

# Sexual Orientation / Gender Identity References

## U.S. Department of State

### Human Rights Reports for 2011

#### (Released May 24, 2012)

The Department of State's 2011 Human Rights Report catalogues an ongoing range of abuses and discriminatory treatment directed at lesbian, gay, bisexual, and transgender (LGBT) people worldwide – starkly underscoring what Secretary Hillary Clinton has called “...one of the remaining human rights challenges of our time.”

Speaking in Geneva on December 6, 2011, Secretary Clinton noted that, too often, LGBT people remain an “invisible minority,” members of which “...are arrested, beaten, terrorized, even executed...” while “...authorities empowered to protect them look the other way or, too often, even join in the abuse.”

The newly released report bears witness to such abuse. Most disturbingly, it documents that police, other government security forces, and prison personnel have been implicated directly in the harassment or abuse of LGBT citizens in a range of countries, including (but not limited to) Afghanistan, Cameroon, Cote d'Ivoire, El Salvador, Guatemala, India, Indonesia, Kuwait, Kyrgyz Republic, and Panama. Harassment and abuse often were directed in particular at transgender individuals. In Turkey, a range of LGBT organizations complained of harassment by police and government authorities. In Cote d'Ivoire, the report notes that “gay men were reportedly subjected to beatings, imprisonment, verbal abuse, humiliation, and extortion by police, gendarmes, and members of the armed forces.”

The report also describes broader patterns of discrimination against LGBT individuals in many areas of the world. In Sierra Leone and India, LGBT people have been denied basic social services, from health services to housing. In Botswana and many other countries, governments failed to register LGBT advocacy groups or recognize their status as legitimate civil society organizations. In Russia, Bosnia-Herzegovina, and elsewhere, LGBT employees have been driven from their jobs, or faced discrimination in hiring, because of their sexual orientation or gender identity. In Nigeria, local authorities again failed to take any legal action against persons who stoned and beat members of the House of Rainbow Metropolitan Community Church, an LGBT-affirming church in Lagos in 2008. During the past year, church parishioners and clergy continued to receive threatening e-mail messages, phone calls and letters.

The report notes that in South Africa, the country's largest LGBT organization received in Cape Town alone an average of 10 new cases every week of lesbians being targeted for “corrective rape.” This disturbing trend also was noted in other countries, where men

raped lesbians “to punish them for being lesbian and to attempt to change their sexual orientation.”

Finally, various reports include instances in which the internet has been a source of discrimination against LGBT people. These include Oman, where authorities took measures to block LGBT related content from the internet, and Iran, which monitored internet websites for information on LGBT individuals.

## **Country"Specific"References**

### **AFRICA**

#### **Angola**

##### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law does not criminalize same-sex activity, although discussing such topics in society is highly taboo. The constitution defines marriage as between a man and a woman. NGOs reported a small but underground lesbian, gay, bisexual, and transgender community in Luanda. A 2011 health-related study on gay men in Luanda indicated that almost half of the interviewed men had confronted homophobia and reported suffering violence or discrimination based on sexual orientation.

#### **Benin**

##### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws explicitly criminalizing same-sex sexual activity. There were no reports of criminal cases involving homosexuality. There were no reports of societal discrimination or violence based on a person’s sexual orientation.

#### **Botswana**

##### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The country has no law explicitly criminalizing consensual same-sex sexual activity. However, what the law describes as “unnatural acts” are criminalized, and there is

widespread belief this is directed toward gay, lesbian, bisexual, and transgender persons. Police did not target same-sex activity, and there were no reports of violence against persons based on their sexual orientation or gender identity during the year.

An independent organization LeGaBiBo (Lesbians, Gays, and Bisexuals of Botswana) attempted to register in 2009 as an NGO to advocate for the rights of gay, lesbian, transgender, and bisexual persons, but the government refused to register it. LeGaBiBo operated under the umbrella of the Botswana Network of Ethics on Law and HIV/AIDS (BONELA), which in February filed a lawsuit challenging the government's decision not to register LeGaBiBo. In November BONELA withdrew its lawsuit against the government due to technical errors in its founding affidavit.

## **Burkina Faso**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law does not discriminate on the basis of sexual orientation in employment and occupation, housing, statelessness, or access to education or health care. However, societal discrimination based on sexual orientation and gender identity remained a problem. Religious and traditional beliefs do not accept homosexuality, and lesbian, gay, bisexual, and transgender (LGBT) persons were reportedly occasional victims of verbal and physical abuse. There were no reports that the government responded to societal violence and discrimination against such persons.

LGBT organizations had no legal presence in the country but existed unofficially. There were no reports of government or societal violence against such organizations.

## **Burundi**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes same-sex sexual acts with penalties ranging from a fine to imprisonment of three months to two years, with or without a fine. During the year no one was arrested or prosecuted under this law.

On May 17, the Remuruka Center, which offers urgent services to the lesbian, gay, bisexual and transgender (LGBT) community, began operations in Bujumbura. The government neither supported nor hindered local LGBT organizations or the center.

## **Cameroon**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is illegal and punishable by a prison sentence of six months to five years and a fine ranging from 20,000 to 200,000 CFA francs (\$40 to \$400). During the year 10 persons were arrested for suspected homosexual activity, although most were not engaged in homosexual acts at the time of arrest.

Gay men and lesbians generally kept a low profile because of the pervasive societal stigma, discrimination, and harassment as well as the possibility of imprisonment. Gay men and lesbians suffered from harassment and extortion by law enforcement officials. According to one human rights NGO, government officials and private citizens sometimes conspired to make false allegations of homosexuality to harass enemies or extort money.

In March Jean-Claude Roger Mbede was sentenced to three years in jail by the Yaounde lower court for homosexual activity.

On July 25, police detained three men returning from a bar in Yaounde because two of the men appeared effeminate, according to the Association for the Defense of Homosexuality and Human Rights Watch. The three were jailed for one week before being charged, and the two who appeared effeminate were beaten on the soles of their feet until they confessed to being gay, according to a civil society group working on their behalf; the third man was released. After repeated postponements, a trial was held on September 26, at which the two men who confessed to being gay were sentenced to five years in prison and a fine of 200,000 CFA francs (\$400). An arrest warrant was issued for the third man, who was convicted and sentenced in absentia to the same punishment.

On January 13, following the EU decision to finance the Project to Provide Assistance and Guidance to Sexual Minorities, the then minister of external relations Henri Eyebe Ayissi convoked Raul Mateus Paula, the EU ambassador, to convey the government's opposition to the decision, noting that the law criminalizes homosexuality.

Several lesbian, gay, bisexual, and transgender organizations operated in the country. There was a pattern of discrimination against members of such groups, although no official cases were available for citation.

## **Cape Verde**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

No laws explicitly provide a basis for discrimination based on sexual orientation or gender identity.

There were no lesbian, gay, bisexual, or transgender organizations.

## **Central African Republic**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The penal code criminalizes consensual same-sex sexual activity. The penalty for “public expression of love” between persons of the same sex is imprisonment for six months to two years or a fine of between 150,000 and 600,000 CFA francs (\$295 and \$1,185). When one of the participants is a child, the adult may be sentenced to two to five years’ imprisonment or a fine of 100,000 to 800,000 CFA francs (\$200 and \$1,600); however, there were no reports that police arrested or detained persons under these provisions.

While there is official discrimination based on sexual orientation, there were no reports of the government targeting gay men and lesbians. However, societal discrimination against lesbian, gay, bisexual and transgender persons was entrenched, and many citizens attributed the existence of homosexuality to undue Western influence.

## **Chad**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no known lesbian, gay, bisexual, and transgender (LGBT) organizations. There were few reports of violence or discrimination against LGBT persons, in large part because most LGBT persons were discreet about sexual orientation due to social and cultural strictures against homosexuality. The law prohibits but does not define “unnatural acts,” and there was no evidence that the law was used against LGBT persons during the year.

## **Comoros**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is illegal and can be punished by up to five years' imprisonment and a fine of 50,000 to one million Comoran francs (\$139 to \$2,778). During the year, however, no case of this nature came before the courts. Lesbian, gay, bisexual, and transgender (LGBT) persons generally did not publicly discuss their sexual orientation, due to societal pressure. There were no LGBT organizations.

## **Congo, Democratic Republic of the**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

While there are no laws specifically prohibiting homosexuality or homosexual acts, individuals engaging in public displays of homosexuality were subject to prosecution under public decency provisions in the penal code and articles in the law on sexual violence. In October 2010, a law was proposed in the national assembly that would impose significant fines and jail terms on individuals engaging in homosexuality or groups promoting or protecting homosexual behavior. No action had been taken on the draft legislation by the end of the year. Homosexuality remained a cultural taboo, and harassment by SSF was believed to have continued.

## **Congo, Republic of the**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The constitution prohibits discrimination based on political, sexual, or religious orientation. There was not a large openly gay or lesbian community due to the social stigma associated with homosexuality. A law promulgated during the country's colonial era and still in force prohibits homosexual conduct and makes it punishable by up to two years' imprisonment; however, the law was rarely enforced. The most recent arrest under this law was in 1996, when several individuals were arrested in Pointe Noire and briefly detained for homosexual behavior.

There were no known cases of violence against gays, lesbians, or transgendered individuals during the year.

## **Cote d'Ivoire**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Although there is no explicit law prohibiting same-sex sexual activity, public indecency with a same-sex partner is illegal. There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, societal stigmatization of the LGBT community was reportedly widespread, and the government did not act to counter it during the year.

Gay men were reportedly subjected to beatings, imprisonment, verbal abuse, humiliation, and extortion by police, gendarmes, and members of the armed forces. During the year the FRCI reportedly beat and abused gay men and transgender persons, most of them sex workers. Complaints were not filed for fear of reprisals. The situation of the LGBT community reportedly improved after the postelectoral crisis but remained precarious. The few LGBT organizations in the country operated with caution to avoid being targeted by the FRCI and former FDS members.

However, newspapers reported favorably on a New Year's Eve party held by a group of lesbians in Abidjan.

## **Djibouti**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual conduct; however, the government took no actions against persons under the law, and there were no reported incidents of societal violence or discrimination based on gender identity or sexual orientation. Societal norms did not allow for the public discussion of homosexuality, and persons generally did not openly acknowledge being gay. There were no known organizations for lesbian, gay, bisexual and transgender persons.

## **Equatorial Guinea**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws criminalizing sexual orientation; however, societal stigmatization and traditional discrimination against gay men and lesbians was strong, and the government made little effort to combat it.

## **Eritrea**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual activity. Individuals continued to be detained for alleged consensual same-sex sexual activity. During the year there were unconfirmed reports that the government carried out periodic roundups of individuals considered gay or lesbian. Gay men and lesbians faced severe societal discrimination. The government repeatedly accused foreign governments of promoting homosexuality to undermine the government. There were reports that known gay men and lesbians in the armed forces were subjected to severe abuse. There were no known lesbian, gay, bisexual, or transgender organizations in the country.

## **Ethiopia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is illegal and punishable by imprisonment under the law. There were some reports of violence against lesbian, gay, bisexual, and transgender (LGBT) individuals; however, reporting was limited due to fears of retribution, discrimination, or stigmatization. Persons did not identify themselves as LGBT persons due to severe societal stigma and the illegality of consensual same-sex sexual activity.

In early December Christian and Muslim religious leaders attempted to derail a seminar on sexual health that was targeted at men who have sex with men. The government intervened, and the seminar went ahead, although at a different location.

The AIDS Resource Center in Addis Ababa reported that the majority of self-identified gay and lesbian callers, the majority of whom were male, requested assistance in changing their behavior to avoid discrimination. Many gay men reported anxiety, confusion, identity crises, depression, self-ostracism, religious conflict, and suicide attempts.

## **Gabon**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Although there were no reports of violence against lesbian, gay, bisexual, and transgender (LGBT) persons, discrimination was a problem, and LGBT individuals often kept their status secret.

## **Gambia, The**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law establishes prison terms ranging from five to 14 years for any man who commits in public or private “any act of gross indecency,” engages a male sex worker, or has actual sexual contact with another man; however, to date, no one has been prosecuted. There was no similar law targeting women. There was strong societal discrimination against LGBT individuals, some of whom were shunned.

In a January speech to army officers, President Jammeh announced he wanted a professional army “free of gays and saboteurs.” In a 2009 speech before the National Assembly, President Jammeh called homosexual conduct “strange behavior that even God will not tolerate.” Despite such statements, there were no reported incidents of physical violence against LGBT individuals during the year. There were no LGBT organizations in the country.

## **Ghana**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

According to the criminal code, “unnatural carnal knowledge” is defined as “sexual intercourse with a person in an unnatural manner or with an animal.” It states that individuals who have unnatural carnal knowledge “of any person of sixteen years or over with his consent” is guilty of a misdemeanor. There has been considerable debate over whether this legislation could be used to prosecute consenting gay adults, and there were no reports that it had ever been used.

The former and current commissioners of the CHRAJ spoke out against discrimination and advocated the need to protect the human rights of every citizen as provided for in the constitution. In November media accounts reported British Prime Minister Cameron was considering suspending direct aid to countries with poor records on LGBT rights. In response President Mills commented that Ghana was committed to upholding human rights as provided by the constitution, but he would not initiate a change to the law.

LGBT persons faced widespread discrimination, as well as police harassment and extortion attempts. Gay men in prison were often subjected to sexual and other physical abuse.

In June 2010 more than 1,000 protesters in Takoradi, Western Region, participated in a peaceful rally against reports of gay and lesbian activities in their city. This was reportedly the first such protest in the country.

In May 2010 an HIV/AIDS training workshop was held in Takoradi for health-care workers. After the workshop, The Daily Graphic announced that 8,000 gay persons had been “registered” in the Western and Central Regions. However, experts in the field denied that there had been any such “registration.” After the workshop there was significant negative reporting in the media about homosexuality.

In a June 2010 interview with The Daily Graphic, the Western Region minister called on the government to take steps to combat homosexuality. He included the possibility of police raids on locales frequented by gay men and lesbians, efforts by community leaders to “wean young people” away from homosexuality, and a public condemnation by the government. However, no arrests of persons were made in connection with his comments by year’s end, and he did not repeat his call.

It was reported that four men who worked within the community of gay men were arrested in May 2010 in connection with an alleged sexual assault and were later charged with sodomy. The case was first brought to the Takoradi Circuit Court on August 24; however, it had not been heard by year’s end.

## **Guinea**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law penalizes sexual relations between persons of the same sex with a maximum sentence of three years in prison, although there have not been any prosecutions under this law for nearly a decade. There were deep social, religious, and cultural taboos against homosexual conduct. There were no official or NGO reports of discrimination against individuals based on their sexual orientation or gender identity. Nevertheless, during the 2010 opening of the Office of the High Commissioner for Human Rights in Conakry, the prime minister announced his belief that consensual same sex sexual activity is wrong and should be forbidden by law. He also said that sexual orientation should not be regarded as a basic human right. There were no active lesbian, gay, bisexual, or transgender organizations.

## **Guinea-Bissau**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws that criminalize sexual orientation; however, social taboos against homosexuality restricted freedom to express sexual orientation. There were no reported violent incidents or other human rights abuses targeting individuals based on their sexual orientation or identity. There was no official discrimination based on sexual orientation or gender identity in employment or access to education and health care. However, the law only recognized heterosexual married couples as entitled to larger government housing.

## **Kenya**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The penal code criminalizes “carnal knowledge against the order of nature,” which is interpreted to prohibit consensual same-sex sexual activity and specifies a maximum penalty of 14 years’ imprisonment. A separate statute specifically criminalizes sex between men and specifies a maximum penalty of 21 years’ imprisonment. Police detained persons under these laws, particularly suspected sex workers, but released them shortly afterward. There were no reported prosecutions of individuals for same-sex sexual activity during the year.

LGBT advocacy organizations, such as the Gay and Lesbian Coalition of Kenya (GALCK), were permitted to register and conduct activities. However, societal discrimination based on sexual orientation was widespread and resulted in loss of employment and educational opportunities. Violence against the LGBT community also occurred, particularly in rural areas and among refugees. NGO groups reported that police intervened to stop attacks but were not generally sympathetic to LGBT individuals or concerns.

During the year an LGBT group in Mombasa relocated its offices to a more secure location and advised its members to maintain a low profile when coming to the group’s office to avoid attack.

According to the 2011 Annual Report of the Observatory, in February 2010 religious leaders in Mtwapa issued antigay statements and demanded the closure of the Kenya Medical Research Institute, which conducts research and provides treatment to persons with HIV/AIDS. Crowds subsequently attacked the center and beat one of its volunteers. Other volunteers were taken into police protective custody. All were released without charge, but none of the attackers was arrested.

On two occasions in 2010, Denis Karimi Nzioka, GALCK’s public relations officer and a writer on LGBT issues, was forced to move from his home by neighbors who said they knew he was gay. Nzioka was also targeted by unknown persons on the streets who threatened him with violence or death.

Unlike in previous years, no anti-LGBT publicity campaigns were conducted; however, sensational reporting often inflamed societal prejudices.

## **Lesotho**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law does not address sexual orientation. However, a law against sodomy existed but was not enforced. While lesbian, gay, bisexual, and transgender (LGBT) persons mainly faced general discrimination in access to health care, the government had not made any formal statement on the issue. Homosexual conduct was taboo in society and not openly discussed. Violence against LGBT persons was known to occur but often went unreported for fear of being ridiculed.

Matrix, an LGBT support group, operated freely in all 10 districts. On May 17, LGBT community members gathered at a local theater to watch a documentary celebrating the life of a gay South African activist. In September representatives from Matrix and the Ministry of Justice and Human Rights participated in a radio program seeking the views of the general public on LGBT issues.

## **Liberia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits sodomy, and the culture is strongly opposed to homosexuality. “Voluntary sodomy” is a misdemeanor with a penalty of up to one year’s imprisonment. There were no reported instances of violence based on sexual orientation. There were no civil society groups dedicated to lesbian, gay, bisexual, or transgender rights operating in the country.

## **Madagascar**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The penal code provides for a prison sentence of two to five years and a fine of two to 10 million ariary (\$900 to \$4,500) for acts that are “indecent or against nature with an individual of the same sex under the age of 21.” There were reports of official abuses occurring at the community level, such as administrative officials denying health services to transgender persons or breaking confidentiality agreements, although no cases have ever been pursued in court.

There was general societal discrimination against the LGBT community. Sexual orientation and gender identity were not widely discussed in the country, with public attitudes ranging from tacit acceptance to violent rejection, particularly of transgender sex workers. Local NGOs reported that most organizations that worked with the LGBT community did so as health service providers, often in the context of their work to combat the spread of HIV/AIDS. LGBT sex workers frequently were targets of aggression, including verbal abuse, stone throwing, and even murder. In recent years, awareness of “gay pride” increased through positive media exposure, but general attitudes have not changed.

## **Malawi**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is illegal and is punishable by up to 14 years in prison in addition to corporal punishment, including hard labor. The Malawi Penal Code outlaws “unnatural offenses” and “indecent practices between males.”

In January the president assented to a parliamentary penal code amendment that criminalizes “indecent practices between females.” The amendment codifies the illegality of consensual same-sex sexual activity between women, setting a maximum prison term of five years for convicted offenders.

An environment conducive to discrimination based on sexual orientation was created and maintained by senior government officials. On World Tourism Day in September, the tourism minister said it was not proper for citizens to engage in same-sex sexual activity as “very un-Malawian.” The mistaken notion that western donor countries were withholding financial aid unless the country permits same sex marriages enhanced a homophobic environment. In October the Malawi Council of Churches declared that the country needed aid, and millions of innocent citizens should not be penalized because same-sex sexual activity was outlawed.

## **Mali**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no publicly visible lesbian, gay, bisexual, and transgender (LGBT) organizations in the country. The free association of LGBT organizations was impeded by a law prohibiting association “for an immoral purpose”; in 2005 the then governor of the District of Bamako cited this law to refuse official recognition to a gay rights

association. Although there was no official discrimination on the basis of sexual orientation at the national level; in practice, societal discrimination was widespread. The Family Code passed by the National Assembly on December 2 would forbid “homosexuals” from adopting children, but it has not been signed by the president and is not yet in force.

## **Mauritania**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Under Sharia, as applied in the country, consensual same-sex sexual activity between men is punishable by death if witnessed by four individuals, and such activity between women is punishable by three months to two years in prison and a 5,000 to 60,000 ouguiya (\$17 to \$207) fine. There were no criminal prosecutions during the year. There was no evidence of societal violence, societal discrimination, or systematic government discrimination based on sexual orientation. There were no organizations advocating for sexual orientation or gender-identity rights, but there were no legal impediments to the operation of such groups.

## **Mauritius**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law does not specifically criminalize same-sex sexual activity. It does criminalize the act of sodomy, and this prohibition is equally applied to homosexual and heterosexual couples.

Sodomy cases that reach the courts almost exclusively involve straight persons, especially in divorce cases. The sodomy statute rarely is used against homosexuals, unless one of the partners claims sexual assault, including sodomy.

Lesbian, gay, bisexual, and transgender victims of verbal abuse or violence within the family reported such incidents to local NGO Collectif Arc en Ciel; however, victims always refused to file complaints with police for fear of reprisal from family members. At year’s end, there were no reports of societal or governmental discrimination based on sexual orientation in employment and occupation, housing, statelessness, or access to education or health care.

## **Mozambique**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws criminalizing consensual same-sex sexual activity. However, there were occasional reports of discrimination based on sexual orientation, and the LDH reported cases of discrimination against gay men and lesbians in the courts. The Workers Law includes an article that prevents discrimination in the workplace based on a number of factors, including sexual orientation.

The government does not track and report discrimination or crimes against individuals based on sexual orientation or gender identity, nor were such abuses reported in the media.

## **Namibia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The Sodomy Act prohibits consensual same-sex sexual activity between men; however, all same-sex sexual activity was considered taboo by many citizens.

Politicians publicly stated their opposition to legislation specifically protecting the rights of lesbian, gay, bisexual, and transgender (LGBT) persons, but there were no reports that politicians made derogatory public comments about the LGBT community.

OutRight Namibia, an organization that advocates for LGBT rights, reported that police generally did not take complaints of violence against LGBT persons seriously. OutRight Namibia claimed police often ridiculed LGBT persons when they reported cases of abuse, and this secondary victimization often dissuaded victims from reporting abuses. However, the organization reported the Office of the Ombudsman and the Ministry of Health's Department of Special Programs had strengthened their relations with the LGBT community, which was included as a focus for assistance in the National Strategic Framework.

Societal discrimination against the LGBT community continued. For example, OutRight Namibia reported that in August, a transgender woman was stoned in the southern town of Keetmanshoop while running errands. She declined to report the incident to police, since they failed to act on similar complaints she made in the past.

In another case, in September, a man stabbed a lesbian to death at a speakeasy in Windhoek's poor outskirts because she was having a conversation with another woman.

Witnesses reported the man complained that “men cannot get any women because the lesbians are taking them all.”

In June the government rejected three UN Universal Periodic Review recommendations on LGBT rights. According to OutRight Namibia, the government argued that its religious and moral position would be compromised by discussions of the subject.

## **Niger**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws criminalizing consensual same-sex sexual activity in general. However, the law states that an “unnatural act” with a person of the same sex who is under 21 is punishable by six months to three years in prison and a fine of between 10,000 and 100,000 CFA (\$20-\$200). Although there was no record of this law being applied, gay men and lesbians experienced societal discrimination. There were no known organizations of lesbian, gay, bisexual, or transgender persons and no reports of violence against individuals based on their sexual orientation or gender identity.

## **Nigeria**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is illegal under federal law and punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted sharia, adults convicted of engaging in same-sex sexual activity may be subject to execution by stoning, although no such sentences have been imposed.

Because of widespread societal taboos against homosexuality, very few persons openly revealed their orientation. The NGOs Global Rights and The Independent Project provided lesbian, gay, bisexual, and transgender (LGBT) groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness. Organizations such as the Youths 2gether Network also provided access to information and services on sexual health and rights for LGBT persons, sponsored programs to help build skills useful in social outreach, and provided safe havens for LGBT individuals.

The government and its agents did not impede the work of these groups during the year.

However, on November 29, the Senate passed the Same Sex Marriage (Prohibition) Bill, 2011, that would prohibit participating in or witnessing same-sex marriage ceremonies,

criminalize public displays of affection between same-sex couples, and criminalize LGBT organizations. The bill includes penalties, including a 14-year prison sentence for individuals entering into a same-sex marriage, a 10-year sentence for public displays of same-sex affection, and a 10-year sentence for any individual who registers, operates, or participates in LGBT clubs, societies, organizations, processions, or meetings. The bill also calls for a 10-year sentence for any individual aiding, abetting, or witnessing the solemnization of a same-sex marriage. The House of Representatives conducted a first reading of the bill on December 7 but adjourned for the year before conducting a second and third reading and bringing the bill to a final vote.

In March a gang of 10 boys beat and raped three girls they suspected were lesbians in Benin, Edo State. The boys videotaped the attack, and the footage circulated throughout the state. The girls went into hiding due to fear of further attacks and of harassment by the general public. There were no charges filed and no further developments in the case by year's end.

Authorities took no action against persons who stoned and beat members of the House of Rainbow Metropolitan Community Church, an LGBT-friendly church in Lagos, in 2008. The attacks occurred after four newspapers published photographs, names, and addresses of church members. During the year church members and the clergy continued to receive threatening e-mail messages, telephone calls, and letters from unknown persons. The church and partner groups cancelled conferences on sexual rights and health scheduled for Lagos and Abuja in December due to concerns about the safety of conference attendees after the proposed Same-Sex Marriage (Prohibition) bill refocused negative attention on the Church. The trial of 18 men, originally charged in 2008 with sodomy and subsequently charged with vagrancy, had been adjourned multiple times. All defendants had posted bail, set at 20,000 naira (\$123), and gained their release. No resolution of the case had been announced by year's end.

## **Rwanda**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws that criminalize sexual orientation or consensual same-sex conduct. However, some members of the lesbian, gay, bisexual, and transgender (LGBT) community reported societal discrimination and abuse. One local LGBT rights group, the Horizon Community Association (HOCA), opened an office in Kigali in April but was evicted in August after the landlord reported pressure from community members. HOCA leaders and staff reported receiving threats, and several fled the country. There were some violent physical attacks with anti-LGBT overtones.

The RNP investigated reports of threats to LGBT activists. On March 22, the government signed a UN Human Rights Council statement on “Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity.”

## **Sao Tome and Principe**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

No law criminalizes consensual same-sex sexual activity, but there were occasional reports of societal discrimination based on sexual orientation.

## **Senegal**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex activity, which is indirectly referred to in the law as “unnatural sexual intercourse,” is a criminal offense. In the recent past gays, lesbians, bisexual, and transgender (LGBT) persons often faced criminal prosecution and widespread discrimination, social intolerance, and acts of violence.

The media failed to report acts of hatred or violence against LGBT persons. In November 2010 HRW released a report entitled “Fear of Life: Violence against Gay Men and Men Perceived as Gay in Senegal.” The report discussed cases of violence against gay men and the legal and cultural milieu that fostered such violence. While the cases cited in the report were from 2009 and earlier, NGO observers speculated that the drop in cases reported during the year was due to several factors. First, violence against gay men and lesbians might have caused many LGBT persons in the country to go underground. Second, increased international attention might have caused the government to curtail prosecutions and other official discrimination. A report by the Panos Institute West Africa released on July 20 found that local media contributed to negative societal attitudes toward LGBT persons. Finally, successful legal challenges to the law used to prosecute gays and lesbians for consensual sexual activity may have helped curtail its use by prosecutors.

## **Seychelles**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex activity between men is punishable by 14 years' imprisonment; however, the law was not enforced. There were no reports of discrimination against gay men and lesbians.

## **Sierra Leone**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The constitution does not offer protection from discrimination based on gender identity or sexual orientation. A law from 1861 prohibits male homosexual acts ("buggery" and "crimes against nature"); however, there is no legal prohibition against female-to-female sex. The 1861 law carries a penalty of life imprisonment for "indecent assault" upon a man or 10 years for attempting such an assault. However, the law was not enforced in practice. During Sierra Leone's Universal Periodic Review in May in the UNHRC, the attorney general and minister of justice told the Working Group that all persons in the country will be protected regardless of their sexual orientation. However, the government subsequently rejected three of 129 Working Group recommendations, two calling for decriminalizing all sexual activity between consenting adults and one calling for legislation to prohibit discrimination based on sexual orientation and gender identity.

Despite the lack of enforcement of the 1861 law, police continued to harass, detain, and beat persons perceived to be of the gay, bisexual, lesbian and transgender (LGBT) community. For example, on July 9, a group called police to complain that neighbors were throwing stones and shouting homophobic epithets at them, but the police arrested eight victims instead because they were perceived to be gay. They were held overnight and released without charge.

Men dressed as women were singled out for detention, harassment, and public humiliation but were not formally charged with any crime or misdemeanor. A few organizations, including DignitySL and the local chapter of Why Can't We Get Married.com, worked to support LGBT persons, but they maintained very low profiles. Gay pride parades and other public displays of solidarity could not safely take place. Social discrimination based on sexual orientation occurred in nearly every facet of life for known gays and lesbians, and many chose to have heterosexual relationships and family units to shield them. In the areas of employment and education, sexual orientation was the basis for abusive treatment, which led individuals to leave their jobs or courses of study. It was difficult for gay men and lesbians to receive the health services due to fear that their confidentiality rights would be ignored if they were honest about their ailments; many chose not to be tested or treated for sexually transmitted infections. Secure housing was also a problem for LGBT persons. Their families frequently shunned gay children, leading some to turn to prostitution to survive. Adults could lose their leases if their sexual orientation became public. Lesbian

girls and women were also victims of “planned rapes” that were initiated by family members in an effort to change their sexual orientation.

## **Somalia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws criminalizing homosexual acts. Sexual orientation was considered a taboo topic, and there was no public discussion of this issue in any region of the country. There were no reports of societal violence or discrimination based on sexual orientation.

## **South Africa**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The post-apartheid constitution outlaws discrimination based on sexual orientation. There were no reports of official mistreatment or discrimination. However, in its annual Social Attitudes Survey released in 2008, the Human Sciences Research Council found widespread public intolerance of same-sex sexual activity, with 80 percent of respondents believing sex between two persons of the same gender to be “wrong” and “un-African.”

Rights groups reported that the LGBT community was subject to societal abuses including hate crimes, gender-based violence targeting lesbians, and killings. The Triangle Project, the country’s largest lesbian and gay rights organization, reported it received each week in Cape Town on average 10 new cases of lesbians being targeted for “corrective” rape, in which men raped lesbians to punish them for being lesbian and to attempt to change their sexual orientation.

A December HRW report highlighted violence and discrimination faced by lesbians and transgender men. The report documented cases of “secondary victimization” of lesbian victims, including cases where police harassed, ridiculed, and assaulted victims of homophobic violence when they reported crimes.

Noxolo Nogwaza, a 24-year-old lesbian activist, was raped and murdered on April 24 in Kwa-Thema township after an altercation at a bar. Her body was discovered in an alley after she was killed with a large rock. Evidence also indicated she had been repeatedly raped and stabbed with glass shards. A police investigation continued and no suspects had been identified by year’s end.

Four of the nine men originally accused of the 2006 murder in Cape Town of Zoliswa Nkonyana, a lesbian, were convicted on October 7. Sentencing was pending at year's end.

In May the government formed a task force led by the Department of Justice and Constitutional Development to consult with human rights advocates and LGBT rights activists on how to build the government's capacity to respond to homophobic violence. The task team includes representatives from several government departments as well as civil society organizations. The task force established a number of goals, including awareness training for law enforcement and victim service providers, statistical tracking, and possible new legislation.

## **South Sudan**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits sodomy, which is punishable by death. There were no reports that this law was enforced during the year. Societal discrimination against gay men and lesbians was widespread. There were no known lesbian, gay, bisexual, or transgender organizations.

In July 2010, prior to the July 9, 2011 independence of South Sudan, President Kiir remarked in an internationally broadcast radio interview that homosexuality would not be accepted in the South.

## **Sudan**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits sodomy, which is punishable by death; however, there were no reports of antisodomy laws being applied. There were no known lesbian, gay, bisexual, or transgender (LGBT) organizations.

Official discrimination based on sexual orientation and gender identity occurred. Societal discrimination against LGBT persons was widespread. Vigilantes targeted suspected gay men and lesbians for violent abuse, and there were public demonstrations against homosexuality.

## **Swaziland**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Societal discrimination against the LGBT community was prevalent, and LGBT persons generally concealed their sexual orientation and gender identity. Colonial-era legislation against sodomy remains on the books; however, it has not been used to arrest gay men. Gay men and lesbians who were open about their sexual orientation and relationships faced censure and exclusion from the chieftdom-based patronage system, which could result in eviction from one's home. Chiefs, pastors, and members of government criticized same-sex sexual conduct as neither Swazi nor Christian. Societal discrimination exists against gay men and lesbians, and LGBT advocacy organizations had trouble registering with the government. One such organization, House of Pride, was affiliated with another organization dealing with HIV/AIDS. It is difficult to know the extent of employment discrimination based on sexual orientation because victims are not likely to come forward, and most gay men and lesbians are not open about their sexual orientation.

## **Tanzania**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex activity is illegal on the mainland and in Zanzibar. On the mainland acts of "gross indecency" between persons of the same sex are punishable by up to five years in prison. Same-sex intercourse carries a prison sentence of 30 years to life. The law in Zanzibar establishes a penalty of up to 14 years' imprisonment for men who engage in same-sex sexual activity and five years for women. Since the burden of proof in such cases is significant, the law was rarely applied, and there were no reports that anyone was punished under the law during the year. In the past individuals suspected of being gay or lesbian have instead been charged with loitering or prostitution. Lesbian, gay, bisexual, and transgender (LGBT) persons faced societal discrimination that restricted their access to health care, housing, and employment.

Beginning in November discussions about the possibility of donor countries linking their aid packages to gay rights issues triggered a public outcry from government and society leaders. The rights of LGBT people are not often a topic of public dialogue in the country, but this item revealed the antigay stance of a number of public figures.

Organizations such as the Tanzania Network of Women Living with AIDS worked with LGBT persons and commercial sex workers to provide education to combat HIV and AIDS transmission. Dar es Salaam-based Lesbian, Gay, Bisexual, Transgender, and Intersex

Support Unit launched a public education and health advocacy project to reduce the stigma attached to sexual relations between persons of the same gender to reduce their fears about seeking medical counsel. This project was meant to both contribute to the fights against HIV and AIDS and gather support for a repeal of anti-LGBT laws.

In December 2010 a young lesbian woman was assaulted by her uncle who attempted to rape her as a means of “correcting” her sexual behavior. The woman escaped and found shelter elsewhere; however, when the uncle informed the landlord of her sexual orientation and activist work, the landlord threatened to report the woman to the police, forcing her to take refuge with a friend. In July her neighbors attempted to set her house on fire. They believed she was actively recruiting young people to become gay. The woman was forced to vacate the property and rely on friends for support.

## **Togo**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law provides that a person who engages in a consensual same-sex sexual act may be punished by one to three years’ imprisonment and fined 100,000 to 500,000 CFA francs (\$208 to \$1,041). There were no prosecutions for homosexuality or the often related charge of indecent assault. The eight persons arrested for same-sex sexual conduct in 2010 remained incarcerated.

Societal discrimination based on sexual orientation and gender identity occurred, and there were no known lesbian, gay, bisexual, and transgender organizations.

## **Uganda**

### **Freedom of Peaceful Assembly and Association**

While the constitution and law provide for freedom of association, the government did not always respect this right in practice. The 2006 NGO Registration Act limits some NGO activity and requires NGOs seeking registration to obtain letters of approval from local government and community officials. The NGO Board, which approves NGO registrations, reports to the Ministry of Internal Affairs and is composed of representatives from various government ministries, including the security services. Discriminatory aspects of the NGO Act prevented lesbian, gay, bisexual, and transgender (LGBT) organizations from registering as NGOs. Official registration affords some legal protections and enables NGOs to open local bank accounts.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

LGBT persons faced discrimination and legal restrictions. It is illegal to engage in homosexual acts, based on a law from the colonial era that criminalizes “carnal knowledge of any person against the order of nature” and provides a penalty up to life imprisonment. While no persons were convicted under the law, the government arrested persons for related offenses. For example, in July police arrested an individual for “attempting” to engage in homosexual activities. On July 15, a court in Entebbe charged him with “indecent practices” and released him on bail. Hearing of the case was pending at year’s end.

LGBT persons were subject to societal harassment, discrimination, intimidation, and threats to their well-being and were denied access to health services. Discriminatory practices also prevented local LGBT NGOs from registering with the NGO Board and obtaining official NGO status (see section 2.b.).

On January 3, the High Court ruled that an obscure local tabloid had violated three LGBT persons’ constitutional rights to privacy and human dignity in 2010 by publishing their pictures, identities, and addresses under the headline “Hang Them.” This was the second High Court ruling upholding the rights of LGBT individuals. In 2008 the High Court affirmed LGBT individuals’ constitutional right to human dignity, protection from inhuman treatment, and privacy in *Victor Juliet Mukasa and Yvonne Oyo v. Attorney General*.

On January 26, LGBT activist David Kato, who had successfully sued the local tabloid discussed above for the 2010 publication of his picture under the headline “Hang Them,” was bludgeoned to death at his home outside Kampala. On February 2, police arrested Sidney Enock Nsubuga for Kato’s murder. On November 9, Nsubuga pled guilty and was sentenced to 30 years’ imprisonment.

On May 6, parliament’s Parliamentary and Legal Affairs Committee held hearings on a draft “antihomosexuality” bill submitted to parliament in September 2009 by parliamentarian David Bahati. The draft legislation sought to impose punishments ranging from imprisonment to death for individuals twice convicted of “homosexuality” or “related offenses,” including “aiding and abetting homosexuality,” “conspiracy to engage in homosexuality,” the “promotion of homosexuality,” or “failure to disclose the offense” of homosexuality to authorities within 24 hours. The committee heard testimony from local human rights and LGBT activists, the UHRC, the Uganda Prison Service, and “antihomosexuality” proponents. The draft bill expired when parliament adjourned on May 13. On October 25, the new parliament voted to “save and retain” two dozen expired bills from the previous session, including the draft “antihomosexuality” bill but took no further action. During the year several senior government officials stated they did not support the bill, and in 2010 the UHRC determined that the bill violates the constitution and international law.

On October 3, the Constitutional Court heard oral arguments on a 2009 petition filed by a local human rights and LGBT activists challenging the constitutionality of Section 15(6)(d) of the Equal Opportunities Commission Act. Section 15(6)(d) prevents the Equal Opportunities Commission from investigating “any matter involving behavior which is considered to be (i) immoral and socially harmful, or (ii) unacceptable by the majority of the cultural and social communities in Uganda.” The petitioner argued that this clause is discriminatory and violates the constitutional rights of minority populations. A decision was pending at year’s end.

## **Zambia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual activity and provides penalties of 15 years to life imprisonment for individuals who engage in “unnatural” acts. A lesser charge of “gross indecency” carries penalties of up to 14 years imprisonment. The government enforced the law against same-sex sexual activity and did not respond to societal discrimination. Societal violence against gay men occurred, as did societal discrimination in employment, housing, and access to education or health care. Some groups actively promoted the rights of lesbian, gay, bisexual and transgender (LGBT) persons, but none was formally registered. Groups held social gatherings but did not participate in open demonstrations or marches, due to societal discrimination against LGBT persons.

On March 17, Magistrate Mwaka Mikalile convicted three male students at Kabulonga Boys High School in Lusaka of committing indecent practices against other male students and sentenced them to 12 months in a reformatory school with counseling. Two other students were acquitted.

## **Zimbabwe**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The criminal code’s definition of sodomy includes “any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act.” Sodomy carries a penalty of up to one year in prison or a fine up to \$5,000. There were no known cases of sodomy charges being used to prosecute consensual same-sex sexual activity. Common law prevents gay men, and to a lesser extent lesbians, from fully expressing their sexual orientation and, in some cases, criminalizes the display of affection between men.

Leadership in both ZANU-PF and MDC-T, including President Mugabe and Prime Minister Tsvangirai, publicly denounced the LGBT community and warned against the inclusion of LGBT rights in the constitution. Mugabe publicly blamed the LGBT community for Africa's ills and declared its members to be worse than "pigs and dogs." However, in an apparent shift of position, Tsvangirai declared in an October 24 press interview that LGBT rights were a human right that should be enshrined in the country's new constitution.

Members of Gays and Lesbians of Zimbabwe (GALZ), the sole organization dedicated to advancing the rights of the LGBT community in the country, experienced assault, harassment, and discrimination.

For example, on September 2, at a bar in Harare, two individuals assaulted a GALZ member with a beer bottle after making discriminatory statements regarding her sexual orientation. She and her partner reported the incident to the police, who took no action.

GALZ employees Ellen Chademana and Ignatius Muhambi, who were arrested in May 2010 for possession of pornographic materials, were not summoned to court during the year. Chademana and Muhambi, whom police beat in the face and knees during an interrogation, were released five days after their arrest and subsequently acquitted of the pornography charge. However, both still faced a charge of undermining the president at year's end.

Members of the LGBT community reported widespread societal discrimination based on sexual orientation. In response to social pressure, some families reportedly subjected their LGBT members to "corrective" rape and forced marriages to encourage heterosexual conduct. Such crimes were rarely reported to police. Women, in particular, were subjected to rape by male members of their own families. LGBT members often left school at an early age due to discrimination and had higher rates of unemployment and homelessness. Many persons who identified with the LGBT community did not seek medical care for sexually transmitted diseases or other health issues due to fear that health providers would shun them.

# **EAST ASIA AND THE PACIFIC**

## **Australia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Discrimination on the basis of sexual orientation is prohibited by law in a wide range of areas, including in family law, taxes, child support, immigration, pensions, and social security.

The HRC received 17 complaints of employment discrimination based on sexual orientation from July 2010 through June 2011.

## **Brunei**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law makes it a criminal offense to have “sexual intercourse against the order of nature.” There were no reports of official or societal discrimination based on sexual orientation in employment, housing, access to education, or health care.

## **Burma**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The penal code contains provisions against “sexually abnormal” behavior, and laws against “unnatural offenses” apply equally to both men and women. These laws were not enforced, however, and there were no impediments to organizations or activities for lesbian, gay, bisexual and transgender persons.

There was no official or social discrimination based on sexual orientation in employment.

## **Cambodia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no laws criminalizing homosexual acts, nor was there official discrimination against the lesbian, gay, bisexual, and transgender (LGBT) community, although some societal discrimination and stereotyping persisted, particularly in rural areas. In May several local businesses and NGOs hosted the seventh annual Phnom Penh Pride festival, a week-long series of events that highlighted the LGBT community.

There were no reports of government discrimination based on sexual orientation in employment, statelessness, or access to education or health care. However, homosexual conduct was typically treated with fear and suspicion by the general population, and there were few support groups to which such cases could be reported. There were a few reports of private individuals refusing to employ or rent property to persons based on sexual orientation or gender identity.

## **China (includes Tibet, Hong Kong, and Macau)**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

No laws criminalize private consensual same sex activities between adults. Due to societal discrimination and pressure to conform to family expectations, most gay men and lesbians refrained from publicly discussing their sexual orientation. Individual activists and organizations working on lesbian, gay, bisexual, and transgender (LGBT) issues continued to report discrimination and harassment from the authorities. Authorities continued to harass or prevent the gathering of LGBT persons. For example, in February a Valentine's Day kissing contest that gay couples planned to attend was cancelled abruptly by organizers. The Beijing LGBT Center planned to use the event to raise awareness about gay rights.

In June the Fifth Beijing Queer Film Festival was forced underground due to harassment from local police, officers from the Bureau of Industry and Trade, and the Culture Bureau. The police deemed the event "illegal." Organizers were forced to close the event to the general public and show the films to invited guests only. The venue of the festival was also changed every night to avoid detection.

LGBT persons were also targets of societal pressures. For example, in July LGBT groups complained of censorship by the popular Web site Doudan. The groups reported that posts for events were disappearing, resulting in low attendance. Subsequently the groups began to boycott the site.

In July 2010 a gay man attempted to sue the Beijing Red Cross for discrimination for barring gays and lesbians from donating blood. The court rejected the lawsuit without explanation.

## **China (includes Tibet, Hong Kong, and Macau) - China (includes Tibet, Hong Kong, and Macau) – Tibet**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

No information in this sub-section

## **China (includes Tibet, Hong Kong, and Macau) - China (includes Tibet, Hong Kong, and Macau) - Hong Kong**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no laws criminalizing consensual same-sex sexual activity. In 2005, the High Court (Court of First Instance) ruled that maintaining an age of consent for male-male relations at 21 rather than 16 violated the Bill of Rights Ordinance. The Law Reform Commission continued a review of sexual offenses in common and statute law. In the interim, enforcement of the law was in accordance with the 2005 decision. There were no specific laws governing age of consent for female-female relations.

On June 17, the government sponsored a seminar on “homosexual conversion therapy.” According to gay rights groups, the seminar’s contents explained homosexuality as deriving from “unhealthy parent-children relationships,” “experience of sexual abuse or same-sex sexual behavior,” or “serious emotional harm caused by the opposite sex.” During an International Day Against Homophobia and Transphobia rally on May 15, police stopped a dance that was part of the program, alleging some participants had violated public entertainment laws. Activists from the gay rights community claimed this was the first time in over a dozen years police had stopped a rally of this sort.

## **China (includes Tibet, Hong Kong, and Macau) - China (includes Tibet, Hong Kong, and Macau) – Macau**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws criminalizing consensual same-sex sexual activity and no prohibition against lesbian, gay, bisexual, or transgender persons forming organizations or associations. There were no reports of violence against persons based on their sexual orientation.

## **Fiji**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The Crimes Decree does not criminalize consensual same-sex sexual activity and for the first time recognizes male-on-male rape as a crime. The ERP prohibits discrimination in employment based on sexual orientation.

There was some societal discrimination against persons based on sexual orientation and gender identity, although there was no systemic discrimination. There were no known cases of violence based on sexual orientation or gender identity.

## **Indonesia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The 2008 Pornography Law bans consensual same-sex sexual activity. In addition, local regulations across the country criminalize same-sex sexual activity. According to NGOs, many persons characterized lesbian, gay, bisexual, and transgender (LGBT) issues as socially taboo. The government took almost no action to prevent discrimination against LGBT persons, and in some cases failed to protect LGBT individuals from societal abuse. Police corruption, bias, and violence caused LGBT individuals to avoid interaction with police. Sharia police in Aceh reportedly harassed transgender individuals. NGOs reported LGBT individuals sometimes were ostracized by religious groups, family members, and the general public.

LGBT organizations and NGOs operated openly. However, certain religious groups sporadically disrupted LGBT gatherings, and individuals occasionally were victims of police abuse.

LGBT groups maintained a lower profile throughout the year compared to previous years, in part due to concerns over physical security. In September the Q! Film Festival, subject of protests in 2010, took place in five cities but with strict limitations on publicity.

NGOs documented instances of government officials not issuing identity cards to LGBT individuals. Transgender individuals faced discrimination in obtaining services, including health and other public services.

## **Japan**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Laws governing rape, sexual commerce, and other actions involving sexual intercourse do not apply to same-sex sexual activity, since sex is defined in Japanese law exclusively as male-to-female vaginal intercourse. This definition leads to lower penalties for perpetrators of male rape and greater legal ambiguity surrounding same-sex prostitution.

NGOs that advocate for gay, lesbian, bisexual, and transgender persons reported some instances during the year of bullying, harassment, and violence.

There is no national law that protects individuals against discrimination on the basis of sexual orientation and gender identity, although some local governments have enacted laws prohibiting employment discrimination based on sexual orientation.

## **Kiribati**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Sodomy and acts of “gross indecency between males” are illegal, with maximum penalties of 14 and five years’ imprisonment, respectively, but there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender persons under these provisions. There were no reports of societal discrimination or violence based on sexual orientation or gender identity.

## **Korea, Democratic People's Republic of**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws against homosexuality, but no information was available on discrimination based on sexual orientation or gender identity.

## **Korea, Republic of**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The Ministry of Justice reported that the constitution’s equality principles apply to lesbian, gay, bisexual, and transgender (LGBT) persons. The law that installed the NHRC

prohibits discrimination on the basis of sexual orientation and gives the NHRC the authority to review cases of such discrimination. From January 1 to July 31, the NHRC received one case of alleged discrimination against LGBT persons but did not find merit in the case.

There are no specific laws punishing offenders or providing remedy to victims of discrimination or violence against LGBT persons. However, the government did punish perpetrators of violence against LGBT persons according to the law.

Military and societal discrimination against LGBT persons persisted. In March the Constitutional Court found the military code of conduct provision that criminalizes consensual same-sex sexual activity between military personnel to be constitutional.

## **Laos**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There was no law prohibiting discrimination based on sexual orientation or gender identity, but there was also no official discrimination based on either factor reported during the year. Within lowland Lao society, despite wide and growing tolerance of lesbian, gay, bisexual, and transgender persons, societal discrimination in employment and housing persisted, and there were no governmental efforts to address it. Reports indicated that lesbians faced greater societal stigma and discrimination than gay men.

## **Malaysia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Laws against sodomy and “carnal intercourse against the order of nature” exist but were rarely enforced. However, this law was the basis for the case against parliamentary opposition leader Anwar Ibrahim (see section 1.e.). Religious and cultural taboos against same-sex sexual conduct were widespread. On April 18, the Terengganu State Education Department announced that it had sent 66 schoolboys, listed by their schools as students who displayed feminine qualities, to a camp where they received counseling on masculine behavior to discourage them from being gay and to guide them back “to a proper path in life.” The Joint Action Group for Gender Equality, among other groups, condemned the move and described the singling out of the boys as “highly discriminatory.”

## **Marshall Islands**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There is no law criminalizing consensual same-sex activity, and there were no reports of societal violence based on sexual orientation or gender identity. There were no reports of official or societal discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care.

## **Micronesia, Federated States of**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws criminalizing same-sex sexual activity. There were no reports of violence, official or societal discrimination, or workplace discrimination, against lesbian, gay, bisexual, or transgender persons.

## **Mongolia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual conduct is not specifically proscribed by law. However, AI and the International Lesbian and Gay Association criticized a section of the penal code that refers to “immoral gratification of sexual desires,” arguing that it could be used against persons engaging in same-sex sexual conduct. LGBT persons reported harassment and surveillance by police. Nonetheless, NGOs reported a marked improvement in police investigations of crimes against LGBT individuals as well as more respectful police treatment of victims.

There were reports that individuals were assaulted in public and at home, denied service from stores and nightclubs, and discriminated against in the workplace based on their sexual orientation or gender identity. There also were reports of abuse of persons held in police detention centers based on their sexual orientation. Some media outlets described gay men and lesbians in derogatory terms and associated them with HIV/AIDS, pedophilia, and the corruption of youth.

The government, while acknowledging that discrimination against LGBT individuals was a problem, stated that social acceptance of gay men and lesbians must be promoted before definitive steps can be taken.

The law concerning rape (Article 126 of the criminal code) addresses only rape of female persons; rape of transgender individuals is not a crime under the article. According to the Asia Foundation, there were cases in which ultranationalists raped transgender persons; in other incidents boys and men were raped. Since the criminal code does not recognize such persons as victims, it was difficult to prosecute such rapes.

## **Nauru**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Sodomy is illegal, but there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender persons. There were no reports of violence or discrimination against persons on the basis of sexual orientation or gender identity.

## **New Zealand**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits abuse, discrimination, and acts of violence based on sexual orientation and gender identity, and the government generally enforced the law. During the year the HRC received 205 discrimination complaints relating to gender identity or sexual orientation (19 percent of all complaints). The Ministry of Justice received no reports of societal violence or discrimination based on sexual orientation or gender identity.

## **Palau**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no reports of cases of violence or discrimination based on sexual orientation or gender identity.

## **Papua New Guinea**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Sodomy and acts of "gross indecency" between male persons are illegal. The maximum penalty for sodomy is 14 years' imprisonment, and for acts of gross indecency between male persons (a misdemeanor), three years. However, there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender (LGBT) persons under

these provisions during the year. There were no specific reports of societal violence or discrimination against LGBT persons, but they were vulnerable to societal stigmatization.

## **Philippines**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

A coalition of lesbian, gay, bisexual, and transgender (LGBT) NGOs submitted a midyear report to the UN Universal Periodic Review that criticized the government for the absence of law and policy to protect persons from discrimination based on sexual orientation and gender identity. From January to August, the NGO Philippine LGBT Hate Crime Watch recorded 29 killings of LGBT individuals, linked the killings to prejudice or hate crimes, and referred them to the CHR and PNP for investigations, which were pending at year's end. LGBT NGOs reported societal discrimination based on sexual orientation and gender identity, including in employment and education.

## **Samoa**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Sodomy and "indecentcy between males" are illegal, with maximum penalties of seven and five years' imprisonment, respectively. However, these provisions were not actively enforced with regard to consensual same-sex sexual activity between adults. Although there were no reports of societal violence based on sexual orientation or gender identity, there were isolated cases of discrimination.

## **Singapore**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

After failure of a 2007 attempt to repeal the section of the penal code criminalizing sex between men, Prime Minister Lee stated that the authorities would not actively enforce the statute.

In the campaign for the May elections, a government minister was accused of having played "the gay card," hinting that his opponent supported a "gay agenda." Although the minister ultimately won reelection, this was widely believed to have hurt his campaign.

The Media Development Authority rated the film “Courage Unfolds” as R21. Produced by the Campaign of the International Gay and Lesbian Human Rights Commission’s Asia program, the 30-minute documentary highlighted issues faced by lesbian, gay, bisexual, and transgender (LGBT) persons in Asia and how the Yogyakarta Principles were a tool that LGBT activists could use in their human rights advocacy. The R21 rating restricts the location of screenings and the viewing audience of the film. Additionally, films rated R21 may not be released on home video formats and may not be advertised on television. In February Singapore’s Board of Film Censors upheld its decision to impose a one-print release on the film “The Kids are All Right,” which had already been rated R21. This was the first time a single-screen release has been imposed. The board responded to Cathy-Keris Films’ appeal by stating that “one-print serves as a signal to the public at large that such alternative lifestyles should not be encouraged.”

## **Solomon Islands**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Sodomy is illegal, as are “indecent practices between persons of the same sex.” The maximum penalty for the former is 14 years’ imprisonment and for the latter five years. However, there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender persons under these provisions during the year. There were no reports of violence or discrimination against persons on the basis of sexual orientation or gender identity.

## **Taiwan**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws prohibiting consensual same-sex sexual activity. According to lesbian, gay, bisexual, and transgender (LGBT) rights activists, violence against LGBT persons with HIV and AIDS was a problem, but instances of police pressure on LGBT-friendly bars and bookstores continued to decrease during the year. LGBT rights activists alleged that restrictions on doctors providing fertility treatments to unmarried persons unfairly resulted in discrimination against LGBT persons, who are not permitted to marry. Employers convicted of discriminating against job seekers on the basis of sexual orientation face fines of up to NT\$1.5 million (\$50,250).

Plans to begin teaching LGBT issues in the elementary and junior school curriculums, in accordance with the 2004 Gender Equity Education Act, were canceled due to “lack of social consensus.”

## **Thailand**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

No laws criminalize sexual orientation. Lesbian, gay, bisexual, and transgender (LGBT) groups were able to register with the government, although there were some restrictions on the language that may be used in registering their group names. They reported that police treated LGBT victims of crime the same as other persons except in the case of sexual crimes, where there was a tendency to downplay sexual abuse or not to take harassment seriously. The law does not permit transgender individuals to change their gender on identification documents.

On September 12, Bangkok's Central Administrative Court ordered the Ministry of Defense to stop describing transgender persons as "permanently mentally disabled" in conscription records, and the military reportedly complied. Some rights advocates considered this a significant step toward reducing the harmful effects on future employment opportunities caused by the policy of relieving gay and transgender persons from duty under the draft because of their assumed detrimental effect on the military's strength, image, and discipline.

There was some continued commercial discrimination based on sexual orientation and gender identity. For example, some life insurance companies refused to issue policies to gay men, although four major insurance companies sold policies to LGBT citizens with provisions for full transfer of benefits to same-sex partners. NGOs alleged that some nightclubs, bars, hotels, and factories denied entry or employment to gay, lesbian, and transgender individuals.

## **Timor-Leste**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law makes no reference to homosexual activity. Gay men and lesbians were not highly visible in the country. There were no formal reports of discrimination based on sexual orientation or gender identity, due in part to limited awareness of the issue and a lack of formal legal protections.

## **Tonga**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Sodomy is illegal, with a maximum penalty of 10 years' imprisonment, but there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender persons under this provision. A subculture of transgender dress and behavior was tolerated, and a prominent NGO and annual festival highlighted transgender identities. There were no reports of violence against persons based on sexual orientation or gender identity.

## **Tuvalu**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Sodomy and acts of "gross indecency between males" are illegal, with maximum penalties of 14 and seven years' imprisonment, respectively, but there were no reports of prosecutions directed against lesbian, gay, bisexual, or transgender persons under these provisions during the year. Societal discrimination against persons based on sexual orientation or gender identity was not common, and there were no reports of such discrimination during the year.

## **Vanuatu**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no reports of societal violence or discrimination against persons based on sexual orientation or gender identity.

## **Vietnam**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is not criminalized, although by decree, individuals may not change their gender. There was no reported official discrimination based on sexual orientation or gender identity, but societal discrimination and stigma were pervasive. A lesbian, gay, bisexual, and transgender (LGBT) community existed but was largely underground.

A 2009 survey of more than 3,200 LGBT individuals by the Institute for Studies of Society, Economy, and the Environment reported that 4.5 percent claimed they were victims of assault or physical abuse by homophobic individuals and 6.5 percent claimed they lost jobs because of their sexual orientation. The institute also reported that government officials, the Women's Union, and the Lawyers Association participated in sensitivity training during the year. Most LGBT persons chose not to tell family of their

sexual orientation for fear of being disowned, and a 2011 online survey, conducted by the Information Sharing and Connecting Group with more than one thousand LGBT respondents, noted that more than 20 percent were forced into counseling by their families.

# **EUROPE AND EURASIA**

## **Albania**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibited discrimination against lesbian, gay, bisexual and transgender (LGBT) individuals; however, no official claims of discrimination were made, and the government has not had an opportunity to enforce the law.

Despite the law and Albania's formal support for LGBT rights, homophobic attitudes remained. In December 2010 the vice chairman of the Parliamentary Commission for Social Issues and Health stated during a hearing that "homosexuality should be cured with hormonal treatment and psychological consultations." After an appeal by LGBT groups, the commissioner against discrimination sent a letter to the vice chairman on September 30 recommending he avoid discriminatory remarks and clarifying that homosexuality was not a disease. LGBT NGOs reported some discrimination and loss of employment due to sexual orientation. Reports of police harassment of LGBT persons and police brutality against transgender sex workers were verified.

Several NGOs were active in promoting LGBT rights in Albania.

## **Andorra**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

On the basis of constitutional provisions for the right to freedom of ideas, religion, and ideology, the government acts against any discrimination that may occur in the country. There were no reports of official or societal discrimination based on sexual orientation or gender identity in employment or occupation, housing, or access to education or health care.

## **Armenia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Societal attitudes toward LGBT persons remained highly negative, with society generally viewing homosexuality as an affliction. Societal discrimination based on sexual

orientation and gender identity negatively affected the employment, family relations, and access to education and health care of sexual minorities.

Openly gay men were exempt from military service, purportedly because of concern that fellow servicemen would abuse them. However, the actual exemption required a medical finding, by means of a psychological examination, that an individual had a mental disorder; this information was stamped in the individual's personal documents. According to human rights activists, sexual minorities were frequent targets for humiliating discrimination in prisons, where they were forced to perform degrading labor and separated from the rest of the prison population.

## **Austria**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There was some societal prejudice against gay men and lesbians; however, there were no reports of violence or discrimination based on sexual orientation or gender identity. Organizations of lesbian, gay, bisexual, and transgender persons generally operated freely. Vienna hosted an annual gay pride march in July, and the city provided police protection.

## **Azerbaijan**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Numerous incidents of police brutality against individuals based on sexual orientation occurred, according to a local NGO. Authorities did not investigate or punish those responsible for such acts, and victims often were unwilling to file complaints due to fear of social stigma. A local NGO reported 80 police raids directed at the lesbian, gay, bisexual and transgender (LGBT) community during the year.

Members of the LGBT community continued to refuse to lodge formal complaints with law enforcement bodies out of fear of reprisal or retaliatory persecution.

One NGO worked on LGBT issues in the country. This NGO worked to prevent the spread of HIV/AIDS and provided legal advice, psychological assistance, and outreach activities. The NGO reported no official harassment of its work. There were no attempts to organize gay pride marches during the year, but there was a small private gathering on May 17 to commemorate the International Day Against Homophobia.

There was societal prejudice against LGBT persons. While dismissing an employee for reasons related to sexual orientation is illegal, LGBT individuals reported that employers found other reasons to dismiss them. Discrimination in access to health care was also a problem. LGBT persons reported that police often broke up their gatherings and blackmailed them into giving the police money.

## **Belarus**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Homosexuality is not illegal, but discrimination against members of the LGBT community was widespread, and harassment occurred.

Authorities routinely denied LGBT groups permission to hold public events, including a pride parade. In early May authorities denied the LGBT community 100 applications to hold scores of events to mark the International Day against Homophobia and Transphobia. In spite of the denial, members of the local LGBT rights NGO Gay Belarus planned to pass out leaflets in downtown Minsk on May 17. However, authorities preemptively detained approximately 15 group members, held them for three hours, and subsequently released them without charge.

In December authorities denied a registration application to a gay rights group, Alternative Plus Human Rights Center, citing minor errors in information on its founders, such as a misspelled name and a wrong birth date. Societal discrimination against LGBT activists persisted. For example, the gay pride parade in October was marred by homophobic attacks, including painting homophobic graffiti and throwing eggs on walls of an openly gay bar in Minsk.

On July 18, Natallya Pradzed, an LGBT activist, held a picket in Minsk to protest violations of human rights and arbitrary government policies. She was arrested and sentenced to 10 days in jail.

On October 7, Lukashenka apologized for having told German Foreign Minister Guido Westerwelle, who is gay, “that he had to lead a normal life,” presumably at a closed meeting in November 2010. Lukashenka noted that he regretted his statement but condemned homosexual relations. Earlier, he stated that he did not understand how two men could live together and would exile gay men to collective farms “with great pleasure.”

## **Belgium**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

According to the CEOOR, 6 percent of all complaints it received in 2010 concerned discrimination based on sexual orientation (85 cases), most of which were work-related. The CEOOR investigated violence and discrimination based on sexual orientation in 2010 and concluded that victims consistently filed only a limited number of formal complaints on these grounds. During 2010 only four complaints regarding sexual orientation were filed with the public prosecutor's offices. According to the CEOOR, the underreporting of violence and discrimination was due to feelings of shame on the part of the victim, fear of "victimization," a willingness to forget and be "above it," or the strong belief that filing a complaint would not change anything. As a result, in June the CEOOR launched a campaign to encourage LGBT victims of violence and discrimination to file complaints.

## **Bosnia and Herzegovina**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

While the law prohibits discrimination on the basis of sexual orientation, it was not fully enforced in practice, and there was frequent societal discrimination against gay, lesbian, bisexual, and transgender (LGBT) persons.

Gays and lesbians faced frequent harassment and discrimination, including termination from employment. In some cases dismissal letters explicitly stating that sexual orientation was the cause of termination made finding another job extremely difficult. The EU Commission Progress Report during the year found that physical attacks and harassment of LGBT persons continued and that no government official condemned such acts.

During the year LGBT activists faced threats, harassment, and other hate speech by media and politicians. On November 17, a talk show on Sarajevo-based PINK BIH TV ran a segment called "Change of Gender--Body as a Trap" on a talk show that highlighted text messages from viewers calling for discrimination and violence against transgender and transsexual persons. PINK BIH TV did not distance itself from the messages' content, causing several human rights NGOs to file a complaint to CRA for violation of the broadcasting code. By year's end, the CRA took no action in response.

On November 22, daily Fokus based in Banja Luka published a commentary by RS Vice President Emil Vlajki titled "Film 'Parade': Prostituted Ideological Manipulation," in

which Vlacki criticized a movie on gay rights and characterized the LGBT community as “garbage” and LGBT culture as “vulgarization of one’s own private life.”

## **Bulgaria**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination on the basis of sexual orientation, but the government did not effectively enforce this prohibition. While reports of violence against LGBT persons were rare, societal discrimination, particularly discrimination in employment, remained a problem. NGOs stated that individuals were reluctant to seek redress in the courts due to fear of being openly identified as belonging to the LGBT community. On July 4, the Supreme Administrative Court upheld the Antidiscrimination Commission’s ruling that a Pazardjik city regulation prohibiting public expression of sexual orientation violated the country’s antidiscrimination laws.

On June 18, the fourth annual gay pride parade took place in downtown Sofia. In the days before the parade, hate groups used social networks to call for a large-scale counterdemonstration to occur earlier on the same day. The police took the threat seriously, but only a few counterdemonstrators showed up. The parade attracted an estimated 450 participants and went on without incident. However, following the march, unknown persons attacked five volunteers outside the parade’s secure zone. Three of the volunteers suffered minor injuries.

## **Croatia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There was an increase in societal violence and discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons.

On June 11, the first LGBT Pride march in Split took place. Media reported that up to 10,000 anti-gay counter-protesters vastly outnumbered the marchers. Pride organizers warned local and government police that anti-gay groups were plotting violence and spreading hate speech via graffiti, leaflets, and the Internet, including on Facebook, where thousands voiced their discontent with the event. The organizers claimed that officials ignored these warnings and that police were sympathetic to the protesters. Organizers further claimed that police initially prevented them from gathering for the march. According to the marchers and video from the event, police allowed the protesters to join the marchers, who numbered in the hundreds. The organizers claimed police permitted protesters to collect projectiles in plain view along the entire

route of the parade. The marchers were pelted with incendiary devices, bricks, large rocks, eggs, tomatoes, and ashtrays. Marchers received taunts of “death to faggots,” “gypsies,” and “we’ll kill you,” and some anti-gay protesters gave fascist salutes. Police arrested more than 100 anti-gay protesters. President Josipovic and then prime minister Jadranka Kosor condemned the violence, but Split Mayor Zeljko Kerum said afterwards that marchers should have expected the reaction they received. The government’s Office for Gender Equality, which financed gay Pride events in Split and Zagreb, also condemned the violence.

Following the Split event, the 10th annual gay Pride parade was staged in Zagreb. Approximately 4,000 marchers, including prominent politicians, participated in the rally. There were 17 reported arrests for disorderly conduct, and media reported that it was the best-attended and best-protected Pride event in the country’s history.

Societal discrimination against LGBT persons frequently was manifested by insults, stereotypical jokes, and societal prejudices. According to LGBT NGOs, the International Football Federation (FIFA) fined Vlatko Markovic, president of the Croatian Football Association, for stating that, while he is president, gay men will not play soccer for the country’s team.

## **Cyprus**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Despite legal protections, gay men and lesbians faced significant societal discrimination, and few lesbian, gay, bisexual, or transgender (LGBT) persons were open about their sexual orientation. In May 2010 the first LGBT organization, Accept LGBT Cyprus, announced its operation and organized a series of events. The events were covered by the media and there was no negative public reaction. On October 19, Interior Minister Sylikiotis stated that the application of Accept-Cyprus to register as an association was accepted and the relevant certificate of registration was issued.

In November the press reported that a Foreign Ministry attache complained to the ombudsman that the ministry excluded him from a specific overseas assignment because of his sexual orientation. The permanent secretary of the Foreign Ministry rejected the allegation on the grounds that the attache lacked the necessary experience for the specific appointment he had requested.

A report published in May by ILGA Europe (Equality for Lesbian, Gay, Bisexual, Trans- and Intersex People in Europe) listed Cyprus among the countries that were not advancing towards greater recognition of rights for LGBT persons. The report noted that Cyprus lacked specific LGBT antidiscrimination legislation.

## **Cyprus - Cyprus - the area administered by Turkish Cypriots**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Same-sex sexual activity between men is criminalized in the area administered by Turkish Cypriots under a general sodomy statute. The maximum penalty is 14 years' imprisonment. Homosexuality remained highly proscribed socially and was rarely discussed. Very few lesbian, gay, bisexual, or transgender (LGBT) persons were publicly open about their sexual orientation.

During the year there were no reports of either police or "government" representatives engaging in or condoning violence against the LGBT community.

While there were no recorded cases of official or societal discrimination based on sexual orientation in employment, housing, or access to education or health care, members of the LGBT community noted that an overwhelming majority of LGBT persons hid their sexual orientation to avoid such problems. They also complained that there is no specific antidiscrimination law for LGBT persons.

## **Czech Republic**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The government did not keep statistics regarding incidents of violence directed at individuals based on their sexual orientation or gender identity. A report by a governmental working group on problems involving sexual minorities indicated that physical and verbal attacks occurred but were rarely reported.

There were some reported instances of discrimination against persons based on sexual orientation or gender identity. For example, lesbian, gay, bisexual, and transgender (LGBT) couples may not adopt a child, nor may a gay man or lesbian in a partnership adopt his or her partner's biological child, although single LGBT individuals may adopt.

## **Denmark**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no reports of official or societal discrimination. According to a report on homophobia published in 2009 by the Danish Institute for Human Rights, surveys showed that societal approval of homosexuality increased significantly in the preceding

three decades. According to data reported by the Security and Intelligence Service, 19 of the 334 hate crimes recorded in the country in 2010 were “sexually oriented.”

## **Estonia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination on the basis of gender, sexual orientation, or other personal characteristics, and the government generally respected these prohibitions. Some activists expressed concern with what they described as the authorities’ unwillingness to prosecute possible misdemeanors aggressively under the penal code provisions involving incitement to hatred. Most lesbian, gay, bisexual, and transgender (LGBT) persons did not reveal their sexual orientation or gender identity and avoided reporting incidents to police. Anti-LGBT messages did not generally appear in mainstream media reports, but anonymous online commentary on LGBT themes often included strongly hostile language, in some cases advocating violence against individuals and the LGBT community. In addition, in 2010 there were instances of performances in private clubs with anti-LGBT themes and recordings of music videos posted to social networking sites with lyrics and actions that encouraged violence against gays and lesbians. Organizers of the June Baltic Pride celebration, a joint undertaking of Estonian, Latvian, and Lithuanian participants, reported receiving some threats via the Internet, but the event proceeded without incident and with government support.

## **Finland**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

No person may be discriminated against on the basis of gender identity, sexual orientation, or other personal characteristics. The government generally respected these rights, and law enforcement authorities investigated and punished violations of these rights.

On May 10, the Helsinki district court gave suspended four-month sentences for assault, breach of political freedom, and possession of weapons to three young men who attacked the 2010 Helsinki Pride parade. The court included aggravating circumstances in its judgment, as the attack was targeted on sexual minorities and some of the victims were bystanders, including minors.

## **France**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination on the basis of sexual orientation. Authorities pursued and punished perpetrators of violence against lesbian, gay, bisexual, and transgender (LGBT) persons. The NGO SOS Homophobia reported 1,500 homophobic acts in 2010, a 20 percent increase compared with 2009. It reported that there were 125 instances of physical assault, a 43 percent increase compared with 2009. After the NGO Inter-LGBT claimed that homosexual minors were frequently targeted for violence, the Ministry of National Education, Youth, and Community Life responded by asking schools to introduce lessons on tolerance and diversity.

In January the Val-de-Marne criminal court convicted four men for attacking a young boy in 2006 because he was homosexual. The attackers received sentences of 16 to 20 years in prison.

On May 16, the Ministry of Interior announced that a police or gendarme officer would be appointed in each station to record the lawsuits filed by victims of violence based on sexual orientation and gender.

## **Georgia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Social prejudices against lesbian, gay, bisexual, and transgender (LGBT) persons were strong, and the Georgian Orthodox Church strongly condemned same-sex sexual activity. During the year only two LGBT organizations worked openly because of extensive societal stigma against LGBT persons. Problems reported included incidents of police mistreatment, family violence, and verbal and physical societal abuse. Identoba, an LGBT advocacy and support NGO, reported victims of discrimination and violence were reluctant to report incidents to police for fear of disclosing their sexual orientation to family members and homophobic police reactions.

Identoba reported that in March several young LGBT persons were involved in an argument outside a bar in Tbilisi. When the police arrived to quell the dispute, the participants were transferred to a local police station and questioned. One participant reported that police used homophobic language and sexually harassed the detainees throughout the interrogation until they were released the next morning.

There was an unconfirmed report in September that three German tourists were beaten and thrown into a river in Tusheti after their hosts learned of their sexual orientation. However, no complaints were filed with the local police or the German embassy in Tbilisi, and no investigation was undertaken.

## **Germany**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Many lesbian, gay, bisexual, and transgender rights groups reported no impediments to their operation or free association. In 2010 the government reported 164 crimes motivated by a bias against sexual orientation, of which 45 were violent crimes. According to German statistics published in the OSCE's 2010 report, Hate Crimes in the OSCE Region, 187 hate crimes motivated by sexual orientation occurred in 2010, of which 48 were violent. The NGO RAA Sachsen reported that in eastern Germany, 13 homophobic hate incidents occurred. The NGO Maneo reported one attempted murder, 60 incidents involving physical assault or attempted assault, 69 cases of theft and two cases of damage to property.

On May 10, the EU Court of Justice ruled that same-sex couples should be eligible for the same retirement benefits as heterosexual couples. The case involved a former employee of the city of Hamburg who was in a civil union with another man. He sued the city after it refused him pension benefits equal to those given to heterosexual couples. Under the retirement plan as applied to married couples, he should have received an additional 302 euros (\$393) per month.

## **Greece**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

While the legal age of consent for sexual intercourse is 15, it is 17 for sex between men. The law does not specify an age of consent for sex between women. The NGO Homosexual and Lesbian Community of Greece (OLKE) stated that the higher age of consent for gay men and the lack of any legal framework for lesbian sex constituted discrimination. OLKE also criticized the country's laws against hate speech for not including sexual orientation or gender identity.

The police provided adequate security, and the mayor of Athens sponsored the annual Gay Pride parade in central Athens in June; there were no reports of impediments to the march.

NGOs reported that societal discrimination based on sexual orientation and gender identity was widespread but focused on gay relationships. Transgender persons were exempt from military service on disability grounds.

## **Hungary**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law on equal opportunity explicitly prohibits discrimination based on sexual preference. The provisions of the penal code on “inciting against a community” and “violence against a member of a community” prohibit certain forms of hate speech and prescribe increased punishment for violence against members of the lesbian, gay, bisexual, and transgender (LGBT) community, albeit without explicit reference to these groups. Despite legal protections, members of the LGBT community continued to be subject to physical abuse and attacks by right-wing extremists. The annual gay pride march was a frequent target of such attacks, although hate crimes were also committed sporadically against LGBT persons. The 2011 march occurred without incident. Law enforcement and other authorities often disregarded the hate element of these crimes, and no protocol or training on the subject exists.

## **Iceland**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The rules of the Icelandic blood donation agency, the Blood Bank, do not allow gay men to donate blood. In February a gay man filed an administrative complaint with the Ministry of Welfare against the Blood Bank for this rule after he had not been allowed to donate blood. In September the ministry ruled that the Blood Bank was correct in following its rules on the grounds that the interests of blood recipients are greater than those of blood donors.

## **Ireland**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

A large number of cities and towns celebrated lesbian, gay, bisexual, and transgender pride events with parades and festivals. The government endorsed these activities and provided sufficient protection.

## Italy

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The press reported a few cases of violence against gay and lesbian couples during the year. According to a poll of gay men and lesbians conducted by the association Arcigay released on October 13, 5 percent of those interviewed had been fired for their sexual orientation, and 19 percent had been victims of other forms of labor discrimination. On January 27, police arrested Gianluca Costantino, Stefano Merighi, and Diego Fosco on charges of savagely beating and raping a foreign gay man in Canazei near Trento in April 2010.

On April 11, a Rome court of appeals found the ministries of defense and transport guilty of discrimination for revoking the driver's license of a gay man, Danilo Giuffrida, in Catania in 2005 and ordered the ministries to pay 20,000 euros (approximately \$26,000) as compensation.

On July 27, police arrested two Aversa hospital prison guards after charging them with sexually abusing a transsexual detainee on March 10 (see Persons with Disabilities).

## Kosovo

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The constitution and law prohibit discrimination based on sexual orientation. However, there were reports of violence and discrimination directed against LGBT individuals. The Center for Social Group Development (CSGD), a local NGO focused on LGBT health issues, reported that traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. LGBT individuals generally felt insecure, and many reported threats to their personal safety.

The print media at times reinforced negative attitudes by publishing articles about homosexuality that characterized LGBT persons as mentally ill. Leaders of at least one political party, the Islamic-oriented Justice Party, made public statements condemning homosexuality.

The CSGD reported that while there was little official discrimination against LGBT persons, there were a number of cases of societal discrimination against LGBT individuals during the year. Victims generally refused to allow the CSGD to present their cases publicly due to fear of discrimination. While there were no overt impediments to

the CSGD's operation, social pressure and traditional attitudes effectively limited its activities.

There was no official discrimination in employment, housing, statelessness, access to education, or health care, but societal pressure persuaded virtually all LGBT persons to conceal their sexual orientation or gender identity.

## **Latvia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

While there were no official reports of violence based on sexual orientation or gender identity, lesbian, gay, bisexual, and transgender persons' (LGBT) organizations complained of widespread intolerance and underreporting of attacks to authorities.

The ombudsman's office received no reports of discrimination based on sexual orientation during the year. In 2010 the ombudsman's office received two such reports. LGBT advocates maintained that the community nevertheless faced widespread societal discrimination. A study published during the year suggested that negative social attitudes toward the LGBT community and discrimination on the basis of sexual orientation remain widespread.

LGBT representatives reported that the ombudsman expressed reluctance to assist members of the LGBT community in securing their rights, including with respect to a civil partnership law.

During the year Mozaika, an NGO promoting LGBT rights, received three complaints of hate crimes based on sexual orientation. In one incident police took a gay man into custody, confiscated his cell phone, and publicly read his intimate text messages. The victim did not file a formal complaint because of fear of disclosure of his identity. Mozaika also reported that an LGBT Internet site was hacked, and personal data of users was made public.

## **Liechtenstein**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

During the year there were no formal complaints issued by the country's gay community, nor were there any gay pride marches scheduled. On March 16, the government implemented a registered partnership law aimed at eliminating legal

discrimination against same-sex couples; 70 percent of the voting public voted in favor of the initiative on June 19.

The Office of Equal Opportunity launched campaigns and organized numerous events with NGOs to raise awareness of lesbian, gay, bisexual, and transgender (LGBT) issues.

## **Lithuania**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

While there was no official discrimination against lesbian, gay, bisexual or transgender (LGBT) persons, society's attitude towards homosexuality remained largely negative. NGOs focusing on LGBT problems faced no legal impediments, but the few that functioned kept a low profile because of public hostility to their aims. The Lithuanian Gay League continued to promote an inclusive social environment for LGBT persons.

## **Luxembourg**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There was one lesbian, gay, bisexual, and transgender organization, which operated without impediment. There were no reported incidents of discrimination based on sexual orientation or gender identity.

## **Macedonia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Activists representing the rights of lesbian, gay, bisexual, and transgender (LGBT) individuals reported incidents of societal prejudice, including harassment and use of derogatory language, including in the media.

Sexual orientation is not a protected category under the antidiscrimination law passed in 2010, although the Commission for Protection from Discrimination created by the law considered complaints from the LGBT community. The Ministry of Education, in response to a ruling of the Commission for Protection from Discrimination, agreed to review textbooks and withdraw parts that have negative LGBT stereotypes and prejudices.

## **Malta**

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The country's antidiscrimination laws regarding sexual orientation only extend to the area of employment. On May 23, an individual who underwent gender reassignment surgery and was initially granted the right to marry her partner, returned to court after the attorney general sought an injunction against an earlier court ruling, which held that the surgery did not change the reality of gender. The Appeals Court found for the attorney general. The individual subsequently took her case to the European Court of Human Rights in Strasbourg, where it remained pending at year's end.

### **Moldova**

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law does not prohibit discrimination against sexual minorities, and governmental and societal discrimination based on sexual orientation and gender identity continued during the year. According to the gay rights NGO GENDERDOC-M, lack of community recognition, negative media portrayals, and condemnation by the Moldovan Orthodox Church often led to social ostracism of Lesbian, Gay, Bisexual, and Transsexual (LGBT) persons and their families.

The Moldovan Orthodox Church strongly opposed amending the antidiscrimination law to include LGBT persons as a protected class. The Association of Orthodox Organizations, religious groups, and NGOs rallied throughout the year in Chisinau and other cities in Moldova to protest against adoption of the antidiscrimination bill, withdrawn in March by the Ministry of Justice for further review and consultations. In addition to regular bans on public LGBT gatherings, civil society organizations reported other discriminatory practices, such as regular harassment of LGBT individuals by police and border authorities, the inability of transgender or transsexual persons to change personal documents during or following gender reassignment, and employment discrimination. A 2011 survey indicated that 40 percent of LGBT individuals were reluctant to speak openly with doctors because of their discriminatory attitude and behavior.

On February 14, the Nondiscrimination Coalition, supported by Amnesty International, organized a flash mob in downtown Chisinau. Gay, lesbian, and heterosexual couples kissed and waved St. Valentine's Day cards with the text, "Love can be different." In response a number of organizations declared their discontent with the event, which one group characterized as having "directly attacked the fundamental values of the Moldovan society." Noua Dreapta (the New Right) published an open letter requesting public apologies from Amnesty International and the Nondiscrimination Coalition.

While authorities allowed individuals to change their names (for example, from a male name to a female name), the government did not allow persons to change the gender listed on their identity cards or passports.

In Transnistria consensual same-sex activity is illegal, and LGBT persons were subject to governmental and societal discrimination.

## **Monaco**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no reports of acts against persons based on their sexual orientation or gender identity.

## **Montenegro**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Lesbian, gay, bisexual, and transgender (LGBT) persons continued to experience discrimination, ostracism, and social exclusion. The authorities introduced a number of antidiscrimination regulations and showed a better understanding for their rights, but societal antipathy led most LGBT persons to conceal their orientation.

During the year a number of NGOs continued to demand the dismissal of the minority and human rights minister, Ferhat Dinosa, because of his “incompetent, intolerant, and homophobic statements.” On March 28, the minister rejected an invitation by LGBT activists to be involved in organizing a gay pride parade and indicated that he opposed the holding of such an event. In a June 14 radio interview, he stated that the government was “ready to protect, but not to promote” the country’s LGBT population. Dinosa resigned on November 26 to become ambassador to Albania.

LGBT Forum Progress is the only NGO focused solely on LGBT rights. Another NGO, Juventas, made these rights one of its focus issues. In April, with the support of the UNDP and the Global Network for Funding of LGBT Rights, Juventas opened a counseling center in Podgorica for the LGBT community.

On May 17, organizers of an inaugural pride parade, scheduled for May 31, announced that it would be postponed due to a perceived lack of support from state authorities. They asserted that the government was reluctant to appoint a representative to the event’s organization board and to designate an official to march in the parade. The

government asked the organizers to reconsider the postponement, asserting that its support for the parade was more significant than its actual participation in it.

A group of NGOs refused to participate in a government-sponsored international conference on LGBT rights on September 2-5 on the grounds that the government had failed to adopt an anti-homophobia action plan or dismiss Ferhat Dinosa from his ministerial position for alleged homophobic remarks.

There were several reports of LGBT-related hate crimes and discrimination. On May 17, a concert organized in support of LGBT rights was halted when an unidentified person threw tear gas, which caused the crowd to disperse. Afterwards a group of hooligans assaulted two individuals they believed to be gay in the center of Podgorica. On August 9, several foreign tourists reported that they were expelled from the beach at Ratac, near Bar, because of their sexual orientation. Observers asserted that many incidents were not reported because victims were reluctant to come forward in light of the lack of understanding by police and other officials. LGBT Forum Progress filed three discrimination complaints during the course of the year. Juventas filed a lawsuit against unknown persons for writing threatening graffiti against the LGBT population on various places in Podgorica in June, July, and August. While the lawsuit lacked names of the perpetrators, the NGO wanted to raise public awareness of these issues.

On November 24, the NGO Center for Civic Education sponsored the first television spot promoting LGBT rights. It included the first publically displayed kiss between two men and triggered sharp reactions, including death threats against one of the actors.

LGBT Forum Progress opened the first LGBT shelter in December with assistance by the Dutch government. To date, it has housed four individuals. The NGO Juventas opened the first online service for reporting homophobic violence.

## **Netherlands**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

In the Netherlands, there was no legal or governmental discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons, and no legal or governmental impediments to the organization of gay events. During the year the Justice Ministry reported a rise in harassment, mostly verbal abuse, of LGBT individuals, partly as a result of government campaigns urging victims to report incidents. Police placed a high priority on combating violence against gay men.

There were no laws in the Caribbean portions of the kingdom that discriminate against LGBT persons; however, Caribbean society has remained much less tolerant of the LGBT community. There were no known cases of abuse or violence against LGBT persons.

## **Norway**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no impediments to organizations for lesbian, gay, bisexual, and transgender (LGBT) persons, and the police and other government agents did not perpetrate or condone violence against the LGBT community or individuals.

After launching an information campaign in December to encourage registration of hate-crime incidents against LGBT persons, the National Association for LGBT persons received 20 reports of incidents on its Web site in one month, compared with 36 hate-crime incidents against LGBT persons registered in all of 2009.

## **Poland**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

NGOs, including the Helsinki Foundation for Human Rights, reported increasing acceptance of LGBT persons by society and the government. However, they stated that discrimination was still common in schools, the workplace, hospitals, and clinics. For example, LGBT persons were sometimes prevented from donating blood. During the year there were some reports of skinhead violence and societal discrimination against LGBT persons.

NGOs maintained that few cases of discrimination against LGBT persons were actually reported. A survey conducted by the Campaign against Homophobia for the 2010 Hate Crime Report of ODIHR concluded that 92 percent of hate crime incidents against LGBT persons were not reported to police.

On May 21, an estimated 400 persons took part in Krakow's seventh annual Equality March (formerly called the March for Tolerance) to call for an end to prejudice against gay men and lesbians. Police were unable to prevent scuffles between the marchers and approximately 100 members of the nationalist group National Rebirth of Poland. Several journalists were caught in a scuffle involving tear gas and batons, and at least three participants were assaulted on the streets of the city center. Police detained 13 persons on charges of public disorder and one for attacking a police officer.

On June 11, between 4,000 and 6,000 persons participated in Warsaw's 10th Equality Parade. A group of 500 counterdemonstrators from the National Radical Camp, the All-Poland Youth association, and fans of the Legia soccer team attempted to interrupt the

event by shouting discriminatory slogans and throwing firecrackers at police officers and participants. According to police the parade and counterdemonstrations proceeded without any major incidents and no one was hurt.

The prime minister's plenipotentiary for equal treatment monitors LGBT problems. LGBT groups criticized the plenipotentiary for making controversial statements about these problems and for not doing enough to combat discrimination against LGBT persons.

## **Portugal**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no official or other reports of societal discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care.

## **Romania**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation; however, NGOs reported that police abuse and societal discrimination against LGBT persons was common and that open hostility prevented the reporting of some harassment and discrimination. Members of the LGBT community continued to voice concerns about discrimination in public education and the health care system. During the year the NGO ACCEPT provided legal counseling to 50 people, primarily transgender persons. Most of them, fearing further discrimination, decided not to file formal complaints about their alleged mistreatment. The NGO also reported cases in which the police harassed individuals they suspected of being gay.

There were two officially registered LGBT organizations, ACCEPT and LGBTeam. Other LGBT groups lacked legal status and generally kept a low public profile.

On June 4, approximately 150 persons participated in the annual "March of Diversity" gay pride parade in Bucharest. Local authorities mobilized numerous police to protect the participants, and the parade ended without violent incidents. The New Right, an extreme-right nationalistic and homophobic group, sponsored a "March for Normalcy" antigay rally on the same day as the March for Diversity, but at a different time and location. ACCEPT provided legal counseling to an individual who stated that he was beaten after the parade. The case was under investigation at year's end. Asking about the status of a case of five individuals who had been beaten after the gay pride parade

in 2006, ACCEPT found out that the police dropped the investigation altogether, claiming that they could not identify the assailants, although the victims had identified one of them right after the incident.

In November, at the beginning of an artistic documentary about the life of two young Romanian gay men presented during a film festival in Bucharest, representatives of the extreme rightist organization the New Right entered the cinema hall, shouted homophobic slogans, lit a flare, and left after two to three minutes.

During the year ACCEPT filed several complaints with the CNCD, one against a television presenter who made antigay statements on his blog; the CNCD decided to admonish him. Two other complaints were filed with police against a person who harassed a client at a gym for his presumed sexual orientation and against several policemen who harassed an individual at the police precinct on the same grounds.

In November a member of parliament stated in an interview that pedophilia is a “branch of homosexuality.”

## **Russia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

LGBT communities continued to suffer from societal stigma and discrimination. Gay rights activists asserted that the majority of LGBT persons hid their orientation due to fear of losing their jobs or their homes, as well as the threat of violence. Nevertheless, there were active gay communities in Moscow and St. Petersburg. Medical practitioners reportedly continued to limit or deny LGBT persons health services due to intolerance and prejudice. According to recent studies, gay men faced discrimination in workplace hiring. Openly gay men were targets of skinhead aggression, and police often failed to respond out of indifference. Several gay rights organizations were outspoken about discrimination encountered by LGBT persons.

Transgender individuals faced difficulties in changing their names and gender classifications on government documents. Although the law allows for such changes, the government has not established a standard procedure for doing so, and in practice many civil registry offices denied these requests. When their documents fail to reflect their gender accurately, transgender persons often faced discrimination in accessing health care, education, housing, and employment.

In Moscow authorities refused to allow a gay pride parade for the sixth consecutive year, despite an ECHR ruling that the bans violated the rights to freedom of assembly and prohibition of discrimination. The Web site GayRussia.eu reported that on the same day city hall denied parade permits, it granted permission for a rally calling for the criminalization of homosexuality. On October 1, 40 people were arrested in Moscow

during a sanctioned gay pride rally after violence ensued between parade members and protesters. On November 23, Moscow Mayor Sergei Sobyanin stated he was against any gay pride parade.

Societal animosity toward LGBT persons remained strong. In St. Petersburg on June 18, the People's Catholic movement and the group Parents Standing held an antigay rally to demand that the State Duma prohibit "propaganda of sexual perversion." The city council allowed the rally but prohibited a gay rights rally the next week. On September 29, it was reported that a new law outlawing all public displays of homosexuality, including pride parades, went into effect in Arkhangelsk Oblast.

## **San Marino**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no reports of discrimination based on sexual orientation or gender identity.

## **Serbia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Violence and discrimination against members of the LGBT community were serious problems. While attacks happened frequently, few were reported publicly because victims were afraid of further harassment.

Although the government permitted a pride parade in 2010 and defended marchers from violent counter demonstrations, it canceled the 2011 parade scheduled for October 2, citing security concerns as the reason for the cancellation.

Societal perceptions and attitudes toward the LGBT population continued to be negative, and members of the LGBT community continued to be targets of attacks. LGBT organizations reported that many violent attacks against the LGBT community were not reported to police because the victims did not believe their cases would be addressed properly and wanted to avoid further victimization from the police or publicity generated by their complaint.

On May 17, the country observed the International Day against Homophobia and Transphobia for the first time. The commissioner for equality announced that her office had received 35 complaints of discrimination based on sexual orientation or gender identity.

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, some media carried slurs against LGBT individuals. The tabloid press continued to publish articles with hate speech against the LGBT population and interviews with homophobic right-wing groups.

## **Slovakia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

According to gay rights advocates, prejudice and official and societal discrimination persisted, although no official cases were available for citation.

In May 2010 the first gay pride parade in Bratislava was marked by attacks by skinhead groups, forcing the organizers to alter the route. The government blamed the organizers for failing to provide adequate protection for the parade. A second Bratislava gay pride parade in June demonstrated more effective cooperation between police and organizers, and no major incidents were reported.

A statement of support for the parade jointly published by several Bratislava-based embassies was met with substantial criticism in the media and from politicians. Apart from the Slovak National Party (SNS), known for its inflammatory remarks about minorities, members of the governing Christian Democratic Movement (KDH) as well as former KDH members criticized the parade and the public support offered by the embassies. SNS chairman Jan Slota stated, “Just like other sick people, I view these people with a certain respect, because no one chooses their illness. Someone who has cancer certainly does not go around celebrating that fact. Neither do they march in the streets. These people are sick. I am not taking away their space to live. But it bothers me that they present it on the streets. It’s a sick performance.”

Organizations for lesbian, gay, bisexual, and transgender persons operated without impediments and lobbied for legal rights, particularly equal rights in nonheterosexual partnerships.

## **Slovenia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation; however, societal discrimination was widespread, and cases of violence against lesbian, gay, bisexual and transgender (LGBT) persons occurred. The Ministry of Interior confirmed that hate crimes had generally increased compared with 2010.

The NGOs Society for the Integration of Homosexuals (DiH) and Legebitra reported that the police did not indicate whether violent crimes were specifically directed at LGBT individuals. No official statistics on crimes based on gender identity or crime data categorized by specific targets were available by year's end. During the year police recorded 24 incidents of inciting hatred or violence and reported 27 cases of inciting intolerance, two of which involved physical attacks. Legebitra reported that 92 percent of cases of homophobic hate speech or violence were not reported to police and that during the past year the rate of calls for personal counseling (to address discrimination and harassment of LGBT individuals) had increased 150 percent.

In April, May, and June, during events surrounding the annual pride parade and the Family Law debate, some attacks occurred, including an assault on an Italian visitor and the serious beating of a British visitor, both of which police characterized as hate crimes. A few days before the pride parade, the Green Dragons, a soccer fan club, displayed a banner during a match calling for a ban on the pride parade and support of the Family Law. Cafe Open, with clientele primarily of gay men and lesbians and the headquarters of the pride parade, had its windows smashed on the night before the parade. On June 4, the annual gay pride parade in Ljubljana took place with the support of local government officials; however, there were reports that bystanders shouted homophobic slurs at participants, and antigay graffiti and stickers were seen in various locations around the city. Organizers reported satisfactory police presence during the parade.

On July 14, the NGO Skuc called for action in the case of two gay asylum seekers from Kosovo, Kadri Shala and Demir Kruezi, who had been subject to attacks in their home country. During their stay at the asylum center in Ljubljana, Skuc reported, residents and employees of the center had abused them both.

In 2010 three individuals were convicted and sentenced to 18 months in prison for assaulting an individual during the 2009 gay pride parade. However, on August 2, the court commuted the sentences of all three assailants, based on their lack of prior criminal record, age (less than 21), and apology to the victim.

On June 16, parliament passed the Family Law, allowing for adoption of children by gay or lesbian couples if one of the partners was a biological parent, entitling same-sex couples in civil partnerships the same rights as married couples, and changing the definition of a family to include two persons and a child. On July 19, the Ministry for Labor, Family, and Social Affairs approved the country's first case of a child adoption by the lesbian partner of the child's biological mother. In late August the lobbying group Civil Initiative for the Family and the Rights of Children began collecting signatures for a referendum to overturn the Family Law, but an opposing lobby, The Initiative for All Children, for All Families, for Free Choice, and for Equal Rights filed a motion for a

Constitutional Court review to block the referendum. The Constitutional Court decided in December in a 5-4 ruling to allow the referendum, scheduled for March 2012.

## **Spain**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The lesbian, gay, bisexual, and transgender (LGBT) community was widely accepted throughout the country. LGBT organizations were numerous, and there were no reported impediments to their operation.

## **Sweden**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

During the year there were isolated incidents of societal violence and discrimination against persons perceived to be gay. For 2010 the NCCP reported 801 hate crimes based on sexual orientation or gender identity: 770 concerning gay, bisexual, or heterosexual persons; and 31 on the basis of gender identity.

## **Switzerland**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were occasional reports of societal violence or discrimination based on opposition to lesbian, gay, bisexual or transgender (LGBT) orientation.

The law permits same-sex couples to have registered partnerships but does not allow them to adopt children. The ECHR has ruled that this constituted a violation of the European Convention on Human Rights.

FGBT children from immigrant families, particularly from the Balkans, Turkey, and the Middle East, suffered serious reprisals, such as exclusion from their families.

Representatives of LGBT organizations expressed grave concern that the country has no antidiscrimination law that applies to sexual orientation. In May the NGO Queeramnesty asked the government to create an official program to monitor violence against the LGBT community.

## Turkey

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

While the law does not explicitly discriminate against LGBT individuals, organizations working with LGBT persons stated that references in the law relating to “offenses against public morality,” “protection of the family,” and “unnatural sexual behavior” were sometimes used as a basis for abuse by police and discrimination by employers. The law also states that “no association may be founded for purposes against law and morality.” Authorities applied this law in attempts to shut down or limit the activities of NGOs working on LGBT matters.

In March RTUK started legal proceedings to fine Digiturk Channel 2 for airing the film *Sex and the City 2* on February 18 due to scenes in the film depicting gay marriage that the RTUK claimed “violated national and spiritual values and Turkish family structure.” Police provided protection to some “pride” events in Istanbul and other cities, and no incidents of violence were reported.

There were active LGBT organizations in at least six cities in the country: Istanbul, Ankara, Izmir, Adana, Eskisehir, and Diyarbakir, and unofficial groups in smaller cities and on university campuses. All groups complained of harassment by police and government authorities. Most had problems registering as an official organization or maintaining their registration once granted. Many university groups complained that they had tried to organize but had been denied permission by the rector. Local governors’ offices attempted to close LGBT groups through civil law cases on the grounds that the associations violate Turkish morals.

LGBT individuals continued to suffer discrimination, intimidation, and violent crimes. LGBT groups claimed police harassed and practiced arbitrary arrest against transgender individuals during the year. Human rights organizations reported many prosecutions for “offending public morals.” The law on misdemeanors was often used to impose fines on transgender persons when they frequented stores or walked on city streets. Police claimed they were acting on complaints they had received.

According to the Pink Life (Pembe Hayat) LGBT organization, the Antalya TNP announced that, through the end of August, it had fined transgender individuals a total of 226,000 lira (\$122,000) in 1,400 administrative actions.

On October 25, an Ankara court convicted three transgender persons (who were also human rights defenders) from the LGBT organization Pembe Hayat with crimes including resisting police and gave them sentences of between five months and one year, with two sentences postponed. The charges related to a June 2010 incident in which police stopped the car with the three inside and insisted they come to the police station. When

asked why, they were told “Because you are transvestites.” The police then allegedly violently forced them to the station. The three filed complaints against the police officers for mistreatment, but there was no public investigation by year’s end.

During the year at least six transgender persons were killed. On October 6, the brother of a transgender woman shot and killed her in a Gaziantep hospital. The woman was in the hospital for injuries after she allegedly accidentally fell down stairs on October 4. The brother allegedly went to the police in the hospital and stated, “I killed my brother...he was a transvestite. I cleaned my honor.” The case was ongoing at year’s end.

The Black Pink Triangle (Siyah Pembe Ucgen) LGBT NGO alleged there were more than 100 incidents of violence against LGBT individuals in Izmir alone during the year.

In November an Antalya Heavy Penal Court sentenced Nihat Altug to life imprisonment for the premeditated murder of transgender woman Hayati Yilmaz. Altug stabbed Yilmaz 28 times in her bed in February 2010 in Antalya.

Openly gay men were not allowed to perform military service for “health reasons” due to their sexual orientation. Gay men requesting military exemption for reasons of sexual orientation had to undergo an invasive burden of proof and many times were denied even after proclaiming their sexual orientation and undergoing treatment and examination at several military medical facilities. LGBT groups complained that gay men were required to show photos of themselves in overtly sexual positions and to undergo thorough medical evaluations to prove their homosexuality to military officials. The groups further complained that military officials “outed” gay men to their families and communities.

## **Ukraine**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The lesbian, gay, bisexual, and transgender (LGBT) community continued to suffer societal stigma and discrimination. Those who openly declared their sexual orientation experienced discrimination in education, the workplace, and access to medical treatment and to information on the prevention of HIV/AIDS.

According to the registered LGBT rights group Our World (Nash Mir), law enforcement representatives were involved in 69 identified instances of discrimination against gay men and lesbians during 2010-11. The group also maintained that police mistreated and collected personal data on gay men and lesbians, while the Ministry of Internal Affairs ignored homophobic attitudes among its personnel.

On February 20, according to the Nash Mir, there was an incident in Makiivka, Donetsk oblast, in which several young men broke into a room where a Christian LGBT organization was making a presentation, threw firecrackers, and shouted homophobic slogans. The head of the organization filed a complaint with police. As of October the police had not announced the results of the investigation.

## **United Kingdom**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination and harassment based on sexual orientation; however, sporadic incidents of homophobic violence were reported. The law encourages judges to impose a greater sentence in assault cases where the victim's sexual orientation was a motive for the hostility, and many local police forces demonstrated an increasing awareness of the problem and trained officers to identify and moderate these attacks. During the year the Metropolitan Police reported 122 incidents of homophobic crime in greater London by July, a 16-percent decrease from the 145 incidents registered in the same period in 2010.

In Scotland racial, sexual, or other discriminatory motivation can be an "aggravating factor" in crimes. In May the Scottish Prosecution Service reported that in the year since the law came into effect, 448 charges had been made in which homophobia was an "aggravation." In 14 cases gender identity was an "aggravation." However, NGOs representing lesbian, gay, bisexual and transgender persons claimed the real rate of homophobic violence was much higher, since many victims did not report homophobic attacks to police.

In Bermuda the law does not protect against discrimination based on sexual orientation. There is no official recognition of same-sex relationships. The Bermuda Bar Association updated its professional code of conduct in December 2010 to ban members from discriminating and extending its coverage to include protection from discrimination on the basis of sexual orientation.

# **NEAR EAST AND NORTH AFRICA**

## **Algeria**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The penal code criminalizes public homosexual behavior for males and females, and there is no specific legal protection for lesbians, gays, bisexuals, and transgender (LGBT) persons. The law stipulates penalties that include imprisonment of two months to two years and fines of 500 to 2,000 dinars (approximately \$7 to \$27). If a minor is involved, the adult may face up to three years' imprisonment and a fine of 10,000 dinars (approximately \$135).

According to the NGO Heartland Alliance, during the year a woman engaged in grassroots LGBT activism received several death threats and felt compelled to flee the country. There was societal discrimination against homosexual conduct. While some LGBT persons lived openly, the vast majority did not, and most feared reprisal from their families or harassment from authorities

## **Bahrain**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law does not criminalize consensual same-sex sexual activity between consenting persons who are at least 21 years of age. However, lesbian, gay, bisexual, and transgender (LGBT) activities were not socially accepted, and discrimination based on sexual orientation or gender identity was common. The Lower Criminal Court convicted 49 male Gulf nationals for allegedly practicing prostitution and other illicit acts while attending a "gay wedding," according to local press reports. The High Criminal Court upheld the charges in December, and the men were sentenced to six months' imprisonment.

## **Egypt**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law does not explicitly criminalize consensual same-sex sexual activity, but it allows police to arrest lesbian, gay, bisexual, and transgender (LGBT) persons on charges of “debauchery.” Gay men and lesbians faced significant social stigma in society and in the workplace, impeding their ability to organize or publicly advocate on behalf of the LGBT community.

## **Iran**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual activity. A man can be put to death for same-sex sexual acts if he is of legal age, of sound mind, and engaged of his own free will. The Special Protection Division, a volunteer unit of the judiciary, monitored and reported on “moral crimes,” including same-sex sexual acts. According to a December 2010 HRW report, security forces used discriminatory laws to harass, arrest, and detain individuals they suspected of being gay. In some cases security forces raided houses and monitored Internet sites for information on LGBT individuals. Those accused of sodomy often faced summary trials, and evidentiary standards were not always met. The punishment of a non-Muslim gay man or lesbian was harsher if the gay man or lesbian’s partner was Muslim. Punishment for same-sex sexual activity between men was more severe than for such conduct between women.

During the year there was an increase in the frequency of charges of homosexuality against individuals on death row or those executed. However, because such persons were generally convicted on a number of different charges and because of the lack of due process, it was unclear in most cases whether such charges of homosexuality were the basis for the executions.

On September 4, authorities at Karoun prison in Ahvaz Province executed by hanging three individuals convicted of sodomy. While the circumstances of the case remained unclear at year’s end, the fact that they were executed on sodomy charges alone, and not sodomy by coercion or rape, which was normally how sodomy was charged, was significant. It was also the first case in many years in which the only declared charge was sodomy and not combined with other criminal acts, such as rape and armed robbery or national security crimes.

ICAS reported that two young men, Ayub and Mosleh, ages 20 and 21, were in danger of execution by stoning in the city of Piranshahr in the province of Kurdistan. The group said the men filmed themselves engaging in same-sex sexual activity in a video that included pictures of President Ahmadinejad and that government officials discovered that video. Their whereabouts at the end of the year remained unknown.

According to a June 10 IHRDC report, in 2007 authorities in Isfahan arrested Matin Yar (a pseudonym) at age 19, along with several of his friends, for homosexual activity. Yar described officials repeatedly beating and torturing him during his detention, including hanging him upside down on a metal rod and using batons, whips, and electric shock. Yar stated his nose and ribs were broken as a result of the beatings. During a second period of detention, Yar said he was subjected to mock executions at Isfahan on three or four different occasions. After sentencing, Yar was sent to Dastgerd Prison, where he claimed prison authorities raped him several times.

The government censored all materials related to LGBT issues. In September President Ahmadinejad called same-sex sexual activity a “despicable act...that is dirty and harmful to humanity.” In January he was quoted as stating, “Homosexuality means the divorce of humanity from its integrity.” During his official response to the UNHRC, President Ahmadinejad categorically refused to answer all six questions regarding the LGBT situation in his country, stating only that the LGBT issue is “beyond the mandate of the International Covenant on Civil and Political Rights.” The supreme leader referred to same-sex sexual conduct as a “shameful act.”

The law defines transgender persons as mentally ill, encouraging them to seek medical help in the form of gender-reassignment surgery. The government provided grants of as much as 4.5 million toman (\$4,500) and loans of as much as 5.5 million toman (\$5,500) for transgender persons willing to undergo gender reassignment surgery. Human rights activists and NGOs reported that some members of the gay and bisexual community were pressured to undergo gender reassignment surgery to avoid legal and social consequences in the country.

The size of the LGBT community was unknown, as many individuals feared identifying themselves. There were active LGBT NGOs in the country, but most activities to support the LGBT community took place outside the country. According to a HRW report, family members threatened and abused many young gay men, who also faced harassment from religious scholars, schools, and community elders. Some persons were expelled from university for allegations of same-sex sexual activity. The HRW report also alleged that Basij forces attempted to entrap or arrest persons engaged in same-sex sexual conduct.

## **Iraq**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There was no law specifically prohibiting consensual same-sex sexual activity, although the penal code prohibits sodomy, irrespective of gender. There were no data on prosecutions for sodomy. Due to social conventions and retribution against both victim and perpetrator of nonconsensual same-sex sexual conduct and persecution against

participants in consensual same-sex sexual conduct, this activity was generally unreported.

In light of the law, the authorities relied on public indecency charges or confessions of monetary exchange, (i.e., prostitution, which is illegal) to prosecute same-sex sexual activity. Lesbian, gay, bisexual, and transgender (LGBT) persons often faced abuse and violence from family and nongovernmental actors. UNAMI reported that at least six individuals were killed because of their perceived sexual orientation and that an NGO relocated a 17-year-old boy after his family attempted to kill him because they thought he was gay. The procedures used to arrest LGBT persons also were used to arrest heterosexual persons involved in sexual relations with persons other than their spouses. Due to social conventions and potential persecution, including violent attacks, LGBT organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held. Societal discrimination based on sexual orientation and gender identity in employment, occupation, and housing was common. Information was not available regarding discrimination in access to education or health care due to sexual orientation or gender identity. There were no government efforts to address this discrimination.

At year's end authorities had not announced any arrests or prosecutions of any persons for violence against LGBT individuals.

## **Israel and the occupied territories**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation, and the government generally enforced these laws, although discrimination based on sexual orientation or gender identity persisted in some parts of society. The Jerusalem Open House for Pride and Tolerance activities received public financing after a 2010 Supreme Court ruling mandated that the Jerusalem Municipality must allocate financial support after previous refusals. There were no reports of violence against the lesbian, gay, bisexual, and transgender community during the year.

## **Israel and the occupied territories - Israel and the occupied territories - the occupied territories**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Palestinian law, based on the 1960 Jordanian penal code, prohibits homosexual activity, although in practice the PA did not prosecute individuals suspected of such activity.

Societal discrimination based on cultural and religious traditions was commonplace. Some Palestinians claimed that PA security officers and neighbors harassed, abused, and sometimes arrested lesbian, gay, bisexual, and transgender persons because of their sexual orientation. NGOs reported that Hamas also harassed and detained people due to sexual orientation.

## **Jordan**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Homosexuality is not illegal in Jordan; however, societal discrimination against LGBT persons existed. A number of citizens reported sporadic police mistreatment of suspected LGBT persons. Some members of the LGBT community reported a reluctance to engage the legal system for fear that their sexuality would become an issue. There were reports of individuals who left the country due to fear their families would punish them for their sexual orientation.

## **Kuwait**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Homosexuality and cross-dressing are illegal. The law punishes homosexual behavior between men older than 21 with imprisonment of up to seven years; those engaging in homosexual activity with males younger than 21 may be imprisoned for as long as 10 years. The law imposes a fine of 1,059 dinars (\$3,800) and imprisonment for one to three years for those imitating the appearance of the opposite sex in public. No laws criminalize sexual behavior between women. Transgender persons reported harassment, detainment, and abuse by security forces.

Societal discrimination and harassment based on sexual orientation was common; officials practiced to a lesser extent a de facto discrimination reflecting societal values and laws. There was no government response to either. There were no official NGOs focused on lesbian, gay, bisexual, or transgender matters, although unofficial ones existed.

## **Lebanon**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Official and societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons persisted during the year. The law prohibits “unnatural sexual intercourse,” an offense punishable by up to one year in prison, but it was rarely applied. In 2010 the domestic NGO Helem (from the Arabic acronym for Lebanese Protection for LGBT Persons) reported fewer than 10 prosecutions. The law was sometimes applied to men engaging in same-sex sexual activity; it was rarely applied to women, although Helem reported that police used the law to blackmail women. During the year, the NGO Heartland Alliance reported that a man faced death threats from relatives because of his sexual orientation; the man was also reported to the police by his mother for same-sex sexual activity and was subsequently imprisoned.

Meem, the first NGO in the country exclusively for non-heterosexual women, and Helem hosted regular meetings in a safe house, provided counseling services, and carried out advocacy projects for the LGBT community.

## **Libya**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Under Qadhafi the government deemed lesbian, gay, bisexual, and transgender (LGBT) orientation illegal, and official and societal discrimination against LGBT persons persisted during the year. The Qadhafi-era penal code made consensual same sex sexual activity punishable by three to five years in prison. The law provided for punishment of both parties.

No public information was available on societal discrimination on the basis of sexual orientation or gender identity. There were no known reports of legal discrimination based on sexual orientation or gender identity in employment, housing, or access to education or health care.

Citizens tended to hold negative views of LGBT persons, and homosexuality was socially stigmatized. Sexual orientation or gender identity occasionally constituted the basis for societal violence, harassment, blackmail, or other actions, generally at a local level. In previous years there were infrequent reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity.

## **Morocco**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The penal code criminalizes consensual same-sex sexual activity, but these provisions were infrequently enforced. Questions of sexuality, sexual orientation, and gender identity were addressed in the media and in public with more openness than in previous years.

Sexual orientation or gender identity occasionally constituted the basis for societal violence, harassment, blackmail, or other actions, generally at a local level. There were infrequent reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity. The government deems lesbian, gay, bisexual, or transgender orientation or identity illegal; therefore, there were no reports of official discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care.

## **Oman**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Gay, lesbian, bisexual, and transgender (LGBT) persons faced discrimination under the law and in practice. Social norms also re-enforced discrimination against LGBT persons. The penal code criminalizes consensual same-sex sexual conduct with a jail term of six months to three years. There were no reports of prosecutions for during the year, although nine prosecutions for sodomy occurred in 2009, the most recent year for which statistics are available.

The discussion of sexual orientation and gender identity in any context remained a social taboo, and authorities took steps to block LGBT-related Internet content. There was no official or overt societal discrimination based on sexual orientation or gender identity in employment, housing, or access to education or health care.

## **Qatar**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits same-sex sexual conduct between men but is silent on same-sex relations between women. Under the criminal law, a man convicted of having sexual relations with another man or boy younger than 16 years old is subject to a sentence of life in prison. A man convicted of having same-sex sexual activity with another man older than 16 is subject to a sentence of seven years in prison. There were an unknown number of cases before the courts during the year. There were no lesbian, gay, bisexual, or transgender (LGBT) organizations in the country. During the year, no violence was reported against LGBT persons, but there was an underlying pattern of discrimination toward LGBT persons based on cultural and religious values prevalent in the society.

## **Saudi Arabia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Under Sharia as interpreted in the country, same-sex sexual conduct is punishable by death or flogging. It is illegal for men “to behave like women” or to wear women’s clothes and vice versa. There were few reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity, and there was no official discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care. Sexual orientation and gender identity could constitute the basis for harassment, blackmail, or other actions; however, no such cases were reported.

## **Syria**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizing homosexual conduct states that any sexual act “contrary to nature” is punishable by up to three years in prison. There were no reports of prosecutions under the law during the year; however, reports indicated that the government had arrested dozens of gay men and lesbians over the past several years on vague charges such as abusing social values; selling, buying, or consuming illegal drugs; and organizing and promoting “obscene” parties.

Although there were no known domestic NGOs focused on lesbian, gay, bisexual, or transgender matters, there were several online networking communities, including Facebook pages. Human rights activists reported that there was overt societal discrimination based on sexual orientation and gender identity in all aspects of society.

## **Tunisia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity remained illegal under the penal code, which criminalizes it with sentences of up to three years in prison. There was anecdotal evidence that lesbian, gay, bisexual, and transgender (LGBT) individuals faced discrimination, including allegations that police officers sometimes harassed openly gay persons and accused them of being the source of HIV/AIDS. There were no known reports of persons arrested for consensual same-sex sexual activity; however, a local

LGBT activist reported an uptick during the year in harassment of and assaults by unknown individuals on persons perceived to be LGBT, including multiple incidents in which individuals were followed to their homes and assaulted by people the victims described as Salafists. Human rights activists also alleged that government forces continued to assault individuals perceived as LGBT.

## **United Arab Emirates**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Both civil law and Sharia criminalize homosexual activity. Under Sharia the death penalty is the punishment for individuals who engage in consensual homosexual activity. There were no prosecutions for homosexual activity during the year. At times the government subjected persons to psychological treatment and counseling for homosexual activity.

Cross-dressing is a punishable offense. The government deported cross-dressing foreign residents and referred citizens to public prosecutors.

## **Western Sahara**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

No information in this sub-section

## **Yemen**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is a crime punishable by death under the country's interpretation of Islamic law. Due to the illegality and possibly severe punishment for homosexuality, there were no lesbian, gay, bisexual, or transgender (LGBT) persons' organizations. There were no reports of official or societal discrimination, physical violence, or harassment based on sexual orientation or gender identity, and there was no official discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care, largely because, since same-sex sexual activity is illegal, LGBT issues were not considered "relevant" for official reporting by the government. Few LGBT persons were open about their sexual orientation or gender identity.

# **SOUTH AND CENTRAL ASIA**

## **Afghanistan**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes homosexual activity, but authorities only sporadically enforced the prohibition. Organizations devoted to the protection or exercise of freedom of sexual orientation remained underground. There were reports of discrimination or violence based on sexual orientation, including police harassment of transvestites. Social taboos remained strong.

## **Bangladesh**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is illegal, but in practice the law was rarely enforced. There were several informal support networks for gay men, but organizations to assist lesbians were rare. Informal organizations reported that they were unable to organize, do outreach, petition for changes to the law, or set up permanent establishments because of the possibility of police raids. One gay rights organization stated that gay men and lesbians also often faced extreme family pressure to marry opposite-sex partners.

Attacks on lesbian, gay, bisexual, and transgender (LGBT) persons occurred on occasion, but those offenses were difficult to document because victims desired confidentiality. Strong social stigma based on sexual orientation was common and prevented open discussion about the subject. The Bandhu Social Welfare Society, a local NGO, reported 109 cases of assault against LGBT persons during the year, as opposed to 128 in 2010. Although overt acts of discrimination against LGBT individuals were fairly rare--partly because few individuals openly identified their sexual orientation--there was significant societal discrimination. Openly gay individuals, particularly those from less affluent backgrounds, found that their families and local communities ostracized them. Some sought refuge in the traditional transgender or “hijra” community.

On May 24, The New Age newspaper announced that the Passport Office would allow those who identify as neither male nor female to identify as “other” on their passports.

## **Bhutan**

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Although there are no laws that explicitly prohibit same-sex sexual activity, laws against “sodomy or any other sexual conduct that is against the order of nature” exist. Under the penal code, a person can be imprisoned for as long as one year for engaging in such acts. One government official noted that prosecution under this law is rare, as criminal intent must be proven by the prosecution. There were no reported cases of such charges.

### **India**

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

In 2009 the Delhi High Court overturned a portion of section 377 of the penal code, which prohibited same-sex sexual activity. Section 377 still applies to cases involving minors or coercive sex. While a few groups and individuals challenged the ruling in the Supreme Court, within a few days of the announcement the government decided not to oppose the verdict. The Supreme Court did not render a judgment on the appeal by year’s end. The law was still used sporadically to target, harass, and punish lesbian, gay, bisexual, and transgender (LGBT) persons.

Although LGBT groups were active throughout the country, sponsoring events and activities including rallies, gay pride marches, film series, and speeches, they faced discrimination and violence in many areas of society, particularly in rural areas. Activists reported that transgender persons who were HIV-positive often had difficulty obtaining medical treatment. Activists also reported that some employers fired LGBT persons who were open about their sexual orientation or gender identity. LGBT persons also faced physical attacks, rape, and blackmail. Some police committed crimes against LGBT persons and used the threat of arrest to coerce victims not to report the incidents. Several states, with the aid of NGOs, offered police education and sensitivity trainings.

On July 4, Health Minister Ghulam Nabi Azad stated during an AIDS conference in New Delhi that men having sex with men is a “disease” and “unnatural.”

The benefits accorded to transgender persons vary across the country. Tamil Nadu established a transgender welfare board in 2008 and provided separate identity and ration cards to transgender persons. In November 2010 the state of Karnataka announced that transgender persons would be included in the “Backward Classes” list, making them eligible for pensions, ration cards, and housing assistance under a reservation scheme. The National Legal Services Authority included transgender persons in the definition of marginalized groups, enabling access to free legal aid.

On July 12, newspapers reported that military police charged with protecting the South Central Railway arrested 212 transgender persons during 564 coordinated campaigns in Hyderabad during the month of June “to eradicate the alleged menace of eunuch.” Authorities reportedly filed charges against 201 of those arrested. Trials were pending for 26 persons; 11 were sentenced to imprisonment, and approximately 35,000 rupees (\$665) in fines were collected.

There were a few positive developments for transgender persons during the year. For example, on March 3, newspapers reported that voters in Tamil Nadu had been able to enroll under the “others” category in the voter list. In the Chennai District, 292 transgender persons were enrolled as “others,” as were 209 persons in Tiruvallur District. On April 5, the names of 30 transgender voters in Kancheepuram District were included as “other” in the supplementary voter list. On August 8, the Ministry of Social Justice and Empowerment informed parliament that the ECI had directed the chief electoral officers in all states to modify electoral rolls to include the option of “other” under sex for eunuchs and transgender persons.

## **Kazakhstan**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Although there were no official statistics on discrimination or violence based on sexual orientation or gender identity, there were reports of such discrimination. Representatives of international organizations reported that negative social attitudes towards marginalized groups, including lesbian, gay, bisexual, and transgender (LGBT) persons, impeded these groups’ willingness to come forward and consequently hindered their access to HIV/AIDS programs.

LGBT individuals, particularly gay men, were among the most oppressed groups, although the country does not outlaw consensual same-sex sexual activity. According to a 2009 Soros Foundation study, 64.1 percent of LGBT respondents said they did not face open discrimination in the workplace, although LGBT individuals often concealed their sexual orientation to avoid such discrimination. LGBT individuals whose sexual orientation became known publicly risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. A local NGO working on LGBT issues noted that new regulations have made gender reassignment more cumbersome but cited a slight improvement in public awareness of LGBT rights. Several LGBT organizations operating in the country reported that government-run HIV clinics occasionally breached confidentiality and reported patients’ sexual orientation to their families and employers. Attempts to report violence against LGBT persons to law enforcement officers occasionally were met with resistance and hostility.

## Kyrgyz Republic

### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

According to HRW and a local NGO, lesbian, gay, bisexual, and transgender (LGBT) individuals faced severe oppression, and the government failed to protect their rights. LGBT persons whose sexual orientation was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. Inmates and officials often openly victimized incarcerated gay men. Doctors sometimes refused to treat LGBT individuals. Forced marriages to men for lesbians and bisexual women also occurred. Labrys Public Foundation noted the practice of lesbians and/or their partners being raped by their own family members as a punitive measure or as a so-called method of “curing” their homosexuality. The practice was underreported, and its extent was therefore difficult to estimate. Closeted gay individuals were subject to police extortion and harassment. Labrys asserted that the police did not seriously investigate crimes against LGBT individuals.

Labrys reported that on October 6, a transgender female sex worker and her gay male friend were allegedly lured to a construction site by a security guard who had offered to pay for sex. When they arrived, the guard insulted, beat, and stabbed them. He offered to spare their lives if they told police that they had tried to rob the site. While the police did not believe the robbery story, they verbally insulted the transgender woman at the police station before she was taken to the hospital. The police opened an attempted murder investigation against the security guard, but the case remained pending at year’s end.

In April a gay man who had invited someone he met via a gay dating Web site to his home reported that police showed up at his door within minutes of the other man’s arrival. The police knew that they were raiding a same-sex romantic meeting, and the invited man fled. The police demanded money, and when the man did not pay, they beat him and threatened to kill him if he reported them. He did not report the incident to the police and stated that the police monitor gay Web sites to identify extortion targets.

A single NGO supported advocacy campaigns, conducted training, organized festivals, and operated a community center and shelter in support of LGBT persons. In January the Ministry of Justice initially refused to register the organization “Pathfinder: the Alliance of Social Services of Gays and Lesbians.” However, the ministry later allowed the organization to register when it changed its name to simply “Pathfinder.”

## **Maldives**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits homosexual conduct, and it was considered socially unacceptable. The punishment for men includes banishment for nine months to one year or 10 to 30 lashes. For women the punishment is house arrest for nine months to one year. There were no organizations concerned with lesbian, gay, bisexual, or transgender (LGBT) issues in the country. There were no reports of officials complicit in abuses against the LGBT community. Due to societal intolerance of homosexual conduct, there are few openly homosexual individuals in the country. Thus there was no information on official or societal discrimination based on sexual orientation in employment, housing, access to education, or health care.

## **Nepal**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The country has no laws that specifically criminalize homosexuality. However, government authorities, especially police, sometimes harassed and abused homosexual persons. According to the Blue Diamond Society, a local NGO, harassment of such persons by both government and citizens was common. NGOs working on lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues reported that police harassment of sexual minorities occurred in rural areas of the country, especially in the Tarai region. In 2007 the Supreme Court directed the government to enact laws to protect LGBTI persons' fundamental rights, enable third-gender citizenship, and amend all laws that were sexually discriminatory. Many mainstream political parties included pro-LGBTI legislation in their party manifestos, and LGBTI activists continued to press for protections for sexual minorities in the new constitution.

## **Pakistan**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Systematic discrimination against national, ethnic, and racial minorities was widely acknowledged privately, but insufficient data existed for accurate reporting on these forms of discrimination.

Consensual same-sex sexual conduct is a criminal offense; in practice, the government rarely prosecuted cases. Gay men and lesbians rarely revealed their sexual orientation.

No laws protect against discrimination on the basis of sexual orientation or gender identity. Systematic discrimination against lesbian, gay, bisexual, and transgender persons was widely acknowledged privately, but insufficient data existed for accurate reporting on these forms of discrimination.

Society generally shunned transgender, eunuchs, and hermaphrodites, referred to as “hijras,” who often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some also were involved in prostitution. Hijras often were denied places in schools or admission to hospitals, and landlords often refused to rent or sell property to them. Hijras’ families often denied them their fair share of inherited property.

On November 14, the Supreme Court ordered the national Election Commission to reach out to the hijra community and register them to vote in advance of the March 2012 Senate elections.

## **Sri Lanka**

### **From section 1.c -Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

In recent years human rights organizations reported that, while not actively arresting and prosecuting lesbian, gay, bisexual, or transgender (LGBT) persons, police harassed and extorted money or sexual favors from those persons and assaulted gays and lesbians in Colombo and other areas. This led to underreporting of crimes against members of the LGBT community.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes homosexual activity, but it was not enforced. Some NGOs working on LGBT problems did not register with the government. The CID visited a gay-rights organization called Companions of a Journey October 10 and 12 and reportedly searched its offices, questioned the staff present, and took some information of clients. Police reportedly assaulted, harassed, and extorted money or sexual favors from LGBT persons (see section 1.c.).

There were LGBT organizations, and several events were held throughout the year, including an LGBT pride festival week in July. In addition to pressure, harassment, and assaults by police, there remained significant societal pressure against members and organizations of the LGBT community. There were no legal safeguards to prevent discrimination based on sexual orientation or gender identity. There were reports that persons undergoing gender reassignment procedures had difficulty in amending government documents to reflect those changes.

## **Tajikistan**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Gay and lesbian relationships have been legal in the country since 1998, and the age of consent is the same as for heterosexual relationships. Throughout the country there was significant societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons, and there was little to no public activism on their behalf. There were no known acts of violence against members of LGBT communities, and there were no documented cases of government discrimination against LGBT persons.

## **Turkmenistan**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual conduct between men is illegal and punishable by up to two years in prison; the law does not mention women. According to one human rights NGO, homosexuality was considered a mental disorder by authorities, and gay men were sometimes sent to psychiatric institutions for treatment.

There were no recorded cases of violence or other human rights abuses based on sexual orientation and gender identity, and no information was available regarding discrimination against lesbian, gay, bisexual, and transgender individuals in employment, housing, statelessness, access to education, or health care.

## **Uzbekistan**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Homosexual activity among men is punishable by up to three years' imprisonment. Although convictions under this criminal provision were rare, there were reports in the past that police used informants to extract heavy bribes from gay men. The law does not criminalize same-sex sexual activity between women.

Homosexuality is generally a taboo subject in society, and there were no known lesbian, gay, bisexual, and transgender (LGBT) organizations. There was also no known perpetrated or condoned violence against the LGBT community. There were no known reports of official or societal discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care,

but this circumstance may be attributed to the social taboo against discussing homosexual activity rather than to equality in such matters.

## **WESTERN HEMISPHERE AND THE CARIBBEAN**

### **Antigua and Barbuda**

#### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity for both sexes is illegal under indecency statutes, and some male same-sex sexual acts are also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years in prison, and anal intercourse carries a maximum penalty of 15 years.

Societal attitudes LGBT persons somewhat impeded operation and free association of LGBT organizations, but there were a few organized groups. The attorney general told the press that “there will be no change in the law on buggery, at least not if I can help it. Being gay is morally wrong, and to be honest personally, I am still homophobic.” However, other government officials asserted that the country was mostly tolerant of LGBT persons, noting the law was rarely used except when some other crime was also committed. Societal attitudes remained conflicted on the issue, and while there were several reports of discrimination based on sexual orientation, anecdotal reports suggested these were mostly verbal attacks.

### **Argentina**

#### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Lesbian, gay, bisexual, and transgender organizations operated freely. They worked closely with academic institutions, NGOs, and government authorities without interference.

There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Overt societal discrimination generally was uncommon.

Three provinces still have laws that either criminalize transgender behavior or single out same-sex sexual activity when referring to prostitution; however, the National Institute

Against Discrimination, Xenophobia, and Racism reported that these laws were rarely enforced.

## **Bahamas, The**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Societal discrimination against gay men and lesbians occurred, with some persons reporting job and housing discrimination based upon sexual orientation. Although same-sex sexual activity between consenting adults is legal, the law defines the age of consent for same-sex couples as 18 years, compared to 16 years for heterosexual couples. No domestic legislation addresses the human rights concerns of lesbian, gay, bisexual, and transgender (LGBT) persons. The 2006 Constitutional Review Commission found that sexual orientation did not deserve protection against discrimination.

In June a father told the press that the rape and murder of his daughter, who was a lesbian, may have been a hate crime. The police investigated but could not prosecute as a hate crime since no such law existed.

The July murder of photographer Sharvado Simmons remained unsolved, but some members of the LGBT community believed he was killed by a group of men seeking retribution for a previous incident where Simmons solicited and deceived one of the men while dressed “in drag.”

## **Barbados**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual relations, and there are no laws that prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. Although statistics were unavailable, anecdotal evidence suggested that societal discrimination against gays and lesbians occurred. The issue gained national attention when a group of citizens claimed amnesty in Canada for fear of not being able to live openly as lesbian, gay, bisexual, or transgender persons. Responding to a call by U.K. Prime Minister Cameron for reform of anti-LGBT legislation, Attorney General Adriel Brathwaite declared the country's "position on homosexuality was not for sale and that its legislative agenda would be determined at home."

## **Belize**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law does not protect sexual orientation or gender identity. The criminal code states that “carnal intercourse” with any person “against the order of nature” shall receive a punishment of 10 years’ imprisonment. In practice the law was interpreted as including only sex between men.

The extent of discrimination based on sexual orientation was difficult to ascertain due to lack of reporting instances of discrimination through official channels.

United Belize Advocacy Movement (UNIBAM), the country’s sole lesbian, gay, bisexual, and transgender advocacy organization, reported that continuing harassment and insults by the general public and police affected its activities, but its members were reluctant to file complaints. There were no gay pride marches organized during the year due to UNIBAM membership concerns over the public’s possible adverse reaction. UNIBAM challenged the law on “carnal intercourse” as unconstitutional. The case was scheduled to be heard before the Supreme Court on December 4 but was postponed to January 2012.

## **Bolivia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation, including by police, and citizens are allowed to change their name and gender on their official identity cards. However, societal discrimination against gay, lesbian, bisexual, and transgender persons was common and noted in local media editorials.

## **Brazil**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Federal law does not prohibit discrimination based on sexual orientation, but several states and municipalities such as Sao Paulo have administrative regulations that bar discrimination based on sexual orientation and provide for equal access to government services.

During the year the NGO Bahia Gay Group received approximately 255 reports of killings based on sexual orientation and gender identity, compared with 260 in 2010. Gay men were the most affected group, followed by transgender persons and lesbians.

On July 15, in Sao Joao da Boa Vista, Sao Paulo, a father and son were beaten by a group of boys who suspected that the two were gay.

According to the SDH, the Dial 100 hotline received 560 complaints of violence against lesbian, gay, bisexual, and transgender persons in the first half of the year; 20 percent of the complaints were registered in the city of Sao Paulo.

According to a representative of the Secretariat of Human Rights, many transgender persons and transsexuals had difficulty formally entering the labor market or study programs, due to the fact that a discrepancy between the photograph on an individual's labor card and the personal appearance of the individual holding the card can prevent the individual from obtaining permission to work. A new labor card can be obtained only through a labor court, but most presiding judges adhered to a strict biological interpretation of gender or held an outright bias against transgender persons and transsexuals. The Sao Paulo state government offered a mobile assistance unit to transgender persons that helped approximately 300 such persons per month.

## **Canada**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation or gender identity, and the criminal code provides penalties for crimes motivated by bias, prejudice, or hate based on personal characteristics, including sexual orientation. Lesbian, gay, bisexual, and transgender organizations operated independently and without restriction. There was no official discrimination based on sexual orientation in employment and occupation, housing, statelessness, or access to education or health care.

There were occasions of violence and abuse against individuals based on sexual orientation, but the government generally implemented the law criminalizing such behavior effectively.

## **Chile**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The Movement for Homosexual Integration and Liberation (MOVILH) reported 138 cases of discrimination due to sexual orientation in 2010, compared with 124 reported cases in 2009. MOVILH also noted a worsening in the acts of violence against the lesbian, gay, bisexual, and transgender community, including one killing, five acts of physical or verbal aggression, two incidents involving mistreatment by police, and nine incidents of work discrimination in 2010.

Earlier in the year, the Inter-American Court of Human Rights accepted the 2009 IACHR petition to hear the case of Karen Atala, a judge who claimed discrimination in the loss of custody of her three daughters because she is a lesbian. The case was pending at year's end.

## **Colombia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Nevertheless, despite government measures to increase the rights and protection of lesbian, gay, bisexual, and transgender (LGBT) persons, there were reports of abuse and discrimination.

Colombia Diversa, an NGO focused on violence and discrimination due to sexual orientation, reported at least 51 killings as of December 31 due to prejudice regarding sexual orientation or gender identity. The organization reported that on March 17, Gabriela Alejandra Guerrero, a transgender activist in Pasto, Narino, and member of the Southern Transgender Foundation, was killed, allegedly by a group called the Hitler Brotherhood of Pasto. According to a local rights organization, the local LGBT community had been receiving threats since 2010.

Colombia Diversa reported cases of police abuse against persons due to their sexual orientation, with the majority of complaints coming from transgender individuals. According to LGBT NGOs, these attacks frequently occurred, but victims did not pursue cases for fear of retaliation. NGOs also reported several cases of threats against human rights defenders working on LGBT issues as well as a high level of impunity for crimes against members of the LGBT community. Such organizations partially attributed impunity levels to failure of the Prosecutor General's Office to distinguish and follow crimes against the LGBT community effectively.

A 2010 study by Bogota's Department of Sexual Diversity reported that 98 percent of the LGBT community faced discrimination, particularly in schools and workplaces. The report showed that 53 percent of the community had been physically attacked for their sexual orientation or gender identity, and in 61 percent of cases the attacker was closely

related to the victim. Transgender individuals were victimized the most (64 percent of that community), followed by lesbians (57 percent).

Members of the transgender community cited barriers to public services when health-care providers or members of the police refused to accept government-issued identification with transgender individuals' names and photos.

NGOs claimed that discrimination in prisons against persons due to their sexual orientation or gender identity remained a problem. In addition, there were instances where medical services for transgender individuals were denied. On June 15, the Constitutional Court ordered INPEC to create a training program for guards and prisoners on LGBT rights.

On November 2, the Constitutional Court ruled that the Ministry of the Interior, Ombudsman's Office, and Inspector General's Office must collaborate to create a national public policy framework on LGBT rights. The decision came in response to a suit by a transgender individual alleging he was denied entrance to a concert due to his transgender identity. In its decision the court noted that sexual behavior "does not justify unequal treatment."

## **Costa Rica**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were cases of discrimination against persons based on sexual orientation, ranging from employment to access to health care. For example, in June an LGBT activist announced that he suffered discrimination based on his sexual orientation at his new job at a public institution. In July the Constitutional Chamber ruled against the owner of a bingo hall for discriminating against a gay couple based on the requirement that employees not engage in discriminatory behavior. The owner was ordered to pay damages to the claimants.

## **Cuba**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Officially there was no discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, societal discrimination based on sexual orientation or gender identity persisted.

Mariela Castro, President Castro's daughter, headed the national Center for Sexual Education and continued to be outspoken in promoting the rights of lesbian, gay, transgender, and bisexual (LGBT) persons. Nonetheless, nongovernment rights activists asserted that the government had not done enough to stop harassment of LGBT persons.

## **Dominica**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex conduct between men is illegal. Anecdotal evidence suggested that societal discrimination against lesbian, gay, bisexual and transgender (LGBT) persons was common in the socially conservative society. There were very few openly gay men or lesbians. During the year there was increased public dialogue on the issue, including increased outreach by LGBT persons promoting awareness of the problem.

## **Dominican Republic**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Treatment of lesbian, gay, bisexual, and transgender (LGBT) individuals ranged from ambivalent tolerance to staunch homophobia. While no law criminalizes same-sex consensual activity, members of the LGBT community continued to be discriminated against in all areas of society, including health, education, and work. No law protects individuals against discrimination based on sexual orientation or gender identity. Transgender individuals were particularly at risk of being victims of violence. NGOs reported widespread social discrimination against persons based on sexual orientation. Numerous credible reports indicated members of the LGBT community were expelled from public school, arrested without reason, fired from work, or denied access to rent or own homes.

LGBT persons faced physical attacks, intimidation, harassment, and threats of violence. NGOs reported that these groups were reluctant to file charges or complain to authorities due to fear of reprisal or humiliation. Several killings during the year were linked to the victims' sexual orientation or gender identity.

During the year authorities often refused to allow LGBT individuals to gather in public spaces, in particular the Duarte Park area of the colonial zone in Santo Domingo. Government and community leaders condemned gatherings of such persons, and police officials harassed them when they attempted to gather.

Since the first gay pride celebration in 2001, authorities rejected or delayed all other parade requests by gay and lesbian organizations. Activists reported that these organizations substituted small informal gatherings in recreational spaces, which did not require any type of permission from authorities, for marches and other such gatherings.

## **Ecuador**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The constitution includes the principle of nondiscrimination and establishes choice of sexual orientation as a right. Although the law prohibits discrimination based on sexual orientation, gay, lesbian, and transgender persons continued to suffer discrimination from both public and private bodies. LGBT organizations reported that transgender persons suffered more discrimination because they were more visible. LGBT groups claimed that police and prosecutors did not thoroughly investigate deaths of LGBT individuals, including when there was suspicion that the killing was because of sexual orientation or gender identity.

LGBT organizations and credible media sources reported that LGBT persons were interned against their will in private treatment centers to “cure” or “dehomosexualize” them, although such treatment is illegal. The clinics reportedly used cruel treatments, including rape, in an attempt to change LGBT persons’ sexual orientation. In August the government reported that it closed 30 such centers, but LGBT organizations reported that other illegal clinics continued to operate.

Members of the LGBT community continued to report that their right of equal access to formal education was frequently violated. The LGBT population involved in the commercial sex trade reported abusive situations, extortion, and mistreatment by security forces.

## **El Salvador**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Although the law prohibits discrimination on the basis of sexual orientation, in practice discrimination was widespread. There was also significant discrimination against transgender persons.

There was widespread official and societal discrimination based on sexual orientation in employment and access to health care and identity documents. The NGO Entre Amigos reported that public officials, including the police, engaged in violence and

discrimination against sexual minorities. Persons from the LGBT community stated that the agencies in charge of processing identification documents, the PNC and OAG, ridiculed them when they applied for identification cards or reported cases of violence against LGBT persons. The government responded to these abuses primarily through PDDH reports that publicized specific cases of violence and discrimination against sexual minorities.

On May 13, the SIS's Office of Sexual Diversity announced an awareness campaign and training on LGBT rights. Hundreds of government employees attended the training.

The PDDH reported receiving complaints about the killing of 13 persons from the LGBT community during the first half of the year, compared with two during 2010. On September 18, the Solidarity Association to Promote Human Development of Transsexual, Transgender, and Transvestite Men and Women stated that as of September, the media reported 17 killings; 23 cases of police mistreatment; and injuries to 13 individuals, three allegedly injured by police. They also reported six "hate crimes" and four attacks on LGBT persons.

## **Grenada**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual activities, providing penalties of up to 10 years' imprisonment. Police launched an investigation under this law into an allegation of nonconsensual sodomy. Society generally was intolerant of same-sex sexual conduct, and many churches condemned it. Members of sexual minorities generally did not acknowledge openly their sexual orientation. The Grenada Caribbean HIV/AIDS Program (GrenCHAP) participated on the National AIDS Council and served as an advocate for sexual minorities and at-risk populations.

There were no gay pride events. There were no reports of violence linked to sexual orientation. There were no reports that sexual orientation affected employment, housing, statelessness, or access to education or health care. However, persons who were subjected to rumors regarding their sexual orientation complained that their livelihoods were affected.

## **Guatemala**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

LGBT rights groups alleged that members of the police regularly waited outside clubs and bars frequented by LGBT persons to demand that those engaged in commercial sexual activities provide protection money or pay police to avoid being put in jail. Police often harassed male sex workers, many of whom were minors, as well as transgender sex workers. According to LGBT rights groups, gay men and transgender persons experienced police abuse frequently because of their visibility and the number of places in which they were known to socialize.

A lack of trust in the judicial system and a fear of further harassment or social recrimination discouraged victims from filing complaints. There was general societal discrimination against LGBT persons in access to education and health care, employment, and housing. The government undertook minimal efforts to address this discrimination; however, cooperation between the LGBT community and the government improved modestly over the course of the year through the establishment of three government health clinics for LGBT persons.

On February 24, Victor Jose Cruz, a transgender person, was shot and killed in Quetzaltenango. On July 18, the body of a man dressed in women's clothing was found in Guatemala City. Police failed to investigate both cases, and there were no arrests in connection with either by year's end.

LGBT rights groups reported that when bodies of LGBT persons were found, the victim's genitals were often mutilated and insults were written on the body or burned on the skin.

## **Guyana**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Sodomy is punishable with a maximum sentence of life in prison. A local NGO reported that there were a few prosecutions, but neither the NGO nor the courts could provide numbers. It was reportedly more common for the police to use the law to intimidate suspected same-sex male partners. There are no laws concerning same-sex sexual activity between women. The health minister in a speech to a regional HIV/AIDS conference said that he "must be driven by public health reality," that "sex between consenting adults in private falls into the category of personal freedom," and that the law is "in contradiction of this expression of personal freedom."

Following the 2009 incident in which a judge fined several transgender persons 7,500 Guyanese dollars (\$37), an NGO and four of the individuals filed a motion in the High Court against the law criminalizing cross-dressing; the case remained pending at year's end.

## Haiti

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

While there were no confirmed reports of official discrimination against the lesbian, gay, bisexual and transgender (LGBT) community, domestic NGOs reported that LGBT persons faced widespread societal discrimination including social stigma, targeted physical violence, sexual assault, and employment insecurity. NGOs also reported that such persons did not report human rights violations due to fear of reprisal.

LGBT community members faced overt discrimination from law enforcement and judicial authorities, particularly in Port-au-Prince. An HIV-positive person called “Papouche” died in the National Penitentiary during the summer after being repeatedly raped and then denied medical treatment. Papouche became so desperate to protect himself in prison that, before becoming sick from infection, he repeatedly asked family members for condoms and lubrication to give to his assailants.

An LGBT advocacy group, Serovie, provided outreach, counseling, support, and at times legal intervention on behalf of the LGBT community. There were no laws criminalizing consensual same-sex conduct, but Serovie’s leadership reported that its constituents faced daily harassment and frequent targeting by law enforcement authorities for violations of “public scandal” laws. According to Serovie, gay men faced an atmosphere of discrimination and, at times, violent rejection from the rest of society. The IBESR provided some limited support to the LGBT community and particularly to lesbians.

In Port-au-Prince, Serovie said police arrested Willio Gourdain and Angelot Pierre, two gay men, on August 13 after they were involved in a fight. Serovie said Gourdain owned a small clothing store in Petionville and was housing several other gay men, a common practice that allowed LGBT members to protect themselves more effectively. A local resident allegedly attacked Gourdain and his friends with a knife, but when police responded, local residents began throwing rocks at Gourdain and yelling slurs. After the arrest of the two, Serovie said the local judge and arresting police officer immediately contacted it to request bribes for their release, starting with 100,000 gourdes (\$2,500) and eventually settling on 30,000 gourdes (\$750), which Serovie paid out of fear the men would face a similar fate as Papouche in prison. On August 19, after being paid, authorities released the men, who returned to find the clothing store vandalized and looted.

LGBT community members in more rural provinces reported a far more tolerant and accepting attitude from their communities than was the case in urban centers such as Port-au-Prince. For example, in Artibonite Department some men were able to live openly as couples. The Artibonite is a major center for the Vodou faith and contains

three of Vodou's holiest sites. The longstanding tradition of acceptance of alternative lifestyles broadly speaking allowed some men to dress and live openly as women.

Serovie's targeted services reached an estimated 10,000 gay men during the year, suggesting that there was a significant LGBT community in need of support. Groups such as Serovie took concrete steps to build a support network and continue their efforts to reach a larger cross section of the LGBT community.

## **Honduras**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no discriminatory laws based on sexual orientation, but in practice social discrimination against persons from sexual minority communities was widespread. Representatives of NGOs focusing on sexual diversity rights asserted that security forces killed and abused their members. Prosecutors often encountered serious difficulties in investigating suspicious deaths of LGBT persons because the victims had concealed their identity or sexual orientation.

Sexual minority rights groups asserted that security forces, government agencies, and private employers engaged in antigay discriminatory hiring practices. These groups also reported that intimidation, fear of reprisal, and police corruption made LGBT victims reluctant to file charges or cooperate with prosecutions.

The National Police reported 30 violent deaths of LGBT individuals during the year. Criminal investigations do not recognize a "transgender" category. At year's end there was no information regarding any investigation of the 2010 killings of the president, Neraldys, and vice president, Imperia Gamaniel Parson, of the LGBT NGO Colectivo TTT. Human rights advocates continued to assert that the killings were hate crimes.

At year's end there were no known developments in the prosecutor's investigation of the 2009 fatal shooting by unknown assailants of LGBT activist Walter Orlando Trochez in Tegucigalpa.

## **Jamaica**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits "acts of gross indecency" (generally interpreted as any kind of physical intimacy) between persons of the same sex, in public or in private, which are punishable

by 10 years in prison. There is also an “antibuggery” law that prohibits consensual same-sex sexual conduct between men, but it was not widely enforced. Homophobia was widespread in the country, and through the songs and the behavior of some musicians, the country’s dancehall culture helped perpetuate homophobia.

The Jamaica Forum for Lesbians, All Sexuals, and Gays (J-FLAG) continued to report serious human rights abuses, including assault with deadly weapons, “corrective rape” of women accused of being lesbians, arbitrary detention, mob attacks, stabbings, harassment of gay and lesbian patients by hospital and prison staff, and targeted shootings of such persons. Police often did not investigate such incidents. During the year J-FLAG received 84 reports of sexually motivated harassment or abuse, which included 71 cases of attempted or actual assault, including at least two killings, and 21 reports of displacements. Members of the police force reportedly were the perpetrators in 12 cases. J-FLAG data showed that young people, ages 18 to 29, continued to bear the brunt of violence based on sexual orientation. This violence created a climate of fear that prompted many gay persons to emigrate, while the gross indecency laws left those who remained vulnerable to extortion from neighbors who threatened to report them to the police unless they were paid off.

In July a high-level police official asserted that gay men were mainly responsible for lottery scams that defrauded many citizens, including many persons living abroad. The police commissioner promptly denounced the statement, notable because disapproval of homophobia by a public official was very rare.

In September the group AIDS-Free World filed an anonymous petition for two gay Jamaican men challenging Jamaica’s antibuggery law at the Inter-American Commission on Human Rights. The petition claims that the law effectively criminalizes gay men and their sexual orientation and gives license to public officials and private individuals alike to commit violence and abuse against lesbian, gay, bisexual, and transgender (LGBT) community members.

A number of high-profile events led to more public discourse on the issues of sexual orientation and gender identity, but this did not result in a change in conditions in society. In August J-FLAG released a public service announcement encouraging families to embrace LGBT family members. The announcement featured former Miss Jamaica World and Miss Jamaica Universe and her gay brother. J-FLAG wanted the announcement to appear on national television, but Television Jamaica refused, reportedly due to criticism from church leaders.

In a December debate leading up to the national elections, then PNP leader Portia Simpson Miller said that she would appoint cabinet ministers based on ability and that sexual orientation would not be a factor, in contrast to former prime minister Golding’s statement that he would not appoint a “homosexual” to his cabinet. She also said that she would permit parliament to reexamine the antibuggery law and free members of

her party to vote their conscience on this issue. After Simpson Miller's statements became a campaign issue, some candidates and a local newspaper produced anti-LGBT campaign rhetoric and material.

The trial of six suspects arrested for the 2005 robbery and murder of prominent gay rights advocate Lenford "Steve" Harvey, initially begun and then postponed in 2007, had not resumed by year's end.

Male inmates deemed by prison wardens to be gay were held in a separate facility for their protection. The method used for determining their sexual orientation was subjective and not regulated by the prison system, although inmates were said to confirm their sexual orientation for their own safety. There were numerous reports of violence against gay inmates, perpetrated by the wardens and by other inmates, but few inmates sought recourse through the prison system.

Gay men were hesitant to report incidents against them because of fear for their physical well-being. Human rights NGOs and government entities agreed that brutality against such persons, primarily by private citizens, was widespread in the community.

## **Mexico**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

While Mexican society increasingly accepted the lesbian, gay, bisexual, and transgender (LGBT) communities, the CNDH and the National Center to Prevent and Control HIV/AIDS stated that discrimination based on sexual orientation and gender identity persisted. In separate incidents during the year, unknown assailants killed two prominent LGBT activists. Authorities in both instances stated that the killings were "crimes of passion" within the gay community. Activists noted that this characterization was misleading and oversimplified patterns of violence against LGBT persons.

On May 3, Guerrero-based LGBT activist Quetzalcoatl Leija Herrera was found beaten to death near the city of Chilpancingo's central plaza.

On July 23, security guards discovered the body of Cristian Ivan Sanchez Venancio in his home near the center of Mexico City. Sanchez, a member of the Revolutionary Democratic Party's Coordinating Group for Sexual Diversity and an organizer of Mexico City's annual LGBT Pride Parade, was stabbed to death.

## Nicaragua

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Although sexual orientation is not mentioned specifically, the law states that all persons are equal before the law and provides for the right to equal protection. LGBT persons continued to face widespread societal discrimination and abuse, particularly in employment, housing, and education. While the special prosecutor for sexual diversity was active throughout the year in education, information collection, and collaboration with NGO efforts, the LGBT community generally believed that the office had insufficient resources. In May the press reported that a young woman was killed in Jinotega, allegedly because of her sexual orientation.

In 2010, 1,291 complaints of discrimination based on sexual orientation were filed with the NNP, Social Security Institute, MINSA, and MiFamilia.

## Panama

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law does not prohibit discrimination based on sexual orientation, and there was societal discrimination based on sexual orientation and gender identity, which often led to denial of employment opportunities. The PNP's regulations describe homosexual conduct as a "grave fault." Harassment of lesbian, gay, bisexual, and transgender (LGBT) persons by security forces was a major complaint of the New Men and Women of Panama (AHMNP), the country's main LGBT organization, but formal complaints were rare due to the perception that the reports were not taken seriously or that complaints could be used against claimants in the absence of nondiscrimination legislation.

In March police arrested two women in Panama City for kissing in public. The women were taken to a police station, physically searched, and taken to night court, where a judge verbally reprimanded them for their behavior before setting them free. The women publicly complained about their treatment, but police claimed that they were legally arrested for public drinking. In response, the AHMNP held a rally in May called "A Kiss Is Not a Crime."

The Panamanian Association of Transgender People reported regular incidents in which security forces refused to accept complaints of harassment towards transgender individuals. The AHMNP reported six arrests of transgender persons, based on a sodomy law that was repealed in 2008. All the victims were later released.

## **Paraguay**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The Public Ministry is responsible for investigating discrimination cases; however, government agents often condoned discrimination on the basis of sexual orientation.

Penalties for the crime of having sex with a minor between the ages of 14 and 16 differ depending on the sex of the victim and perpetrator. Same-sex perpetrators are subject to up to two years in prison; the maximum penalty for opposite-sex perpetrators is a fine.

There are no laws explicitly prohibiting discrimination against LGBT individuals in employment, housing, statelessness, access to education, or health care, and all types of such discrimination, including societal discrimination, occurred frequently.

## **Peru**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws specifically prohibiting discrimination against persons based on sexual orientation, and such discrimination occurred. The Ministry of Interior's Handbook of Human Rights Applied to the Civil Police stipulates that police must respect human rights, especially of the most vulnerable groups, and refers explicitly to the rights of lesbian, gay, and transgender individuals. However, there were some instances during the year of official and societal discrimination based on sexual orientation in employment, housing, and access to education or health care. Government authorities, including police, sometimes harassed and abused lesbian, gay, bisexual, and transgender persons.

## **Saint Kitts and Nevis**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Same-sex sexual activity between men is illegal and carries penalties up to 10 years in prison. Same-sex sexual activity between women is not barred by statute. Societal attitudes towards the lesbian, gay, bisexual, and transgender (LGBT) community impeded operation and free association of LGBT organizations and the openness of LGBT persons. The government asserted that it received no reports of violence or

discrimination based on sexual orientation; however, unofficial reports indicated that this remained a problem. An LGBT minor was attacked multiple times during the year, resulting in serious injury. Anecdotal evidence suggested the attacks were a result of LGBT status.

## **Saint Lucia**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex activity is illegal under indecency statutes, and some same-sex sexual activity between men is also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse carries a maximum penalty of 10 years in prison.

While such laws were rarely enforced, there was widespread social discrimination against lesbians, gays, bisexual, and transgender (LGBT) persons in the deeply conservative society. Nonetheless, in April then prime minister Stephenson King pledged in parliament to “stand against discrimination and stigma in all its forms” and to “guarantee nondiscrimination against persons on the basis of their sexual orientation.” There were few openly LGBT persons in the country, although some informal groups formed and became more vocal after a brutal robbery and assault allegedly motivated by the victim's LGBT status. In March, assailants beat three gay tourists during the course of a robbery believed to have been motivated in part by antigay sentiment.

## **Saint Vincent and the Grenadines**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Consensual same-sex conduct is illegal under indecency statutes, and some same-sex sexual activity between men is also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse acts carry a maximum penalty of 10 years in prison, although these laws were rarely enforced.

Anecdotal evidence suggested there was social discrimination against lesbians, gays, bisexual, and transgender persons in the deeply conservative society, although local observers believed such attitudes of intolerance were slowly improving. Members of professional and business classes were more inclined to conceal their sexual orientation.

## **Suriname**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Although the law prohibits discrimination based on sexual orientation, there were reports of employment discrimination against LGBT persons. There were no reports of official discrimination based on sexual orientation in housing, access to education, or health care.

## **Trinidad and Tobago**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Although the law criminalizes consensual same-sex sexual activity, providing penalties of up to 25 years' imprisonment, the government generally did not enforce such legislation, except when paired with more serious offenses such as rape. Immigration laws also bar the entry of lesbian, gay, bisexual, or transgender (LGBT) persons into the country, but the legislation was not enforced.

The Equal Opportunities Act does not specifically include LGBT persons, and in fact it specifically excludes sexual orientation. Other laws, including the Domestic Violence Act and the Cohabital Relationship Act, also include language that excludes same-sex partners from the laws' protections. LGBT rights groups reported that there remained a stigma related to sexual orientation in the country. There were no gay marches, although LGBT rights groups attended some election events with signs and clothing indicating their membership. LGBT rights groups reported individual cases of violence against LGBT persons, including cases where they were lured to a venue by Internet advertisements and then beaten. LGBT rights groups also reported a reluctance to report crimes to the police for fear of harassment by the police and court officials.

## **Uruguay**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

No laws criminalize sexual orientation, and authorities generally protected the rights of the LGBT community. Hate crimes were rare, but there were isolated reports of street violence against individuals leaving gay bars; the police did not intervene in these incidents. Colectivo Ovejas Negras (Black Sheep Collective), an LGBT rights NGO, claimed that during the year incidents occurred for which police refused to file reports on

discrimination and street violence. The NGO also asserted that in the provinces there were acts of violence and degradation by the police against transgender persons who are legally registered prostitutes. There were occasional reports of nonviolent societal discrimination based on sexual orientation and gender identity.

The Public Health Service Administration worked with LGBT NGOs to give workshops and public awareness training for health workers to create health centers free of prejudice and discrimination.

In July two gay men were forced to leave a bar for kissing in public. The men filed a suit against the owner of the bar, but the court dismissed the suit.

On September 15, authorities at the Uruguayan University of Work removed the director of a technical school in Maldonado Province after she defined on a local television show “homosexuality” as a “disease,” adding that “gay teachers should be supervised to prevent them from transmitting the disease to students.” A local NGO filed a legal complaint against her, which was pending at year’s end.

## **Venezuela**

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The constitution provides for equality before the law of all persons and prohibits discrimination based on sex or social condition. On this basis the Supreme Court has ruled that no individual may be discriminated against by reason of sexual orientation.

Violence against lesbian, gay, transgender, and bisexual (LGBT) communities reportedly occurred during the year, although nationwide statistics were unavailable. The media and leading advocates for the rights of LGBT persons noted that victims of hate crimes based on sexual orientation frequently did not report the incidents and were often subjected to threats or extortion if they did file official complaints.

In its report to the UN Human Rights Council in preparation for the UPR, the NGO Diversity and Sexual Equality claimed that, based on 750 interviews conducted in 2008, more than 50 percent of lesbians and gays reported suffering from societal violence or police abuse, and 83 percent of transgender persons reported having been victims of violence or other abuse. The report also stated that the government systematically denied legal recognition to transgender persons by preventing them from obtaining identity documents required for accessing education, employment, housing, and health care.

During the first six months of the year, the press reported that four transgender sex workers had been killed in Caracas: Jesus Nazaret Rondon, Luis Alberto Bravo, “Rubi,”

and “Samantha.” The CICPC detained one suspect in Rondon’s killing and three members of the “Prince” gang for the killings of Rubi, Samantha, and Bravo. The press reported the “Prince” gang extorted transsexuals who worked in the Libertador area of Caracas.