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ETH102155.E

Ethiopia: Legislation and legal protection available to homosexuals and their treatment by society and government authorities (2005 - January 2007)

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Information on legislation and legal protection available to homosexuals in Ethiopia, as well as their treatment by society and government authorities was limited among sources consulted by the Research Directorate. However, various sources indicate that homosexuality in Ethiopia is a criminal offence (ILGA 31 July 2000.; *ibid.* Nov. 2006; Ethiopia 2004, Art. 629-631; US 8 Mar. 2006, Sec. 5). A *World Legal Survey* published by the International Lesbian and Gay Association (ILGA), for example, notes the following with respect to the Ethiopian criminal code:

Sections 600 and 601 prohibit homosexual acts between men and between women, with a penalty of 10 days to 3 years' "simple imprisonment." This penalty may be increased by 5 or more years when the offender "makes a profession of such activities," or exploits a dependency relation in order to exercise influence over the other person. The maximum sentence of 10 years' imprisonment can be applied when the offender uses violence, intimidation or coercion, trickery or fraud, or takes unfair advantage of the victim's inability to offer resistance. The maximum sentence can also be applied when the victim is subjected to acts of cruelty or sadism; when the offender transmits a venereal disease although fully aware of being infected with it; when an adult is charged with committing homosexual acts with persons under 15 years of age; or when distress, shame or despair drives the victim to committing suicide. (ILGA 31 July 2000)

Country Reports on Human Rights Practices for 2005 notes that although homosexuality is not socially accepted, no instances of homophobic violence were reported in 2005 (US 8 Mar. 2006, Sec. 5). Behind the Mask, an African media Web site covering lesbian, gay, bisexual and transgendered (LGBT) issues, notes, in an article quoting an unnamed report out of Addis Ababa, that in Ethiopia, homosexuality is seen as "an inexcusable sin" (20 May 2005). The article also notes that homosexual men and women in Addis Ababa "lack confidence and live in constant fear" and that many gay Ethiopians live abroad as a result of the repercussions that follow their sexual orientation becoming known (Behind the Mask 20 May 2005). A second article on the Behind the Mask Web site cautions that accepted expressions of heterosexual male camaraderie common in Ethiopia, such as men holding hands, should not be interpreted as societal tolerance for homosexual conduct (Behind the Mask 14 June 2005).

Evidence of the existence of civil society organizations advocating on behalf of sexual minorities in Ethiopia could not be found by the Research Directorate within the time constraints of this Response. The GayEthiopians.com Web site, however, which was created by gay Ethiopians in Ethiopia and elsewhere, "aims to bring together ... GLBT Ethiopians from all over the world to create a safe haven where [they] can find information on various issues that concern [them]" (GayEthiopians.com n.d.a). The Web site indicates that in Ethiopia,

[the] sexual orientation [of gay Ethiopians] is deprived of an honest recognition and acceptance. [Ethiopian] society hides behind long-established traditional beliefs At times, the situation may appear to be getting better, but the fact remains that gay rights and other human rights in Ethiopia are still being blatantly abused. (*ibid.* n.d.b)

GayEthiopians.com describes LGBT Ethiopians as members of "an oppressed minority group" (*ibid.*).

An online discussion group for gay Ethiopians posts the following disclaimer on its home page: "Please do not post real names, phone numbers, gay spots or hangouts in Addis or other parts of Ethiopia..." (Yahoo!Groups n.d.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

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Yahoo!Groups. N.d. "Gay Ethiopians." <<http://groups.yahoo.com/group/gayethiopians/>> [Accessed 4 Jan. 2007]

Additional Sources Consulted

Internet sites, including: *Addis Tribune*, *Afrol News*, Amnesty International (AI), *GlobalGayz.com*, *The Ethiopian Herald*, European Country of Origin Information Network (ecoi.net), Gay and Lesbian Alliance Against Defamation (GLAAD), Human Rights Watch (HRW), International Gay and Lesbian Human Rights Commission (IGLHRC), *SodomyLaws.org*, Queer Resources Directory, Office of the United Nations (UN) High Commissioner for Refugees (UNHCR), UN Regional Integrated Regional Information Networks (IRIN), United Kingdom Home Office, United States (US) Department of State, U.S. Committee for Refugees and Immigrants (USCRI).

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