOGIE. Studies focused on a variety of countries, including Bangladesh, India, and Sri Lanka, have concluded that LGBTI+ people are victims of violence as a direct result of their gender or sexual identity.^{8,9,10} In Australia and New Zealand, despite favourable legislation, personal and institutional biases are still pervasive and many in the LGBTI+ community continue to experience violence, harassment and bullying.¹¹

In the Caribbean, there is no official or quantitative data indicating the true extent of violence against LGBTI+ people. However, a study of 316 LGBT people in 2016 in Jamaica found that '24% of respondents had been threatened with sexual violence in the previous five years on the basis of their real or perceived sexual orientation, gender identity or expression, while 32% had been threatened with physical violence.'^{12,13}

Meanwhile, some academics and NGOs have conducted research highlighting that LGBTI+ communities are affected by targeted violence, particularly in Africa.¹⁴ In a Kenyan study surveying nearly 1,000 LGBTI+ people about their experiences of violence and mental health, 53% of respondents reported physical assaults in the previous 12 months – only 29% of whom had reported the assault to the police.¹⁵

This pandemic and its ongoing consequences highlight deep-set issues regarding the rights of LGBTI+ people across the world. In our 2020 report *LGBTI+ in the Commonwealth in the COVID-19 Era*, we identified that this discrimination has manifested in new ways during the pandemic, for example, resulting in cases where LGBTI+ people were blamed as the cause of COVID-19.¹⁶ Importantly, the report also highlighted concern among the LGBTI+ community '*of the impact of neglect of responsibilities by or violence at the hands of law enforcement and other state agents.*'¹⁷

Almost a year has passed since the publication of that report's chilling findings. Despite ongoing challenges, thousands of members of the LGBTI+ community continue to engage in human-rights based activism at the local and regional level – and continue to risk experiencing violence and harassment, particularly in countries where sexual and gender diversity remains criminalised and stigmatised.

⁷ Asia Pacific Forum of National Human Rights Institutions (APFNHRI) and the UNDP (2016). Promoting and Protecting Human Rights in Relation to Sexual Orientation, Gender Identity and Sex Characteristics: A Manual for National Human Rights Institutions. Sydney: Asia Pacific Forum.

⁸ Fernandez, B., Gomathy, N. B. (2003). The Nature of Violence Faced by Lesbian Women in India, Research Centre on Violence Against Women. Mumbai: Tata Institute of Social Sciences.

⁹ Creating Resources for Empowerment in Action (CREA) (2012b). Count me IN!: Research report on violence against disabled, lesbian, and sex-working women in Bangladesh, India, and Nepal. 20(40) Reproductive Health Matters 198.

¹⁰ EQUAL GROUND et al. (2014). Human Rights Violations against Lesbian, Gay, Bisexual and Transgender (LGBT) People in Sri Lanka: A Shadow Report. http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LKA/INT_CCPR_CSS_LKA_18258_E.pdf.

¹¹ AHRC (2015). Resilient Individuals: Sexual Orientation, Gender Identity and Intersex Rights National Consultation Report. Sydney: AHRC.

¹² McFee, R., Galbraith, E. (eds) (2016). The Developmental Cost of Homophobia: The Case of Jamaica. Washington: Washington Blade. (Please note that intersex individuals were not specifically noted in this case study).

¹³ Mawira, E., Walters, M. (2020). Hate Crimes against the LGBT Community in the Commonwealth: A Situational Analysis. Equality & Justice Alliance. London.

¹⁴ Ibid

¹⁵ Müller, A., Daskilewicz, K., The Southern and East African Research Collective on Health (2019). 'Are we doing alright? Realities of violence, mental health, and access to healthcare related to sexual orientation and gender identity and expression in Kenya: Research report based on a community-led study in nine countries'. Amsterdam: COC Netherlands. Cited by Mawira, E. & Walters, M. (2020).

¹⁶ Kaleidoscope Trust (2020). LGBTI+ in the Commonwealth in the COVID-19 Era. Retrieved from: <https://www.commonwealth-covid19.com>

¹⁷ Ibid

ANALYSIS:

MAKING THE VIOLATION OF HUMAN RIGHTS VISIBLE

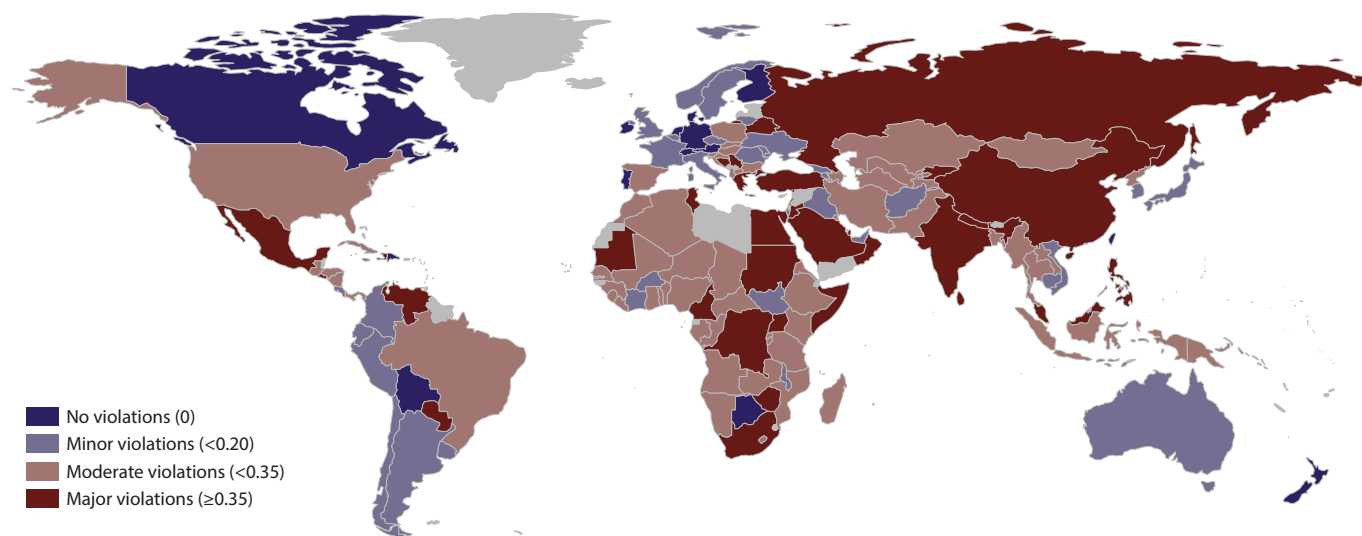
As the remainder of this paper will show, the pandemic has exposed institutional homophobia that still exists in many Commonwealth countries, paving the way for more violence to be perpetuated against LGBTI+ individuals. This paper does not intend to give exact figures on the number of LGBTI+ activists who have been victims of violence during the pandemic; such a report would not be possible due to the lack of information and official registers in most of the countries, as previously noted. However, enough cases have been reported that provide sufficient empirical data to support concerns from across the community and underline the importance for governments to take action.¹⁸

A PANDEMIC WITHIN A PANDEMIC:

DISCRIMINATION IN THE TIME OF COVID-19

In early 2020, nearly 30 United Nations experts issued a statement reminding states that ‘emergency declarations based on the COVID-19 outbreak should not be used as a basis to target particular groups, minorities, or individuals. It should not function as a cover for repressive action under the guise of protecting health nor should it be used to silence the work of human rights defenders.’¹⁹ Their call highlighted the fact that a proportionate, necessary and non-discriminatory approach to pandemic response has not been the case around the world – specifically in many Commonwealth countries and regions, as shown in Figure 1.

FIGURE 1: PANDEMIC DEMOCRATIC VIOLATIONS INDEX, 11 MARCH–10 DECEMBER 2020



The map displays the maximum score for each country recorded at some point during the period. No data available for countries in grey.
Source: PanDem Project (Edgell et al. 2021)

Figure 1: Source (VDEM, 2021)²⁰

¹⁸ The data which underpins this section was gathered through the use of an online questionnaire, key informant interviews and a review of media, networks and academic research pieces.

¹⁹ United Nations Office of the High Commissioner on Human Rights (2020). COVID-19: States should not abuse emergency measures to suppress human rights – UN experts. Available from: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722&LangID=E>

²⁰ V-DEM Institute (2021). Autocratization Turns Viral. Democracy Report 2021. University of Gothenburg. Retrieved from: https://www.v-dem.net/media/filer_public/74/8c/748c68ad-f224-4cd7-87f9-8794add5c60f/dr_2021_updated.pdf

Human rights violations as a result of COVID-19 have had differential effects on the population. In some countries, this has meant the infringement of freedom to move, whereas in others, structural homophobia has been expressed through the ongoing criminalisation of homosexual practices and the implementation of regulations that sanction or limit the rights of this population.²¹ For example, this has included using COVID-19 restrictions as a guise for conducting police raids on LGBTI+ community organisations, undertaking arbitrary arrests, relying on an excessive use of power, and even targeting or killing members of minority groups – including the LGBTI+ community. The existence of laws that criminalise homosexuality increases people’s vulnerability to attacks or abuse by such institutions, as it codifies and reinforces stigma and the belief that LGBTI+ people are deserving of criminal sanction, rather than of the protection of these institutions to which they are entitled.

As with previous health crises,²² LGBTI+ people have also been blamed for the COVID-19 pandemic in several countries, for example in speeches by prominent political and religious leaders attributing the pandemic to LGBTI+ persons.²³ In Ghana, for instance, the Executive Secretary of the National Coalition for Proper Human Sexual Rights and Family Values²⁴ called for the police to shut down LGBT+ Rights Ghana, a human rights organisation. One of our interviewees reported that, in Cameroon, songs with the chorus saying that homosexuality is responsible for the spread of the pandemic began to circulate. Another interviewee echoed that LGBTI+ people were also seen as the source of the pandemic in Nigeria. Similar scapegoating was reported in Botswana.²⁵ Beyond the immediate harm this causes to individuals, respondents noted they could not report these incidents to the police because they might be arrested and prosecuted as a result of coming forward. Such stigmatisation increases levels of discrimination and consequentially makes the work of LGBTI+ defenders and activists all the more difficult.²⁶

In such environments, even the perception of being LGBTI+ puts people at risk of being deprived of the enjoyment of their rights. Indeed, a gender nonconforming woman in Nigeria whom we interviewed reported that a lesbian did not receive anti-retroviral medication because she was identified by her doctor as member of the LGBTI+ community. While perhaps this incident cannot be directly related to COVID-19, the pandemic did reduce the alternative options to access medical services

this woman could pursue. In Tanzania, the government continued its ongoing efforts to target queer and gender nonconforming people by using lockdown restrictions to ban the operation of pro-LGBTI+ organisations and ordering the closure of 40 drop-in centres that conducted HIV testing and distributed medication to people living with HIV, which in itself could justifiably be seen as a key emergency service.

Emergency measures that alter democratic institutions, rights, and proceedings can be implemented as long as they do not infringe on international human rights. For example, while a response to COVID-19 may require physical distancing, and as a result temporarily restrict freedoms of movement and assembly for understandable and necessary reasons, the same cannot be said for measures that infringe on non-derivable rights like the right to life or freedom from torture.²⁷ However, the mounting evidence shows that states have not fulfilled this duty – leading to consequences LGBTI+ people have faced acutely.

“We’re in an existential crisis, not a health crisis. The most attacks against human rights defenders since the beginning of the pandemic are against journalists. Since 1 April 30 journalists have been arrested, attacked, harassed. The challenge we are in is broader than health. Though it is our right to health that is under siege, to enjoy it many other rights are under attack.”

TABANI MOYO

Media Institute for Southern Africa, Zimbabwe ¹⁷

²¹ United Nations Office of the High Commissioner on Human Rights (2020). COVID-19: States should not abuse emergency measures to suppress human rights – UN experts. Available from: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722&LangID=E>

²² Logie, C. H., Perez-Brumer, A., Mothopeng, T., Latif, M., Ranotsi, A., & Baral, S. D. (2020). Conceptualizing LGBT Stigma and Associated HIV Vulnerabilities Among LGBT Persons in Lesotho. *AIDS and behavior*, 24(12), 3462–3472. <https://doi.org/10.1007/s10461-020-02917-y>

²³ United Nations Office of the High Commissioner on Human Rights (2020). Statement by Victor Madrigal-Borloz, UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity at the 75th UN General Assembly. Available from: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26448&LangID=E>

²⁴ A tripartite coalition made up of the Christian council, Catholic Secretariat, Catholic Bishops Conference, Ghana Pentecostal and Charismatic Council, the Muslim community and traditional rulers.

²⁵ Kaleidoscope Trust (2020). LGBTI+ in the Commonwealth in the COVID-19 Era. Available from: <https://www.commonwealth-covid19.com/>

²⁶ Amnesty International UK and the Centre for Applied Human Rights (CAHR) et al. (2021) On the Human Rights Frontline. How the UK government can defend the defenders. London, 10 February 2021, p. 8.

²⁷ International Justice Resource Center - IJRC (2020). OHCHR & Human Rights Committee Address Derogations During COVID-19. Retrieved from <https://ijrcenter.org/2020/04/29/ohchr-human-rights-committee-address-derogations-during-covid-19/>

LIVING IN THE CROSSFIRE: INSTITUTIONAL HOMOPHOBIA

Cases reported in a variety of countries provide evidence that law enforcement officers have employed discriminatory practices, or, in some cases, failed to protect LGBTI+ people from violence. There have also been both media news accounts and reports posted on social networks about attacks on LGBTI+ people and organisations throughout 2020. For example, in Kenya, a United Nations shelter with LGBTI+ people inside was attacked with a petrol bomb.²⁹ Meanwhile, in Cameroon, Ghana and Uganda, the police have broken into the offices, interrupted meetings, and arrested leaders and members of LGBTI+ organisations.^{30 31}

While these incidents cannot all be directly causally linked to the pandemic, the correlation is nevertheless significant. Indeed, according to Michelle Bachelet, United Nations high commissioner for human rights and former president of Chile, the COVID-19 pandemic has worsened ongoing human rights violations, ranging from attacks on journalists to direct violence against human rights defenders. This recognition once more underlines the notion that, while public health protocols have called for emergency measures

that limit freedoms, the fact remains that certain governments have pushed the limits of these health regulations in order to redeploy them as weapons to quash dissent and perpetuate unfair and discriminatory power structures.³² As Bachelet rightfully notes:

“The police cannot erode public confidence in its law enforcement role by showing disregard for the dignity and rights of individuals who are members of the most vulnerable groups: those with mental health challenges, those living with HIV and those with different sexual orientation ...

It is the responsibility of the police department to enforce the curfew in a manner that is reasonable. Mocking people does not help to build public confidence that the police are there to protect ordinary citizens.”

CALEB OROZCO

United Belize Advocacy Movement – UNIBAM (UNAIDS, 2020)

“We have seen a lot of excesses. We have seen states that have strengthened their surveillance power, threatening threats to privacy, exceeding what is required for public health, or, for example, harassing journalists and human rights defenders or restricting freedom of expression, freedom of press ... There’s no excuse for emergency powers to do that.”

MICHELLE BACHELET

United Nations high commissioner for human rights³³

²⁸ Kaleidoscope Trust (2020). LGBTI+ in the Commonwealth in the COVID-19 Era. Available from: <https://www.commonwealth-covid19.com/>

²⁹ Bhalla, N. (2020). U.N. to boost security for LGBT+ refugees after deadly arson attack at Kenya camp. Reuters. Available from: <https://www.reuters.com/article/us-kenya-lgbt-refugees-trfn-idUSKBN2C021C>

³⁰ HRW News (2021). Cameroon: Wave of Arrests, Abuse Against LGBT People. Available from: <https://www.hrw.org/news/2021/04/14/cameroon-wave-arrests-abuse-against-lgbt-people>

³¹ Aljazeera (2020). Ghana security forces shut down LGBTQ office: Rights group. Available from: <https://www.aljazeera.com/news/2021/2/24/ghana-shuts-down-lgbt-office-rights-group>

³² Lieberman, A. (2020). COVID-19 is not an ‘excuse’ for human rights violations, UN human rights chief says. Devex. Available from: <https://www.devex.com/news/covid-19-is-not-an-excuse-for-human-rights-violations-un-human-rights-chief-says-98192>

³³ Lieberman, A. (2020). COVID-19 is not an ‘excuse’ for human rights violations, UN human rights chief says. Devex. Available from: <https://www.devex.com/news/covid-19-is-not-an-excuse-for-human-rights-violations-un-human-rights-chief-says-98192>

VIOLENCE FROM BELIZEAN POLICE

Ulysease Roca Terry was a gay Belizean fashion designer living with HIV. In April 2020, he was arrested for breaching COVID-19 curfew laws. He was subject to homophobic slurs and bullying by a police officer when he was in custody and claimed that he was physically attacked while detained. A video of the abuse was then posted to social media. He was then reported dead days later as a result of unconfirmed causes.

Source: (UNAIDS, 2020)³⁵

LIVING IN FEAR, AND OTHER CONSEQUENCES

Consequences of violence and structural discrimination include physical and mental injuries, denial of rights and even death. Victims of hate crime are more likely to experience emotional trauma such as post-traumatic stress disorder, anxiety, fear, anger, and depression.³⁴ As such, it is unfortunately not surprising that all interviewees shared feelings of fear, depression, anxiety, and a permanent sense of insecurity.

Certain members of the LGBTI+ community, like those who are members of multiple marginalised identities such as gender non-conforming individuals, can be even more vulnerable. For instance, one of the interviewees, a professor at a university, expressed frustration that she has to hide her own identity by dressing and behaving like a man in order to protect herself. This situation has created heightened stress levels and the permanent feeling that she is not equal to her peers. Another interviewee said that, as a gender nonconforming person, she is continuously on alert and worried for her safety when navigating through public spaces.

“How difficult it is to live in this country [Cameroon] ... I am living in a situation where I say live or die. If you don't want to die then you have to keep moving. ... They (the police) want to kill you. ... I am engaged in fighting for our fundamental rights, but I know I may die (...) it is unfair that someone has the monopoly of violence against us.”

HAROLD (name has been changed to protect privacy)

³⁴ Walters, M. A., Paterson, J., Brown, R., McDonnell, L. (2017). Hate Crimes Against Trans People: Assessing Emotions, Behaviors, and Attitudes Toward Criminal Justice Agencies. *Journal of Interpersonal Violence*. ISSN 0886-2605.

³⁵ UNAIDS (2020). Caribbean community organizations call for decisive action to end homophobic abuse and cyberbullying. Available from: <https://www.unaids.org/en/keywords/belize>

CONCLUSION

While violence and discrimination against LGBTI+ individuals that is perpetrated by government structures and authorities is not new or even a specific consequence of COVID-19, the anecdotal cases above all exemplify the heightened and dangerous reality many LGBTI+ people continue to face across the Commonwealth. The onset of the pandemic has left many socially isolated and vulnerable. Violence and discrimination at the hands of government authorities – who are responsible for protecting everyone – can only be regarded as a tragedy for LGBTI+ communities who continually face limited recourse and support when these incidents occur.

It is the responsibility of all governments to protect and safeguard the lives and rights of its citizens and those under its care. While the role of law enforcement has and continues to be vital to protect people's health and lives, we cannot turn a blind eye to disproportionate actions and abusive policing. COVID-19 response measures cannot be used as a pretext to violate human rights, and precautions must be taken to ensure that the enforcement of COVID-19 responses does not specifically target LGBTI+ people who already face widespread discrimination and stigmatisation.

CASES IN CAMEROON

Since the end of 2016, armed separatists have sought independence for the Anglophone minority regions of Cameroon, which has led to widespread violence and impunity in the northwest and southwest of the country. More recently, according to Human Rights Watch, the Cameroonian government 'has also taken steps to limit freedom of expression and association, including through the arrests of hundreds of opposition party members and supporters in September 2020 following peaceful demonstrations.'³⁶ This includes well-documented actions and violations against the LGBTI+ community by Cameroonian authorities over the past few years.³⁷

Two respondents to our online questionnaire reported having been personally harassed by a police officer due to being members of the LGBTI+ community. They also reported hearing about an LGBTI+ person being physically/sexually attacked or threatened with violence at least three to five times. A number of negative interactions between the police and LGBTI+ individuals have also been reported by news outlets. For example, in 2020, police in the western region of Cameroon, Kekem, arrested four men who were beaten until they admitted being gay.³⁸ Unsurprisingly, the survey respondents did not report the above-mentioned incidents to the police.

Harold (name has been changed to protect privacy) is a gay man who, after being fired from his job due to being LGBTI+, decided to dedicate much of his time to activism and became the leader of an LGBTI+ organisation. In December 2020, upon his return home, he realised that someone had broken in:

“Someone entered in my house ... this year, I am talking about this year ... this was in December ... They [the police] know where I work and where I am ... I am not safe but I am living with that conception: I think is necessary to keep fighting on ...”

HAROLD (name has been changed to protect privacy)

³⁶ Human Rights Watch (2021). Cameroon. Retrieved from: <https://www.hrw.org/africa/cameroon>

³⁷ McAllister, E. (2021). Transgender Women Facing Homosexuality Charges in Cameroon Denied Bail. Retrieved 31 March 2021, from <https://www.usnews.com/news/world/articles/2021-03-24/transgender-women-facing-homosexuality-charges-in-cameroon-denied-bail>

³⁸ Stands, C. (2020d). Cameroon: Four gay men arrested, beaten in Kekem. (2020). Retrieved from: <https://76crimes.com/2020/06/15/cameroon-four-gay-men-arrested-beaten-in-kekem/>

Harold did not go to the police due to the risk of being arrested.

Cases of larger-scale arrests have also occurred during LGBTI+ specific celebrations, such as when the police arrested 53 LGBTI+ people who had gathered on 17 May 2020 in Bafoussam, western Cameroon, to celebrate the International Day against Homophobia, Transphobia and Biphobia. On the same day, Bafoussam police arrested all attendees at another LGBTI+ gathering for violation of public health regulations. However, it is worth noting that attendees of that meeting have repeatedly stated that their gathering had followed social distancing rules.

Harold further explained how cases of mass arrests of LGBTI+ people can occur when the police extract information about the local LGBTI+ community from individuals who have been arrested themselves. At times, this information can be extracted forcefully through the use of torture and bribes or promises that cooperating will allow the individual to avoid arrest or prosecution. A further compounding issue is that there are no mechanisms to file a complaint against the authorities for these rights violations.

“There are mechanisms [for] you [to] report to the police, but the police would not take a proper action, the police will ask, instead, [for] money... You will be under investigation.”

HAROLD (name has been changed to protect privacy)

CASES IN GHANA

Long before COVID-19, a large proportion of the Ghanaian population held anti-LGBTI+ sentiments.⁴⁰ Violent homophobic attacks against LGBTI+ people are common, and are often encouraged by the media and religious and political leaders.⁴¹ Government officials, such as the police, have also been known to engage in direct acts of violence against members of the LGBTI+ community.⁴² Reports of young gay people being kicked out of their homes or forced into conversion therapy are unfortunately quite common.⁴³ Despite the Constitution guaranteeing a right to freedom of speech, expression and assembly to all Ghanaian citizens, these fundamental rights continue to be actively denied to LGBTI+ people.⁴⁴

All Ghana-based respondents to our questionnaire reported that they had experienced physical and/or sexual attack or threats of violence over the past year; some even specifically noted having been sexually attacked or threatened with violence by a public official. As one respondent said:

“People are being abuse[d] day in and day out in Ghana. My friends and I as an advocate are living in fear because we are known in our community as gays, trans and lesbians. As a result of this we may be attacked.”

³⁹ Rights Africa. (2021). Cameroon: Charges dropped against 53 arrested in Bafoussam. Retrieved from <https://rightsafrika.com/2020/06/02/cameroon-charges-dropped-against-53-arrested-in-bafoussam/>

⁴⁰ Dionne, K., Dulani, B., & Sambo, G. (March 2016). “Good neighbours? Africans express high levels of tolerance for many, but not for all.” Afrobarometer, Dispatch No. 74. https://afrobarometer.org/sites/default/files/publications/Dispatches/ab_r6_dispatchno74_tolerance_in_africa_eng1.pdf

⁴¹ OHCHR (2018). Statement on Visit to Ghana, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights. Accra, 18 April 2018. Retrieve from: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22951&LangID=E>

⁴² Human Rights Watch (2018). “No Choice but to Deny Who I Am” | Violence and Discrimination against LGBT People in Ghana”. 8 January 2018. Retrieved from <https://www.hrw.org/report/2018/01/08/no-choice-deny-who-i-am/violence-and-discrimination-against-lgbt-people-ghana>

⁴³ Morgan, Joe. “400 people to be tortured for being gay at a ‘therapy conference’ in Ghana”. Gay Star News. Retrieved from: <https://www.gaystarnews.com/article/400-people-to-be-tortured-for-being-gay-at-a-therapy-conference-in-ghana/>

⁴⁴ Center for International Human Rights et al. (2015). Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Ghana: A Shadow Report”. (2015). Retrieved from https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/GHA/INT_CCPR_ICO_GHA_21415_E.pdf

This comment has been echoed by interviews that were conducted by Roshan Roberts in early March 2021.⁴⁵ The resulting news article outlined the Ghanaian LGBTI+ communities' recent negative experiences with state and religious leaders following the closure of LGBT+ Rights Ghana, the country's first LGBT community centre. The impact this event had on the local LGBTI+ community cannot be understated. As one of the interviewees for the BBC article noted, 'They won't allow LGBT to operate in Ghana, to have their own office. They won't [...] Everybody is running for shelter, finding places to hide, because people are being attacked, abused on the street.' While LGBT+ Rights Ghana did manage to reopen, the organisation's future is precarious given ongoing pressures from community and government actors such as the Minister of Information, Kojo Opong Nkrumah, who has called for the implementation of new laws that prohibit civil society organisations from advocating or promoting LGBTI + rights, with the rationale that being LGBTI+ is 'alien' to Ghana's customs and traditions.⁴⁶

All Ghana-based LGBTI+ activists we engaged with during this research have avoided speaking publicly about their work as LGBTI+ activists and have had to take precautions to avoid being assaulted, threatened or harassed. This avoidance behaviour includes being careful about expressing their desired gender through their physical appearance and avoiding any visible signifier of their sexual orientation.

"It is worrying to be in Ghana if you are part of the LGBTQ community. It automatically becomes people's business because you are a gay or a lesbian. We live in fear. People you don't know them from anywhere attack you because you behave feminine or they think you are gay. There are a lot of gays in Ghana. They practice it and come out to condemn it. If you a gay and you are straight you don't encounter much problem as compared to the feminine guys; we are really suffering."

INTERVIEWEE (anonymised due to safety concerns)

CASES IN NIGERIA

Consensual same-sex sexual activity is a crime throughout Nigeria.⁴⁷ Given that there is no legal protection against discrimination, very few LGBTI+ persons are open about their gender identity or sexual orientation. Furthermore, trans individuals do not have the right to legally change their gender; LGBTI+ persons cannot serve in the military and the law does not recognise same-sex couples or same-sex marriages, and it prohibits adoption by same-sex parents. While empirical data can be difficult to obtain due to social stigma and dangers inherent to being an LGBTI+ person living in Nigeria, we know from local media reports that religious police have arrested at least 15 young men in Kano State and two men in Jigawa State due to their sexual and gender identities over the course of 2020.⁴⁸

⁴⁴ Center for International Human Rights et al. (2015). Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Ghana: A Shadow Report". Retrieved from https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/GHA/INT_CCPR_ICO_GHA_21415_E.pdf

⁴⁵ BBC News (2021). Being gay in Ghana: LGBT community is 'under attack'. 11 March 2021. Retrieved from: <https://www.bbc.com/news/newsbeat-56325310>

⁴⁶ Ghanaweb (2021). Ghana should consider legislation against LGBT advocacy - Opong-Nkrumah. (2021). 19 February 2021. Retrieved from: <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Ghana-should-consider-legislation-against-LGBT-advocacy-Opong-Nkrumah-1183735>

⁴⁷ The Same-Sex Marriage Prohibition Act 2013 (SSMPA), a federal law that applies nationally, contains an offence that criminalizes any public display 'of same-sex amorous relationship directly or indirectly'. (Human Dignity Trust, 2021) The penalty is up to death in Shari'a states, and up to 14 years' imprisonment in non-Shari'a states.

⁴⁸ ILGA WORLD (2020). State-Sponsored Homophobia 2020: Global Legislation Overview Update. By Mendos, L., et al., (2020). Geneva.

A questionnaire respondent from Nigeria noted that, as a gay man and LGBTI+ activist, he had faced threats of physical violence over the past year by police officers and members of racist and extremist groups. Much like the respondents from Ghana and Cameroon, he also reported that he had started behaving more prudently due to fears of being assaulted, threatened or harassed. For instance, he now avoids holding hands in public with a same-sex partner. One of our interviewees, Mia (name has been changed to protect privacy), a gender nonconforming person, university lecturer and LGBTI+ activist, has reported similar concerns. When her home was broken into in early 2021, she went to the police to report the initial incident, but rather than getting support, she was interrogated by the authorities about her sexuality and her potential link with the perpetrator. A financial request was also made asking her to pay approximately one thousand pounds to 'continue with the investigation'.

Mia also recounted during the interview that, in Nigeria, there are testimonies from LGBTI+ activists of police officers infiltrating community dating apps and going to the extent of recording videos of their sexual relations with victims in order to then extort money from them under threat of imprisonment.

"...Because the COVID ... we are mostly online and on Grindr ... I meet someone. He gave his number. ...He was a soldier, another time that happened he was a policeman. When I shared that with other members of the community of course the answer was 'You must not go, because this is a trap, a lot of people have been set up with that'."

MIA

This is consistent with wider reports that online dating apps have been used to lure LGBTI+ individuals into violent or extortionary situations.^{49 50}

⁴⁹ Savage, R., & Desmond, V. (2021). FEATURE-Blackmailed with nudes, Nigerian lesbians find safety outside the closet. Retrieved 4 April 2021 from: <https://www.reuters.com/article/nigeria-lgbt-blackmail-idUKL8N2FJ51D>

⁵⁰ Nelson, C. (2021). Queer Nigerians Find Both Community, Bigotry on Clubhouse. Retrieved 4 April 2021 from: <https://time.com/5942353/clubhouse-queer-nigerians-community-bigotry/>

METHODOLOGICAL NOTE

This paper was informed by cases collected through an online questionnaire, online interviews, and a survey of cases reported in the media and on social networks. This empirical information was then supplemented with information gathered from NGO reports and academic papers. Our case selection process depended on the response we received from the NGOs we contacted and data availability. It is worth noting that general limitation in this research was that only very few Commonwealth countries record and publish official data about crimes, violence, and complaints about those issues.

Both the online questionnaire and interviews addressed a range of questions about LGBTI+ activists' experiences during the pandemic, including: public perceptions and responses to homophobia and/or transphobia; discrimination; rights awareness; safe environment; violence and harassment; the social context of being an LGBTI+ person; and personal characteristics, including age and income group. The online questionnaire (<https://forms.gle/UPJpZQzXLZSqoBnf6>) was based on the EU LGBTI+ survey, which was conducted in the European Union and Croatia. Two interviews were also conducted with LGBTI+ activists from Cameroon and Nigeria over Zoom.

All respondents and interviewees consented to participate. The privacy and security of the participants' information has been protected in accordance with existing regulations. Questionnaire responses remain completely anonymous. The data from interviews has been stored securely, and it will not be possible to identify participants in any outputs from this research.

HUMAN TRAGEDIES: REAL PEOPLE ARE MORE THAN JUST NUMBERS.

We reached thirteen participants through an online questionnaire which resulted in the participation of LGBTI+ community members from five countries (Cameroon, Ghana, Nigeria, Rwanda and Singapore). Ten of these respondents are LGBTI+ activists. (See Table 2)

TABLE 2: Summary of questionnaire respondents

COUNTRY	CAMEROON	GHANA	NIGERIA	RWANDA	SINGAPORE
TOTAL NUMBER OF PARTICIPANTS	2	8	1	1	1
Number of Activists	2	6	1	1	0*
LGBTI+	All	All	All	All	All
EDUCATION					
Secondary education	2	1	-	-	-
University or higher	-	5	1	1	1
Income	<\$20,000	<\$20,000	<\$20,000	<\$20,000	<\$20,000
LIVING IN					
City	2	3	1	1	1
Suburb or outskirts of a city	-	2	1	-	-
City	-	1	-	-	-

*The analysis below only includes the respondents who identify themselves as activists.

Source: (Online Questionnaire - own elaboration)