

# Sexual Orientation / Gender Identity References

U.S. Department of State

Human Rights Reports for 2008

(Released February 25, 2009)

[2008 Country Reports on Human Rights Practices](#)

## **Preface**

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Our foreign policy must also advance these timeless values, which empower people to speak, think, worship, and assemble freely, to lead their work and family lives with dignity, and to know that their dreams of a brighter future are within reach.

The promotion of human rights is an essential piece of our foreign policy. Not only will we seek to live up to our ideals on American soil, we will pursue greater respect for human rights as we engage other nations and people around the world. Some of our work will be conducted in government meetings and official dialogues, which is important to advancing this cause. But we will not rely on a single approach to overcome tyranny and subjugation that weaken the human spirit, limit human possibility, and undermine human progress.

We will make this a global effort that reaches beyond government alone. We will work together with nongovernmental organizations, businesses, religious leaders, schools and universities, and individual citizens – all of whom play a vital role in creating a world where human rights are accepted, respected, and protected.

Our commitment to human rights is driven by faith in our moral values, and also by the knowledge that we enhance our own security, prosperity, and progress when people in other lands emerge from shadows and shackles to gain the opportunities and rights we enjoy and treasure.

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Hillary Rodham Clinton  
*Secretary of State*

## **Introduction**

In Iraq, journalists continued to struggle for safety while reporting on politics, women's rights, and homosexuality. Although the number of killings of journalists in Iraq dropped last year, the death rate remained high.

## **Country Specific References**

### **Africa**

#### **Angola**

Discrimination against homosexuals occurred. The law criminalizes sodomy.

#### **Benin**

There were no reports of overt societal discrimination or violence based on a person's sexual orientation.

#### **Botswana**

The government generally respected the human rights of its citizens; however, some problems remained, including abuse of detainees by security forces, poor prison conditions, lengthy delays in the judicial process, restrictions on press freedom, violence against women, and child abuse. Societal discrimination against women, persons with disabilities, homosexuals, persons with HIV/AIDS, persons with albinism, and members of the San ethnic group was a problem.

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The constitution and law prohibit governmental discrimination on the basis of ethnicity, race, nationality, creed, sex, or social status, and the government generally respected these provisions in practice. So long as an applicant is able to perform the duties of the position, he or she may not be discriminated against due to disability or language. However, the law does not prohibit discrimination by private persons or entities, and there was societal discrimination against women; persons with disabilities; minority ethnic groups, particularly the San; persons with HIV/AIDS; persons with albinism; and homosexuals.

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The law prohibits homosexuality, but there were no reports of enforcement action by the authorities. There were, however, reports of societal discrimination and harassment of homosexuals.

#### **Burkina Faso**

Societal discrimination against homosexuals and persons with HIV/AIDS was a problem.

Religious and traditional beliefs did not tolerate homosexuality, and homosexuals were at times victims of verbal and physical abuse. There were no reports that the government responded to societal violence and discrimination against homosexuals.

#### **Burundi**

The constitution bans marriage between individuals of the same sex. Homosexuality is socially taboo, but overt discrimination against homosexuals was minimal. The government took no steps to counter discrimination against homosexuals.

## **Cameroon**

Other problems included widespread official corruption; societal violence and discrimination against women; female genital mutilation (FGM); trafficking in persons, primarily children; and discrimination against pygmies, ethnic minorities, indigenous people, and homosexuals.

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Individuals incarcerated in the Douala New Bell prison for homosexual acts suffered discrimination and violence from other inmates.

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During the year approximately 200 privately owned newspapers were published; however, most appeared irregularly, primarily due to lack of funding. Only an estimated 25 were published on a regular basis. Newspapers were distributed primarily in urban areas, and most continued to criticize the government and report on controversial issues, including corruption, human rights abuses, homosexuality, and economic policies.

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Violence and discrimination against women, trafficking in persons, and discrimination against ethnic minorities and homosexuals were problems.

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Homosexual 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 (\$40 to \$400). While authorities did not prosecute persons under this law during the year, homosexuals suffered from harassment and extortion by law enforcement officials. False allegations of homosexuality were used to harass enemies or to extort money.

There were new developments in the August 2007 case of three homosexuals arrested by gendarmes in Douala. On January 9, the Douala High Court sentenced Lazare Baeeg, Emmanuel Balep, and Tony Dikongue to six months in jail and fines of 50,000 CFA (\$100) for homosexuality. Their lawyer appealed the decision, which was pending at year's end.

In October 2007 the Bonanjo High Court refused to release six Douala men held in New Bell Prison on charges of homosexuality. In January the judge held the first hearing on the case but adjourned it pending further discovery. There were no further developments on the case by year's end.

## **Cape Verde**

There were no reports of discrimination based on sexual orientation.

## **Central African Republic**

The penal code criminalizes homosexual behavior; however, there were no reports that police arrested or detained persons they believed to be homosexual. Societal discrimination against homosexuals persisted during the year, and many citizens attributed the existence of homosexuality to undue Western influence.

## **Chad**

Societal discrimination continued to be practiced against homosexuals.

## **Comoros**

There were no reports of discrimination against persons with HIV/AIDS. Homosexuals did not publicly discuss their sexual orientation due to societal pressure.

## **Congo—Democratic Republic of the Congo**

There were no reports of societal violence or discrimination based on sexual orientation or persons with HIV/AIDS.

## **Congo — Republic of the Congo**

The constitution prohibits discrimination based on political, sexual, or religious orientation. However, the social stigma associated with homosexuality was significant. There was no open homosexuality in the country.

## **Cote d'Ivoire**

The law did not provide for the protection of homosexuals from societal and other forms of discrimination. Societal stigmatization of homosexuals was widespread, and the government did not act to counter it during the year.

## **Djibouti**

There was no known societal violence or discrimination based on sexual orientation.

## **Equatorial Guinea**

Societal stigmatization and discrimination against homosexuals was strong, and the government made little effort to combat it.

## **Eritrea**

Female genital mutilation (FGM) was widespread, and there was societal abuse and discrimination against women, members of the Kunama ethnic group, homosexuals, and persons with HIV/AIDS.

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Homosexuality is illegal, and homosexuals faced severe societal discrimination. The government openly expressed a severe paranoia against homosexuals, accusing foreign governments of promoting the practice in order to undermine the government. There were no known official discriminatory practices against civilians, although there were uncorroborated reports that known homosexuals in the military were subjected to severe abuse.

## **Ethiopia**

Homosexuality is illegal and punishable by imprisonment. Instances of homosexual activity involving coercion or involving a minor (age 13 to 16) are punishable by three months' to five years'

imprisonment. Where children under 13 years of age are involved, the law provides for imprisonment of five to 25 years. While society did not widely accept homosexuality, there were no reports of violence against lesbian, gay, bisexual, and transgender individuals; however, the lack of reporting may be due to fears of retribution, discrimination, or stigmatization.

The AIDS Resource Center in Addis Ababa reported that the majority of self-identified gay and lesbian callers--75 percent of whom were male--requested assistance in changing their behavior to avoid discrimination. Many gay men reported anxiety, confusion, identity crises, depression, self-ostracizing, religious conflict, and suicide attempts.

In December nearly a dozen religious figures adopted a resolution against homosexuality, urging lawmakers to endorse a ban on homosexual activity in the constitution. The group also encouraged the government to place strict controls on the distribution of pornographic materials.

### **Gabon**

There was considerable discrimination against persons with HIV/AIDS. One local NGO worked closely with the minister of health to combat both the associated stigma and the spread of the disease.

The same organization also worked to combat the stigma associated with homosexuality, but did not receive any assistance from the government for these activities.

### **The Gambia**

There are no laws banning sexual relations between men, but there is societal discrimination against homosexuality, which remained a social taboo.

On March 28, President Yahya Jammeh, speaking at the National Assembly, strongly condemned homosexual marriages and stated they would never be allowed. On May 15, Jammeh ordered all homosexuals to leave the country within 24 hours. He described homosexuality as a criminal practice and told the security services to arrest homosexuals and close down motels and hotels hosting them.

On May 30, two Spanish men were arrested and detained at Kotu Police Station over allegations that they tried to procure underage boys for sex. The men were not charged, were released on June 3, and left the country immediately. However, the government announced that they had been arrested on charges of homosexuality rather than pedophilia.

### **Ghana**

The government generally respected human rights, but human rights problems continued, including: deaths resulting from the excessive use of force by police; vigilante violence; harsh and life-threatening prison conditions; police corruption and impunity; prolonged pretrial detention; forcible dispersal of demonstrations; corruption in all branches of government; violence against women and children; female genital mutilation (FGM); societal discrimination against women, persons with disabilities, homosexuals, and persons with HIV/AIDS; trafficking in women and children; ethnic discrimination and politically and ethnically motivated violence; and child labor, including forced child labor.

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The law criminalizes homosexuality, and lesbians and gays faced widespread discrimination, as well as police harassment and extortion attempts. There is a minimum misdemeanor charge for homosexual activity, and homosexual men in prison often were subjected to sexual and other physical abuse.

### **Guinea**

Discrimination against homosexuals is not prohibited by law. There are no discriminatory laws based on sexual orientation. Although there were deep social, religious, and cultural taboos against homosexuality, there were no official or NGO reports of discrimination against homosexuals.

### **Guinea-Bissau**

There was no open discussion of homosexuality and very little concerning HIV/AIDS, and the government did not address discrimination on either basis. While there was no reported violence based on sexual orientation or HIV status, subtle discrimination based on sexual orientation or HIV status did exist.

### **Kenya**

There was societal discrimination based on sexual orientation. In 2007 the Council of Imams and Preachers of Kenya and other civic leaders condemned homosexuality and argued against legalizing gay marriages. A group in Mombasa created the Muslim Youth Pressure Group to oppose homosexuality in 2007.

There was societal discrimination against homosexuals and persons with HIV/AIDS during the year.

### **Lesotho**

The law does not address sexual orientation, and general discrimination against homosexuals was present in the workplace.

### **Liberia**

There were no reports of societal violence based on sexual orientation or against persons with HIV/AIDS.

### **Madagascar**

The law does not prohibit discrimination against homosexuals, and there was general societal discrimination against them.

### **Malawi**

Security forces engaged in rape and sexual abuse.

For example, on August 23, a police officer in Lilongwe, Enock Chawanda, was arrested for sodomizing a suspect; the suspect reported the sodomy to medical personnel and a medical examination confirmed the act. Chawanda was awaiting trial at year's end.

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Societal violence and discrimination based on sexual orientation occurred. A 2008 study by the Center for the Development of People found that approximately 34 percent of homosexual men in the country had been blackmailed or denied services such as housing or healthcare due to their sexual orientation. Additionally, 8 percent surveyed said they had been beaten by police or other security forces due to their sexual orientation.

Homosexuality is illegal, although there were no prosecutions for homosexuality during the year.

### **Mali**

The constitution and law provide for freedom of association, and the government generally respected this right; however, the law prohibits association deemed immoral. In 2005 the governor of the District of Bamako cited this law to refuse official recognition of a gay rights association.

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Societal discrimination based on sexual orientation occurred.

### **Mauritania**

There was no evidence of either societal violence or systematic government discrimination directed at practicing homosexuals. Although Shari'a outlaws homosexuality under certain conditions, secular laws do not.

### **Mauritius**

Local human rights NGOs worked to assist persons with HIV/AIDS, rehabilitate former prisoners, promote women's rights, and support the lesbian, gay, bisexual, and transgender community. The government regularly consulted NGOs in formulating policy and worked in partnership with UN bodies and the local branch of Amnesty International.

### **Mozambique**

The law does not specifically prohibit discrimination based on sexual orientation, and there were occasional reports of such discrimination. The LDH reported cases of discrimination against homosexuals in the courts. The Workers Law includes an article that prevents discrimination in the workplace based on a number of factors, including sexual orientation.

### **Namibia**

The law does not prohibit homosexuality; however, sodomy between males is illegal, and the practice of homosexuality was frowned upon, according to The Rainbow Project, a group that lobbies for the rights of sexual minorities. There were no reported cases of discrimination against homosexuals during the year.

## **Niger**

Homosexuals experienced social discrimination.

## **Nigeria**

Homosexuality is illegal under federal law; homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted Shari'a law, adults convicted of engaging in homosexual intercourse are subject to execution by stoning, although no such sentences were imposed during the year. Because of widespread taboos against homosexuality, very few persons were openly homosexual.

On September 12, local newspapers *Nation*, *Vanguard*, *PM News* and the *Sunday Sun* published photos, names, and addresses of members of the House of Rainbow Metropolitan Community Church, a lesbian, gay, bisexual, and transgendered-friendly church in Lagos. Following publication, persons started harassing the 12 members. One woman was attacked by 11 men, while others were threatened, stoned, and beaten. No investigation was initiated by year's end.

There were repeated delays in the trial of 18 men arrested in August 2007 by Bauchi State police and charged with "addressing each other as women and dressing themselves as women," which is illegal under the Shari'a penal code. The men, all in their twenties, also were charged originally with sodomy, but the charges were later changed to "vagrancy" under the Bauchi State Islamic code. All 18 accused remained free on bail at year's end, but no developments occurred in their trial.

## **Rwanda**

Discrimination based on sexual orientation occurred, and in September 2007 some members of parliament publicly called for legislation criminalizing homosexuality.

During the year security forces detained two women for several days upon their return from a conference on lesbians in Africa; security forces also reportedly searched their e-mail.

Unlike in the previous year, there were no reports that police officers assaulted homosexuals or that landlords evicted homosexual tenants.

## **Sao Tome and Principe**

There was societal discrimination based on sexual orientation.

## **Senegal**

On February 2, the DIC [Criminal Investigations Division] arrested Pape Mbaye, a well-known homosexual entertainer, and five of his friends after a magazine published photos of Mbaye attending a 2006 homosexual marriage ceremony. Mbaye was jailed for five days before being released. He was not formally charged, and his friends also were released after they threatened to identify influential persons as being homosexual. After police and Ministry of the Interior officials reportedly told Mbaye that they

could not protect him against subsequent societal harassment, Mbaye fled to Ziguinchor and The Gambia. Mbaye returned to Dakar on May 16, and the NGO RADDHO took up his case. On June 9, authorities issued Mbaye a passport and he later left the country.

On February 15, the government did not authorize an attempt by an Islamic group to stage an antigay demonstration at the Grand Mosque of Dakar.

On April 2, three homosexuals reportedly were attacked in Ziguinchor. One of them was severely injured and taken to a hospital. No arrests occurred by year's end.

On August 12, a mob attacked a suspected homosexual man in the Dakar suburb of Patte D'Oie. The man sustained injuries and was treated at a hospital. No arrests occurred by year's end.

On December 19, police raided the home of Diadji Diouf, the director of AIDES Senegal, an NGO provides HIV prevention services. The police arrested Diouf and seven men; they remained in custody at the end of the year.

### **Seychelles**

There were no reports of discrimination based on sexual orientation.

### **Sierra Leone**

The law prohibits homosexual acts, and there was official and societal discrimination based on sexual orientation. Many homosexuals concealed their sexual orientation.

### **Somalia**

Sexual orientation is considered a taboo topic and there is no public discussion of this issue in any region in Somalia. There were no reports of societal violence or discrimination based on sexual orientation.

### **South Africa**

The post-apartheid constitution outlaws discrimination based on sexual orientation, and in 2006 the country legalized same-sex marriage. There were no reports of official mistreatment or discrimination. However, in its annual Social Attitudes Survey released on November 24, the Human Sciences Research Council found widespread public intolerance of homosexuality, which was commonly labeled "unAfrican," with 80 percent of respondents believing sex between two same-gender persons was "wrong."

Rights groups reported that homosexuals were subject to societal abuses including hate crimes, gender violence targeting lesbians, and killings. The NGO People Opposed to Women Abuse reported that attacks increased during the year and estimated that a lesbian was killed every three months in the country's townships. On April 28, Eudy Simelane, a former player on the national women's soccer team and well-known lesbian activist, was allegedly gang-raped and then stabbed to death east of Johannesburg. Five men were arrested; four were charged with murder, robbery, and rape. The case

was pending at year's end.

On December 5, following at least 16 postponements, testimony began in the trial of seven men accused of the 2006 murder of a lesbian woman in Cape Town. The case was pending at year's end.

In July 2007 lesbian activist Sizakele Sigasa and her partner Salome Masooa were raped and shot to death in Soweto; no arrests were made. Two weeks later in July, Thokozane Qwabe, a lesbian, was killed in KZN, prompting an outcry from rights groups.

### **Sudan**

The law prohibits homosexuality, but there were no reports of persons being prosecuted on the charge. Societal, but not official, discrimination existed against homosexuals.

### **Swaziland**

Societal discrimination against homosexuals was prevalent, and homosexuals generally concealed their sexual preferences.

### **Tanzania**

Homosexuality was illegal. The penal code makes it an offense punishable by up to five years in prison to have carnal knowledge of any person of the same sex. The law in Zanzibar establishes a penalty of up to 25 years' imprisonment for men who engage in homosexual relationships and seven years for women in lesbian relationships. There were no reports that anyone was punished under the law during the year. Homosexuals faced societal discrimination.

### **Togo**

There was also societal discrimination based on sexual orientation. Homosexuality is illegal. The penal code provides that a person who engages in a homosexual act may be punished by one to three years' imprisonment and fined 100,000 to 500,000 CFA francs (approximately \$220 to \$550).

### **Uganda**

The government's human rights record remained poor. Although there were improvements in a few areas, serious problems remained, including unlawful killings by security forces; mob violence; torture and abuse of suspects by security forces; poor prison conditions; official impunity; arbitrary arrest; incommunicado and lengthy pretrial detention; restrictions on the right to a fair trial and on freedoms of speech, press, assembly, association, and religion; sexual abuse of internally displaced persons (IDPs) in camps; restrictions on opposition parties; electoral irregularities; official corruption; violence and discrimination against women and children, including female genital mutilation (FGM) and sexual abuse of children; trafficking in persons; violence and discrimination against persons with disabilities and homosexuals; restrictions on labor rights; and forced labor, including child labor.

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In May the Media Council blocked the screening of two films--Watermelon Woman and Rag Tag--at a film festival in Kampala for perceived promotion of homosexuality.

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Homosexuals faced discrimination and legal restrictions. It is illegal for homosexuals to engage in sexual acts, based on a legal provision that criminalizes "carnal acts against the order of nature" with a penalty of life imprisonment, although no homosexual has been charged under the law. Public resentment of homosexuality sparked significant public debate during the year. The government took a strong position against the practice. The local NGO SMUG protested alleged police harassment of several members for their vocal stand against sexual discrimination.

On June 4, police arrested SMUG activists Pepe Julian Onziema, Valentine Kalende, and Usaam Mukwaya for trespassing. The activists, who did not have the required conference credentials, bypassed security at the HIV/AIDS Implementers' Conference in Kampala to protest the government's lack of funding to combat HIV/AIDS in the homosexual community. On June 6, the three were charged with criminal trespass and released on bail. On August 15, the government dropped the case.

On July 25, police in Kampala arrested SMUG activist Usaam Mukwaya without charge and released him the following day. On September 24, Mukwaya filed a complaint with the UHRC, alleging that he was tortured and humiliated during his detention in a safe house and that the arrest was arbitrary. The case, which received international attention, was pending before the UHRC tribunal at year's end.

On September 10, security forces arrested SMUG members George Oundo and Brenda Kiiza from Nansana, a Kampala suburb. On September 18, the suspects were charged with indecent practices and released on police bond.

On December 22, a High Court judge ruled that the government in 2006 had violated the privacy rights of SMUG chair Juliet Mukasa, who claimed that local government officials illegally searched her home in 2005. The High Court directed the government to pay 3 million shillings (\$1,500) to compensate Mukasa for violation of privacy and 10 million shillings (\$5,000) to her partner Yvonne Oyoo for humiliation, injury, and trauma. The court also ordered the state to pay for their court costs.

## **Zambia**

The law prohibits "carnal knowledge of any person against the order of nature," but it does not specifically outlaw homosexuality.

## **Zimbabwe**

Over a period of years, Mugabe publicly denounced homosexuals, blaming them for Africa's ills. Although there was no statutory law proscribing homosexual practice, common law prevents homosexual men, and to a lesser extent, lesbians, from fully expressing their sexual orientation and, in some cases, criminalizes the display of affection between men. In 2006 the 2004 amended criminal code became effective, broadening the definition of sodomy to include "any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act."

## **East Asia and Pacific**

### **Australia**

There were no reports of societal violence or discrimination against homosexuals. In June 2007 HREOC presented a report to Parliament noting 58 federal laws that denied same-sex couples and their children basic financial and work-related entitlements available to heterosexual couples and their children. In November, Parliament passed government bills to amend 68 federal laws as a means of eliminating such discrimination.

On December 19, the minister for defense, science, and personnel announced that as of January 1, 2009, same-sex partners of Defence Ministry personnel would no longer be denied payment of death benefits from military pension funds.

### **Brunei Darussalam**

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

### **Burma**

Many citizens viewed homosexuals with scorn. Penal code provisions against "sexually abnormal" behavior were applied to charge gays and lesbians who drew unfavorable attention to themselves. Nonetheless, homosexuals had a certain degree of protection through societal traditions.

### **Cambodia**

There were no reported cases of sexual orientation discrimination in employment, housing, statelessness, or access to education or health care. However, homosexuality was typically treated with fear and suspicion, and there were few support groups based on sexual orientation where such cases could have been reported.

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

No laws criminalize private homosexual activity between consenting adults. Societal discrimination and strong pressure to conform to family expectations deterred most gay individuals from publicly discussing their sexual orientation. Published reports stated that more than 80 percent of gay men married because of social pressure.

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Hong Kong: Nearly all trafficking victims initially came to Hong Kong willingly to engage in prostitution. Most came from rural areas of the Mainland, Thailand, or the Philippines on 14-day tourist visas, although a very small number entered using forged documents. The overwhelming majority were women, although an increasing number of young men came to work as homosexual prostitutes. While many came on their own, some were lured by criminal syndicates and promises of financial rewards but

faced circumstances of debt bondage. Syndicates sometimes held passports and travel documents until debts were paid.

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Hong Kong: There were no reports of societal violence or discrimination based on sexual orientation. Human rights activists expressed concern that while the new Domestic Violence (Amendment) Ordinance covers unmarried heterosexual partnerships, it does not extend the same protection to homosexual partnerships.

### **Taiwan**

There were no laws prohibiting homosexual activities. According to homosexual rights activists, antihomosexual violence was rare, but societal discrimination against homosexuals and persons with HIV and AIDS was a problem.

Homosexual rights activists said instances of police pressure to close gay- and lesbian-friendly bars and bookstores decreased. Homosexual rights groups complained that law enforcement agencies switched their attention from monitoring Internet chat rooms and bulletin boards for sexually suggestive messages to personal blogs and prosecuted message posters in violation of constitutional free speech guarantees.

Under the law doctors convicted of providing fertility treatments to unmarried persons face fines of up to NT\$1.5 million (\$46,000). Homosexual rights activists alleged the restrictions unfairly discriminate against homosexuals, who are not permitted to marry under the law.

Employers convicted of discriminating against jobseekers on the basis of birthplace, sexual orientation, or age face fines of up to NT\$1.5 million (\$46,000).

### **Fiji**

The constitution prohibits discrimination on the basis of sexual orientation. The preexisting penal code criminalizes homosexual acts between males, but the judiciary has held these provisions to be unconstitutional.

There was some societal discrimination against homosexuals and persons with HIV/AIDS, although there was no systemic discrimination. There were no known cases of violence directed at homosexuals or persons with HIV/AIDS.

### **Indonesia**

The October 30 antipornography law makes homosexual activity illegal. Violations can be punished with from six months' to 12 years' imprisonment and fines of 250 million to six billion rupiah (\$22,500 to \$540,000).

## **Japan**

NGOs that advocate for gay, lesbian, bisexual, and transgender persons noted that such persons suffered from bullying, harassment, and violence.

## **Kiribati**

Sodomy and acts of "gross indecency" between males are illegal, but there were no reports of prosecutions under these provisions. Societal discrimination and violence based on sexual orientation were not significant problems.

## **Korea – Democratic People’s Republic of Korea**

No information was available on other societal abuses and discrimination, such as societal violence or discrimination based on sexual orientation.

## **Korea – Republic of Korea**

The law prohibits discrimination on the basis of sexual orientation, but societal discrimination persisted. In November a military court asked the Constitutional Court to rule on the constitutionality of rules prohibiting sexual activity between male military personnel. An opinion had not been rendered by year's end.

## **Laos**

Within lowland Lao society, despite wide and growing tolerance of homosexual practices, societal discrimination persisted against such practices.

## **Malaysia**

Although there are no laws that prohibit homosexuality, laws against sodomy and "carnal intercourse against the order of nature" exist and were enforced sporadically. Religious and cultural taboos against homosexuality were widespread.

## **Marshall Islands**

There were no accounts of societal violence based on sexual orientation. There are no enforced laws criminalizing homosexuality. In general homosexuals were accepted in society.

## **Federated States of Micronesia**

There were no reports of societal violence or discrimination against homosexuals or persons with HIV/AIDS.

## **Mongolia**

Homosexuality is not specifically proscribed by law. However, Amnesty International 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 homosexuals. Homosexuals reported harassment by police but remained divided over the overall level of societal discrimination.

## **Nauru**

Sodomy is illegal, but there were no reports of prosecutions under this provision. There were no reports of violence or discrimination against homosexuals.

## **New Zealand**

The law prohibits violence or discrimination against persons based on sexual orientation. From January 1 to December 23, the HRC received 162 discrimination complaints relating to gender or sexual orientation (10.9 percent of all complaints). The Ministry of Justice received no reports of societal violence or discrimination based on sexual orientation.

## **Palau**

There were no reports of cases of violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

## **Papua New Guinea**

Sodomy and acts of "gross indecency" between males are illegal, but there were no reports of prosecutions under this law during the year. There were no specific reports of societal violence or discrimination against homosexuals, but homosexuals were vulnerable to societal stigmatization.

## **Philippines**

There was some societal discrimination based on sexual orientation, including in employment and education.

## **Samoa**

Sodomy and "indecent between males" are illegal. However, these provisions were not actively enforced with regard to consensual homosexual acts between adults. There were no reports of societal violence or discrimination against homosexuals.

## **Singapore**

The constitution provides for freedom of speech and freedom of expression but permits official restrictions on these rights, and in practice the government significantly restricted freedom of speech and freedom of the press. Government intimidation and pressure to conform resulted in self-censorship

among journalists; however, there was a moderate level of debate in newspapers and on the Internet on some public issues such as rising income inequality and whether to repeal a statute that bans homosexual activity.

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Consensual homosexual sex is illegal but in practice was not prosecuted.

### **Solomon Islands**

Same-sex relationships are illegal, and persons engaged in same-sex relationships were often the subject of societal discrimination.

### **Thailand**

NGOs complained that employers discriminated against male homosexuals after reviewing military documents that permanently labeled these individuals as having a mental disorder. According to the military, the practice stopped in April 2007. However, an NGO reported that the military began using "unfit chest size" to label homosexuals on military documents. The law did not permit transgendered individuals to change their gender on identification documents. NGOs also alleged that some nightclubs, bars, hotels, and factories denied entry or employment to transgendered individuals.

### **Timor-Leste**

The law makes no reference to homosexual activity. Gays and lesbians were not highly visible in the country, which was predominantly rural, traditional, and religious. There were no reported instances of discrimination.

### **Tonga**

Sodomy is illegal, but there were no reports of prosecutions under this provision. Persons who engaged in openly homosexual behavior faced societal discrimination.

### **Tuvalu**

Societal discrimination against persons based on sexual orientation was not common, and there were no reports of such discrimination.

### **Vanuatu**

There were no reports of societal violence or discrimination against homosexuals, nor were there any such reports against persons with HIV/AIDS.

### **Vietnam**

A homosexual community existed but was largely underground. There was low public awareness of homosexuality and little evidence of discrimination based on sexual orientation.

## **EUROPE AND EURASIA**

### **Albania**

The Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG) reported that police sometimes used excessive force or inhuman treatment. According to the AHRG, police more often mistreated suspects at the time of arrest or initial detention. Roma, Balkan Egyptians, and homosexuals were particularly vulnerable to police abuse.

The law prohibits discrimination based on race, gender, ethnicity, disability, language, or social status; however, discrimination against women, Balkan Egyptians, Roma, and homosexuals persisted.

The government has not taken any actions to protect the rights of homosexuals. As in previous years, NGOs claimed that police targeted the homosexual community for abuse. The Albanian Human Rights Group reported that during the year, police harassed members of the Albanian Gay and Lesbian Association and other known homosexuals.

### **Andorra**

There were no reports of societal violence or discrimination based on sexual orientation.

### **Armenia**

Persons who were openly gay were exempted from military service, purportedly because of concern that they would be abused by fellow servicemen. However, the legal pretext for the exemption was predicated on a medical finding of gays possessing a mental disorder, which was stamped in their documents and could affect their future. General societal attitudes towards homosexuality remained unfavorable.

### **Austria**

There was some societal prejudice against gays and lesbians; however, there were no reports of societal violence or discrimination based on sexual orientation.

### **Azerbaijan**

The government did not officially condone discrimination based on sexual orientation; however, there was societal prejudice against homosexuals.

According to the European Region of the International Lesbian and Gay Association's 2007 report, lesbians, gays, bisexuals, and transsexuals in the country were subjected to human rights abuses, discrimination, and social exclusion. The report characterized the community as "vulnerable and exposed to extortion by law enforcement officials," facing problems such as ridicule, forced bribes, abuse, and in some cases rape by law enforcement officials. The report noted that the community lived under a constant fear of being "outed" to family, friends, and colleagues.

## **Belarus**

The law prohibits discrimination based on race, gender, disability, language, or social status. In practice, the government did not always protect these rights. Problems included violence against women and children; trafficking in persons; and discrimination against persons with disabilities, Roma, ethnic minorities, and homosexuals.

Homosexuality is not illegal, but discrimination against homosexuals was widespread, and harassment occurred. According to a local gay rights group, government-controlled media discouraged participation in the protests following the 2006 presidential election by saying they were part of a "gay revolution." On May 28, three youths in Minsk attacked Edvard Tarletski, a journalist and gay rights activist. Tarletski stated that he did not intend to report the attack to police because they would not do anything about the incident. He also said this attack was the third against him in five years.

## **Belgium**

In 2007 three acts of parliament came into force replacing earlier antiracism and antidiscrimination legislation and bringing the country's legislation in line with prevailing European Union directives. One of the laws identified 18 grounds of possible discrimination subject to legal penalty: age, sexual orientation, civil status, birth, financial situation, religious belief, philosophical orientation, physical condition, disability, physical characteristics, genetic characteristics, social status, nationality, race, color of skin, descent, national origin, and ethnic origin.

Five percent of the complaints registered by the CEOOR concerned discrimination based on sexual orientation.

## **Bosnia and Herzegovina**

While the law prohibits discrimination on the basis of sexual orientation, it was not enforced in practice, and there was frequent societal discrimination against gay, lesbian, bisexual, and transgender persons. Gays and lesbians who were open about their orientation faced frequent harassment and discrimination, including termination from employment. In some cases, dismissal letters explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for them to find another job.

On September 24-26, the Q Association organized the first "Queer Sarajevo Festival" in Bosnia and Herzegovina. Announcement of the festival met with harsh, often discriminatory commentary by Islamic community leaders and some political party leaders. The NGO received numerous threats; press coverage was generally negative and, in some cases, discriminatory. Some organizations and businesses withdrew their support of the festival, reportedly due to intimidation by religious groups. On September 24, the night of the festival's opening, a group of approximately 50 young men marched past the opening, chanting obscenities and threats against festival participants. Immediately following the opening of the festival, a group of several dozen youths attacked and injured at least eight persons, including two journalists and one police officer.

There are provisions against hate speech in the Federation criminal code, but not in the RS criminal code. The broadcasting code of practice also regulates hate speech by broadcasters. The Communications Regulatory Agency (CRA), charged with implementing the code, did not register any cases of hate speech during the year. However, independent analysts noted that hate speech is reemerging and many media outlets use language, often nationalistic, considered provocative or incendiary on matters related to ethnicity, religion, sexual orientation, and political affiliation. The Press Council received 63 complaints concerning print media, of which 13 complaints were rejected and 10 were accepted. In some cases the Press Council instructed media outlets to publish a refutation or a retraction; mediation or self-regulation resolved 17 cases. Most of the accepted complaints referred to the absence of the right to denial.

## **Bulgaria**

The constitution and law prohibit discrimination on the grounds of race, gender, disability, social status, and sexual orientation; however, the law does not prohibit discrimination on the basis of language. Societal discrimination continued to occur, particularly against women, sexual minorities, and ethnic minorities. Trafficking in persons continued to be a problem.

In May the Sofia court of appeals upheld a judgment against Attack party leader Volen Siderov for discriminatory statements against ethnic Turks, Roma, Jews, and other groups. Six of eight cases in a complaint against Siderov remained under review by the Sofia regional court. The complaint originated with a coalition of 60 NGOs, who charged that Siderov harassed and discriminated against persons from ethnic, religious, and sexual minorities. In the two cases that were decided, both from 2006, the court in one case found that Siderov had incited discrimination on the basis of ethnicity but found in the other that his statements did not discriminate on the basis of sexual orientation. Following an appeal, the Sofia court of appeals upheld the ethnic discrimination judgment in May.

The law prohibits discrimination on the basis of sexual orientation, but the government did not effectively enforce this prohibition. Reports of violence against sexual minorities were rare, but societal discrimination, particularly discrimination in employment, although less common than in previous years, remained a problem. The gay-rights organization Gemini reported that individuals continued to be reluctant to pursue legal remedies for discrimination due to the stigma of being openly identified as gay. On June 28, police arrested approximately 60 nationalist protestors attempting to disrupt the country's first gay pride parade. Approximately 100 participants marched under tight security protection, and at least one protester threw a Molotov cocktail. The head of the Christian Orthodox Church and the Muslim chief mufti condemned the march, calling it immoral and referring to homosexuality as a disease.

## **Croatia**

Violence and discrimination against women continued. Trafficking in persons, violence and discrimination against homosexuals, and discrimination against persons with HIV/AIDS were also reported.

There was some societal violence and discrimination against homosexuals. On June 28, two persons attacked activists from Iskorak and Kontra (NGOs that promote gay rights) outside their offices after the

annual gay pride parade. The parade route was nevertheless well guarded, and the police were quick to take away those trying to disrupt the march. In addition, police investigated an assault against three Kosovo citizens who were celebrating outside of the parade zone. The police identified the attackers and charged them with criminal acts, although there were reports that police also treated the victims disrespectfully.

On February 25, a court convicted and sentenced a man to 14 months in prison and psychiatric treatment for attacking Italian Senator Gianpaolo Silvestri after the 2007 gay pride parade. This was the first time that courts convicted someone of a hate crime since the parliament introduced this type of crime into the criminal code in 2006. Gay pride organizers welcomed the conviction but complained that the police did not file criminal reports against other attackers.

Societal discrimination against homosexuals was frequently present in the form of insults, stereotypical jokes, and societal prejudices.

On July 21, the parliament passed a law on the suppression of discrimination, an umbrella law that addresses discrimination based on a number of grounds including race, ethnicity, sex, language, political convictions, property, union membership, disability, and others. The Catholic Church and other religious bodies strongly opposed one section of the new law because they believed it opened up the possibility for gay marriages and the adoption of children by gay individuals, although the law did not directly stipulate these measures. The law was scheduled to enter into effect in January 2009. The new law also provides more staffing and funding for the Office of the Ombudsman for Human Rights, responsible for the implementation of the new law.

## **Cyprus**

Despite legal protections, homosexuals faced significant societal discrimination, and few homosexuals in the country were open about their sexual orientation. One NGO reported that there were complaints of discrimination toward homosexuals.

The law criminalizes homosexuality in the area administered by Turkish Cypriots. Homosexuality remained highly proscribed socially and rarely discussed.

## **Czech Republic**

There were no reported cases of violence or discrimination against persons based on sexual orientation.

## **Denmark**

The law provides that criminal sentences can be increased when bias is proved as a motive. Bias can be based on race, ethnicity, gender, sexual orientation, or religion.

The law prohibits any public speech or dissemination of statements or other pronouncements by which a group of persons is threatened, derided, or degraded because of their race, skin color, national or ethnic background, faith, or sexual orientation; offenders may be fined or imprisoned for up to two years. The law also prohibits "blasphemy" and provides that a person who publicly mocks or insults a

legally existing religious community's tenets of faith or worship may be fined or imprisoned for up to four months.

There were no reports of societal discrimination based on sexual orientation.

### **Estonia**

There were no reports of societal violence or discrimination based on sexual orientation.

### **Finland**

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

### **France**

The law prohibits discrimination on the basis of sexual orientation in employment or service, public or private. There were isolated incidents of violence against homosexuals, authorities pursued and punished offenders. The NGO SOS Homophobia reported 1,263 homophobic acts in 2007, a 5 percent decrease from 2006. Physical assaults decreased by 14 percent in 2007 to 132 incidents.

Citizens may report cases of discrimination based on age, gender, national origin, ethnicity, family situation, sexual orientation, physical disability, state of health, religious conviction, or group affiliation to the independent High Authority for the Fight against Discrimination and for Equality (HALDE). At year's end the HALDE had received 6,511 discrimination claims, half of which regarded employment.

### **Georgia**

While there are no laws that criminalize homosexual behavior, it was not widely accepted in society.

### **Germany**

The law prohibits discrimination on the basis of ethnicity, religious affiliation, age, sex, handicap, or sexual orientation.

The FCO (Federal Criminal Office) defines politically motivated crimes as offenses related to the victims' ideology, nationality, ethnicity, race, skin color, religion, worldview, ancestry, sexual orientation, disability status, appearance, or social status. The FOPC report listed 180 right-wing extremist organizations and groups. Authorities estimated membership in these groups, plus right-wing extremists who were unorganized, to be 31,000 at the end of 2007. In 2007 the FOPC recorded 17,176 right-wing "politically motivated crimes" (PMCs) with an extremist background, a decrease of 2.4 percent from 17,597 incidents in 2006. Of these offenses, 980 were violent, compared with 1,047 in 2006, a decrease of 6.4 percent. Approximately 414 (484 in 2006), or 42.2 percent, of the right-wing violent offenses had an extremist and xenophobic background, while perpetrators directed 294, or 30 percent, against (alleged) left wing extremists (2006: 302, or 28.8 percent). Left-wing groups committed 2,765 PMCs, foreigners committed 747 PMCs, and there were 121 other types of PMCs with extremist backgrounds.

On August 22, vandals painted 11 swastikas on Germany's central memorial to the six million Jewish victims of the Holocaust. The vandalism came a week after vandals damaged a nearby memorial to gay victims of the Nazis.

## **Greece**

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not protect these rights consistently in practice. Violence against women and children, trafficking in persons, and discrimination against homosexuals and ethnic minorities, particularly Roma and undocumented migrants, were problems.

The NGO Greek Homosexual Community (EOK) alleged that police often abused and harassed homosexuals and transvestites and subjected them to arbitrary identity checks and bodily searches in public places.

## **Hungary**

Violence and abuse directed at gays continued to be a problem.

Homosexuality is legal, but extremist groups continued to subject homosexuals to physical abuse and attacks. On June 27 and July 2, unknown perpetrators threw Molotov cocktails into a gay bar and a gay bathhouse in Budapest; there were no injuries. The National Investigation Office investigated the incidents but had not identified any suspects or made any arrest by year's end. On July 5, antigay protestors violently disrupted an annual gay pride march in Budapest for a second consecutive year. An estimated 2,000 participants encountered a crowd of several hundred antigay demonstrators who verbally abused them, threw eggs, tomatoes, cobblestones, gas grenades, and Molotov cocktails. Police responded with tear gas and water cannons to disperse the protestors and end the clashes. Fifty seven antigay protesters were arrested; 14 persons were injured.

On June 19, following criticism by the HHC and other civil society organizations, the Budapest police revoked a ban on a gay pride parade scheduled for July 5. The city's police chief had previously stated that the event would obstruct important traffic routes in central Budapest. The parade occurred, although marchers were subjected to verbal and physical abuse from counter-demonstrators.

## **Iceland**

The law also establishes fines and imprisonment of up to two years for anyone who publicly ridicules, slanders, insults, threatens, or in any other manner publicly assaults a person or a group on the basis of their nationality, skin color, race, religion, or sexual orientation. There were no reports that the law was invoked during the year.

There were no reports of societal violence or discrimination based on sexual orientation.

## **Ireland**

The law prohibits discrimination in employment on the basis of gender, marital status, family status, sexual orientation, age, disability, race, and membership in the Traveller community, and the government sought to enforce the law; however, discrimination against racial minorities, including immigrants and Travellers, remained a problem.

There was no reported societal violence or discrimination based on sexual orientation.

## **Italy**

On August 3, a lawyer alleged that in 2006 a young inmate in Catania was raped by other prisoners because of his perceived sexual orientation; there were no reports of an investigation in this case.

There were reports of societal discrimination based on sexual orientation. On September 15, an NGO reported that unknown persons painted swastikas and graffiti saying "gays in ovens" in a Rome neighborhood popular with gays. On July 7, a gay couple was insulted and beaten by a group of youths near Naples.

On July 12, a court ordered the ministries of Transportation and Defense to pay 100,000 euros (approximately \$140,000) in compensation for having requested the revocation of a person's driver's license based on his sexual orientation.

## **Kosovo**

The constitution and law prohibit discrimination based on sexual orientation; however, there were reports of violence and discrimination directed against gays and lesbians.

Traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. Gays and lesbians generally felt insecure, with many reporting threats to their personal safety. There were fewer threats reported than in previous years; however, this may have been due to greater caution taken by gays and lesbians in their activities. The print media at times reinforced negative attitudes by publishing articles about homosexuality that characterized gays and lesbians as mentally ill. At least one political party, the Islamic-oriented Justice Party, included a condemnation of homosexuality in its political platform.

There were no developments in the May 2007 case in which four males, three wearing dresses, were harassed by KPS officers. The Center for Social Emancipation, a local NGO promoting lesbian, gay, bisexual, and transgender rights, stated that there were a number of other cases of discrimination against homosexuals during the year but that victims refused to allow it to present their cases publicly out of fear of discrimination.

There were no developments in the 2006 assault case involving unknown persons who severely beat two men they observed engaging in homosexual acts.

## Latvia

The government generally respected the human rights of its citizens and the large resident noncitizen community; however, there were problems in some areas. These included: serious police abuse of detainees and arrestees; poor conditions at police detention facilities; poor prison conditions and overcrowding; judicial corruption; obstacles to due process; official pressure to limit freedom of speech; violence against women; child abuse; trafficking in persons; incidents of violence against ethnic minorities; and societal violence and incidents of government discrimination against homosexuals. The law prohibits discrimination based on race, gender, language, disability, or social status; however, violence against women and racial minorities, societal discrimination against women and homosexuals, child abuse, and trafficking in persons were problems.

There were no reports of societal violence or discrimination against homosexuals; however, the population at large appeared to have little tolerance for homosexuality.

During the year the city of Riga permitted a gay pride event under heavy police protection. There were reports of verbal harassment by opponents from outside the security perimeter, but there were only minor violations of public order. Organizers of the event questioned the severe security measures imposed by the authorities, which they believed discouraged participation and limited visibility of the event.

In April the minister for the Secretariat of Social Integration removed a list of "vulnerable groups" from the national program on the promotion of tolerance after his consultations with church representatives. Some human rights NGOs believed that the list was removed because it included the Lesbian Gay Bisexual and Transgender (LGBT) community.

## Liechtenstein

A government-contracted study published in December 2007 found evidence of discrimination based on sexual orientation.

## Lithuania

On July 23, Vilnius Mayor Juozas Imbrasas stated that as long as he was mayor, "there will be no (public) advertising for sexual minorities." On August 20, the Vilnius municipality refused to issue a permit that would have allowed the European Commission's mobile display, "For Diversity. Against Discrimination," advocating tolerance for all, including gays, to hold an event at the Old City Hall Square. The event was held instead in the less centrally located private parking lot of a shopping center. After a permit was withheld for a similar event in 2007, the equal-opportunities ombudsman opened an investigation to determine if the municipality acted legally by cancelling the prodiversity event; however, the ombudsman later terminated the investigation due to a lack of information. NGOs, European Commission officials, and some government officials criticized the withholding of the permit.

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The law and constitution provide for the right to assemble peacefully, and the government generally respected this right in practice for most groups; however, the government denied parade permits to gay rights groups on several occasions during the year.

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On June 17, parliament approved amendments to the Law on Equal Rights, which added prohibitions against discrimination based on ethnicity, religion, sexual orientation, age, and disability to the already existing prohibitions of discrimination based on gender, race, nationality, language, origin, social status, beliefs, or creed. However, these prohibitions do not apply to schools established by religious groups, which may, for example, hire teachers only of that religion.

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Local human rights organizations and members of the gay community reported that physical abuse on the street, discrimination, and persistent social exclusion of homosexuals were problems.

In July the government paid 40,000 euros (approximately \$56,000) to a transsexual woman after the ECHR ruled in September 2007 that authorities had violated her privacy rights. The ruling also ordered the state to pass a sex change law within three months of its ruling; however, no such law was passed.

### **Luxembourg**

There were no reports of official or societal discrimination based on sexual orientation.

### **Macedonia**

Activists representing the rights of homosexuals reported incidents of societal prejudice against homosexuals, including harassment or discrimination by employers and state officials. The press carried antigay articles and television stories.

### **Malta**

There were no reports of discrimination based on sexual orientation.

### **Moldova**

On May 8, Chisinau municipal authorities barred the gay rights organization GenderDoc-M from holding a pro-tolerance, antidiscrimination rally. Authorities cited the need to avoid societal tensions and religious organizations' disapproval of homosexuality as reasons for the denial. On May 11, security forces observed passively from a distance as hundreds of persons aggressively blocked a bus carrying GenderDoc-M supporters to a public meeting in the National Assembly Square to call for the adoption of an antidiscrimination law. The attackers confiscated GenderDoc-M campaign material and followed the bus to the organization's headquarters.

On May 15, rights organizations criticized the lack of police intervention during the May 11 incident, accusing authorities of discrimination based on the perceived sexual orientation of participants, and called for a government investigation into the lack of police protection. On May 29, the European Commission delegation to the country urged the MOI to analyze the role played by the police during the incident and to address the question of ensuring freedom of assembly in instances when there are conflicting simultaneous assemblies. At year's end no investigation had yet been opened.

There were reports of governmental and societal discrimination based on sexual orientation. According to the gay rights NGO GenderDoc-M, lack of community recognition, negative media portrayals, and condemnation by the Orthodox Church often led to public ostracism of gays, lesbians, bisexuals, transgendered persons, and their families.

During the year public officials spoke out against homosexuality. In a speech before parliament on May 15, deputy speaker Iurie Rosca stated that Moldovans should respect personal privacy and the freedom to choose sexual orientation, but reject "public displays" of homosexual behavior. He noted that parades and such "public displays" have a negative impact on children's psychic and moral development. During a May 11 protest organized by GenderDoc-M, security forces observed from a distance as hundreds of people aggressively blocked the bus carrying GenderDoc-M participants. Police failed to address emergency calls from the participants. According to one participant who called the police emergency line, a police officer said: "Yes, we know you are being attacked; what do you want us to do about it?" Although the Chisinau mayor's office initially approved the group's plan for the march, on May 9 Mayor Dorin Chirtoaca withdrew permission, claiming that he did so to avoid violence. In Transnistria, homosexuality is illegal, and gays and lesbians were subject to governmental and societal discrimination.

### **Monaco**

There were no reports of violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

### **Montenegro**

The law does not explicitly mention sexual freedoms; however, the constitution guarantees the respect of human rights on all grounds and prohibits the instigation of hatred or intolerance on any grounds. There were infrequent reports of violence and discrimination directed against gay men. Society generally showed antipathy towards homosexuals, leading most to conceal their orientation. The print media at times reinforced these attitudes by publishing articles with negative overtones about homosexuality. Violence against homosexuals was rare and not condoned by the government.

### **Netherlands**

It is a crime to engage in public speech that incites hatred, discrimination, or violence against persons because of their race, religion, convictions, gender, sexual orientation, or disability, and during the year the government prosecuted several cases successfully, notably cases in which judges considered the language in question to be "unnecessarily offensive." The government urged prosecutors and police to give proper attention to incidents of "discrimination," which in the country's jurisprudence includes racially offensive speech.

In March a pilot project was begun in two regional police districts, including Amsterdam, to improve the reporting of hate crimes, including hate speech, by using a special Web site. In July the city of Amsterdam started a campaign to encourage the reporting of such incidents to the Amsterdam Discrimination Registration Center.

The law prohibits discrimination based on age, race, gender, disability, language, political preference, sexual orientation, and social status, and the government generally enforced these prohibitions. However, violence against women and children, trafficking in persons, and discrimination against ethnic minorities were problems.

The independent Registration Center for Discrimination on the Internet (MDI) reported that strongly anti-Semitic statements regularly appeared on both right-wing extremist and radical Islamic Web sites. The sites targeted not only Jews but other groups, including Muslims, blacks, and homosexuals. Observers noted a new phenomenon of right-wing youth augmenting their profiles on Internet social networking sites with anti-Semitic texts. The Center for Information and Documentation on Israel called for stronger government action against anti-Semitic Web sites, describing the Internet as one of the main sources for dissemination of anti-Semitic and racist ideologies. An antidiscrimination NGO and several major political parties asked the justice minister to take action against the Web site of the neo-Nazi organization Blood and Honor.

The UNHCR and NGOs, including Amnesty International (AI), raised cases in which protection from return to unsafe countries appeared to have been violated and called for stricter policies to prevent future instances. The authorities promised to investigate the allegations. These charges also drew intense political scrutiny and gave rise to parliamentary hearings that reversed or delayed government proposals to return asylum seekers from Somalia and parts of Iraq, as well as homosexuals and Christian converts from Iran.

On May 14, the city council of Amsterdam presented an updated plan of action against discrimination. The priorities were to enhance victims' willingness to report incidents, to counter hate crimes against homosexuals, and to promote a nondiscriminatory policy at clubs and bars. Meanwhile, AI voiced criticism that most local governments had failed to develop plans to combat discrimination and racism.

There was increasing harassment of homosexuals in larger cities, primarily by some groups of Muslim youth. Most harassment consisted of verbal epithets and abuse. Police gave efforts to combat antigay violence high priority. Amsterdam police, who began keeping separate records of antigay incidents in 2007, recorded 234 antigay incidents in that year. Most involved cursing and threats, but 79 cases involved violence.

## **Norway**

There were no reports of societal violence or discrimination based on sexual orientation.

## **Poland**

There was discrimination against women in the labor market, sexual exploitation of children, trafficking in women and children, and societal discrimination and violence against ethnic minorities and homosexuals.

During the year there were some reports of skinhead violence and societal discrimination against persons based on their sexual orientation.

On April 25, an estimated 1,000 persons took part in Krakow's annual gay March for Tolerance to call for an end to prejudice against homosexuals. The event took place without major incident; organizers noted that, for the first time, they were not forced to change their route and could march through the city's main square. A small counter-demonstration was organized by the All Youth and National Rebirth of Poland activists. Some hooligans threw eggs, stones and bottles at march participants; six people were detained by police. In May 2007 the UN Committee Against Torture raised concerns over violence and hatred against homosexuals in the country.

On June 7, Warsaw authorities allowed the annual Equality Parade to take place in the city center for the third consecutive year. Approximately 2,000 local and international gay rights advocates participated in the march without serious incident. Some 100 members of the All Poland's Youth and National Radical Camp staged a counterdemonstration, but there was no direct confrontation between the two groups due to police protection.

The Ministry of Labor and Social Policy is responsible for combating gender discrimination, incorporating gender equality into governmental policy, and monitoring implementation of government programs to promote gender equality. The ministry continued to implement projects to combat gender discrimination in the workplace, including an EU program that involved local NGOs to combat discrimination on the grounds of sex, race, religion, disability, age, and sexual orientation.

## **Portugal**

There were no reports of societal violence or discrimination based on sexual orientation.

## **Romania**

Homosexuals continued to suffer societal discrimination.

NGOs reported that police abuse and societal discrimination against homosexuals was common and that open hostility prevented the reporting of some harassment and discrimination. Members of the gay and lesbian community continued to voice concerns about discrimination in public education and the health care system.

On May 24, approximately 200 persons participated in the annual "march of diversity" gay pride parade in Bucharest. Local authorities mobilized hundreds of police to protect the participants, and for the first time the parade ended without violent incidents. However, the "New Right," a neofascist group militating against homosexuality and claiming Christian orientation, sponsored an antigay rally on the same day at a different time and location and chanted virulent antigay slogans. The Conservative Party also spoke against the gay parade and sponsored a rally on May 25 in support of the traditional values. There was no progress in investigating the violent incidents that took place at gay parades in previous years.

A number of young men in police detention whom other inmates perceived as being homosexual complained of harassment and violence by other inmates while authorities failed to protect them effectively.

In July 2007, for the first time, a Bucharest court ruled in favor of a person who accused a company of discrimination in access to services on grounds of sexual orientation. A complaint with the CNCD regarding the case remained pending at year's end.

ACCEPT, an NGO fostering lesbian, gay, bisexual, and transgender (LGBT) rights, complained that police singled out LGBT community members for violence and harassment.

A June 2007 study by the Institute of Public Policies and Romani CRISS pointed to the danger of online discrimination and hate speech, directed mainly against Roma and homosexuals, on the discussion forums of four national dailies. This situation continued on discussion forums of online dailies during the year.

## **Russia**

While homosexuality is not illegal, the gay community continued to suffer societal stigma and discrimination. Medical practitioners reportedly continued to limit or refuse their access to health services due to intolerance and prejudice. According to recent studies, male homosexuals were refused work due to their sexuality. Openly gay men were targets for skinhead aggression, which was often met with police indifference. A few gay rights organizations operated out of public view.

The law does not provide for increased penalties for violence motivated by sexual orientation. In March, two youths killed a man in Sverdlovsk Oblast whom they perceived to be a homosexual. Both individuals were arrested and remained under investigation. There was no update in the case at year's end.

On June 1, gay pride activist Alexey Davydov was assaulted while addressing reporters at the Moscow Gay Pride event. Members of the National Slavonic Union pushed to the ground and severely beat Davydov. The police managed to arrest the attackers, although police also detained Davydov and sent him to the same police station along with the attackers. There were reportedly no charges filed against the perpetrators.

Abuse of prisoners by other prisoners continued to be a problem. Violence among inmates, including beatings and rape, was common. There were elaborate inmate-enforced caste systems, in which informers, homosexuals, rapists, prison rape victims, child molesters, and others were considered to be "untouchable" and were treated harshly, with little or no protection provided by prison authorities. On June 1, after a number of gay rights activists were repeatedly denied permission to hold parades, gay pride organizers held two demonstrations in Moscow. Organizers had announced that the demonstration would take place across the street from the mayor's office, and police and counter-protesters gathered there to confront them. However, the organizers secretly notified participants of a different location and, in contrast to the banned parade in 2007, a short march took place largely free of violence. The human rights ombudsman criticized the mayor's policy of denying permission for gay parades. In October, the Moscow City Court upheld a ruling by the Tverskoy District Court banning 10 marches that were part of the gay parade.

In May 2007, participants in a Moscow gay rights demonstration were assaulted by counterdemonstrators. Security forces did not protect the demonstrators and arrested approximately 25 gay rights activists.

## San Marino

There were no reports of discrimination based on sexual orientation.

## Serbia

Violence and discrimination against homosexuals was a problem. A comprehensive survey of societal perceptions of homosexuality and attitudes towards the lesbian, gay, bisexual, and transgender (LGBT) population, conducted in February and March, showed that the dominant opinion was that homosexuality is a disease and represents a threat to society. Several Serbia-based Neo-Nazi web sites and Facebook pages hosted anti-LGBT forums and groups.

During the Eurovision song contest in May, the right-wing youth group *Obraz* organized squads that patrolled Belgrade to protest against the "street conference of gay-lesbian groups." The group stated it would not tolerate any public promotion of "evil," but there were no reported incidents.

On September 19, a group of approximately 20 youths wearing surgical masks and hoods attacked participants in a gay rights festival in Belgrade. Several participants suffered minor injuries, while an U.S. citizen suffered a broken arm and concussion. According to press reports, the police reacted swiftly, arresting two of the attackers and filing criminal charges. There was no further information available at year's end.

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, some media carried slurs against homosexuals. A commentary published in May in the daily *Politika* attacked the LGBT presence at the Eurovision contest; a number of gay and human rights organizations criticized the commentary as hate speech. On June 2, the Belgrade-based *Kurir* tabloid published an interview, titled "With Dynamite for Faggots," with Predrag Radetic, who was arrested on May 21 while attempting to enter a party of Eurovision guests and contestants while strapped with explosives.

On December 11, representatives of the NGO Queer Life released a statement calling for the government to respond to anti-gay placards posted throughout Belgrade on December 10. The posters, authored by the right-wing organization *Nasi*, used crude and offensive language to criticize a Ministry of Culture grant awarded to Queer Life to develop its web site. The NGO statement also called for *Nasi* to be banned as an organization that incites hatred and intolerance.

On December 23, the NGO Gay Straight Alliance (GSA) issued a statement welcoming the first-ever court decision punishing threats against members of the gay community. Belgrade city magistrate Snezana Aleksic fined B.P. from suburban Rusan 10,000 dinars (approximately \$180) for sending numerous text message threats to GSA activist L.P. in April. GSA however criticized the police department in the Palilula district of Belgrade for its unwillingness to accept a complaint from L.P. and also highlighted that police in the city's New Belgrade district had yet to investigate threats against GSA head Boris Milicevic reported by the group in October.

## **Slovak Republic**

There were no reports of violence based on sexual orientation but, according to gay rights advocates, prejudice and discrimination persisted.

## **Slovenia**

Societal violence against women, trafficking in women and girls, discrimination against Roma, violence against homosexuals, and discrimination against former Yugoslav residents without legal status were also problems.

The law prohibits discrimination based on sexual orientation; however, societal discrimination was widespread, and isolated cases of violence against homosexuals occurred. Recent data on the problem's scope was not available.

On June 21, the eighth annual gay pride parade in Ljubljana took place with the support of local government officials, although 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. However, two individuals were assaulted following the parade, and three other assaults occurred during evening events. Police did not apprehend the perpetrators.

The law permits homosexual civil unions. In 2006 gay activists filed a complaint with the Constitutional Court that the law does not afford the same social, family, and inheritance rights as those granted to heterosexual married couples. The court had not issued a ruling on the complaint by year's end.

## **Spain**

There were no reports of major societal violence or discrimination based on sexual orientation.

## **Sweden**

The law prohibits discrimination based on race, gender, disability, language, or social status. Although the government effectively enforced these laws, violence against women and children, trafficking in persons, and discrimination against resident foreigners, Roma, and homosexuals remained problems.

There were isolated incidents of societal violence and discrimination against homosexual persons. There were reports that individuals associated with the National Socialist Front Party made threats against the Swedish Federation for Lesbian, Gay, Bisexual, and Transgender Rights. The ombudsman against discrimination on grounds of sexual orientation registered 47 reported cases during the year, the same number as in 2007. Additionally, the ombudsman's office initiated six new discrimination investigations, compared to eight in 2007. A government working group promotes equal rights for homosexual, bisexual, and transsexual persons.

The law criminalizes certain types of expression considered to be hate speech and prohibits threats or expressions of contempt for a group or member of a group based on race, color, national or ethnic

origin, religious belief, or sexual orientation. Hate speech may be punished by penalties ranging from fines up to a maximum of four years in prison. During the year, members of the National Socialist Front were prosecuted under the hate speech law.

## **Switzerland**

There were no reports of societal violence or discrimination based on sexual orientation.

## **Turkey**

In its October report, the NGO Societal and Legal Research Foundation (TOHAV) reported an increase in torture cases during the year. Based on a study of 275 surveys from individuals who submitted credible reports of torture from 2006 through February 28, TOHAV found that 210 of the victims were ethnic Kurds, 55 ethnic Turks, and 10 ethnic Arabs. A total of 217 victims claimed that they were tortured for their political views, 36 for their sexual orientation, and 22 for criminal reasons. Fifteen of the victims said they were abused in a police car, 83 in open fields, and 76 in police stations. Only 70 of the torture allegations resulted in criminal complaints, and only five of those resulted in court cases, which were ongoing at year's end.

....

While the law does not explicitly discriminate against homosexuals, two gay and lesbian rights organizations, Lambda Istanbul and Kaos GL, claimed that vague references in the law relating to "the morals of society" and "unnatural sexual behavior" were sometimes used as a basis for discrimination by employers. The law also states that "no association may be founded for purposes against law and morality." This article has been applied in attempts to shut down or limit the activities of NGOs working on gay and lesbian issues.

In April, Anadolu University in Eskisehir lifted restrictions blocking access to the Web sites of Kaos GL, Pembe Hayat, and Lambda Istanbul from campus computers.

On July 15, 26 year-old Ahmet Yildiz was shot and killed leaving a cafe in Istanbul. Yildiz had represented the country in an international gay gathering in San Francisco in 2007. Yildiz's family disapproved of his homosexuality, and his body remained unclaimed in the morgue for six days. Yildiz had previously filed a complaint with the police after receiving threats. Police collected statements from friends and family, but had not begun an investigation by year's end.

In September a group of transsexuals and transvestites in Istanbul filed a criminal complaint against several police officers for alleged mistreatment. The group leader alleged that group members were arbitrarily detained and released in remote parts of the city.

On November 28, the Supreme Court of Appeals overturned an Istanbul court decision ordering the closure of the lesbian, gay, bisexual, and transgender solidarity organization, Lambda Istanbul. On May 29, the Istanbul court had ruled that Lambda Istanbul's objectives violated Turkish "moral values and family structure," justifying its closure.

In May 2007 members of the groups Pembe Hayat and Kaos GL protested at the Esat police station in Ankara. Protestors claimed that transsexuals and transvestites had been unjustly taken into custody and

faced mistreatment during their detention. Police officers on duty prevented the protestors from making a press statement during the demonstration.

In February 2007 Bilgi University students established the country's first gay and lesbian university club. Approximately 15 parents lodged complaints with the university administration, and the Turkish Higher Education Council opened an inquiry into the university. Bilgi's dean of students, Halit Kakinc, responded that closing the club would violate human rights. The club was operating normally at the end of the year.

## **Ukraine**

The constitution prohibits discrimination on the basis of race, gender, and other grounds; however, the government did not enforce these provisions effectively, in part due to the continuing absence of an effective judicial system and in part because the law does not contain a mechanism providing protection against discrimination. Violence against women and children; gender and age based discrimination; trafficking in persons; harassment and discrimination against ethnic minorities, homosexuals, individuals with disabilities, and persons with HIV/AIDS; and a rise in xenophobic violence were problems. The gay and lesbian rights organization Nash Mir (Our World) characterized political and religious leaders as indifferent or hostile to the gay community. Members of the antigay organization Love against Homosexuality reported that in February they received letters of support from two members of parliament from the Yulia Tymoshenko bloc, Ihor Yeresko and Vitaliy Barvinenko, who called homosexuality a threat to national security. In another letter of support to the same group, Hanna Herman, the chair of the parliamentary Committee on Freedom of Speech and Information and a member of the Regions Party, wrote that government bodies were obliged to undertake steps to stop the "popularization of homosexuality, lesbianism, and other sexual perversions that do not correspond to the moral principles of society."

On February 22, the PGO opened a criminal investigation of the editorial staff of Nash Mir's newspaper, Gay.ua, for allegedly distributing pornography. According to Nash Mir, the newspaper was circulated among a restricted number of subscribers, while explicit erotic materials were easily obtained at newspaper kiosks.

Other problems of concern included reports of ongoing police abuse of gays, threats by police to inform gays' families and employers of their lifestyle, and the lack of access to medical treatment and information for gay men on the prevention of HIV/AIDS.

The gay and lesbian rights organization Nash Mir (Our World) characterized political and religious leaders as indifferent or hostile to the gay community. Members of the antigay organization Love against Homosexuality reported that in February they received letters of support from two members of parliament from the Yulia Tymoshenko bloc, Ihor Yeresko and Vitaliy Barvinenko, who called homosexuality a threat to national security. In another letter of support to the same group, Hanna Herman, the chair of the parliamentary Committee on Freedom of Speech and Information and a member of the Regions Party, wrote that government bodies were obliged to undertake steps to stop the "popularization of homosexuality, lesbianism, and other sexual perversions that do not correspond to the moral principles of society."

Authorities prohibited at least one progay demonstration, by the Mykolayiv based organization for gays, lesbians, and bisexuals, Liga, on the grounds that some religious organizations were against it and there was the potential for disturbing the public peace.

## **United Kingdom**

Societal problems included discrimination against religious minorities; mistreatment of women, children, ethnic minorities, gays, and persons with disabilities; and trafficking of persons.

The law prohibits discrimination based on race, nationality, gender, sexual orientation, or disability, and the government generally enforced the law effectively.

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 is 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 Children's Minister Kevin Brennan stated that schools had a clear and urgent obligation to end the "widespread use" of homophobic language and other abuse and that such language and behavior would be viewed the same as racial abuse, making teachers responsible for dealing with it and not ignoring it. Brennan's statement came days after Stonewall, a gay rights organization, released the results of a survey, conducted by the online polling service YouGov, which found that two-thirds of gay students in all schools and three-quarters in religious schools reported experiencing abuse. The report also found that 20 percent of all gay respondents had suffered some form of hate crime, yet only 1 percent of hate crimes lead to convictions.

The mandate of the Equality and Human Rights Commission (EHRC), an independent organization funded by the government, included work on behalf of persons with disabilities to stop discrimination and promote equality of opportunity. The commission provided legal advice and support for individuals, a hotline for persons with disabilities and employers, and policy advice to the government. The commission may also conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination. Some advocates for persons with disabilities claimed during the year that the October 2007 replacement of the Disability Rights Commission, which dealt only with disabilities, by the EHRC, which also has a mandate for combating discrimination based on race, sex, religion and belief, sexual orientation and age, led to a dilution of efforts on behalf of persons with disabilities.

## **WESTERN HEMISPHERE**

### **Antigua and Barbuda**

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

...There were occasional reports of police brutality, corruption, excessive force, discrimination against homosexuals, and allegations of abuse by prison guards.

## **Argentina**

During the year, INADI received 82 complaints of discrimination on the basis of sexual orientation or gender identity, 38 of which were resolved rapidly.

In July authorities arrested Sergio Alfredo Nunez, Silvio Elias Soria, and Cesar Javier Ulivarri in connection with the 2006 killing of transgender activist Pelusa Liendro, who was found stabbed in her car 10 days after the broadcast of an undercover videotape she and other activists made of police harassment and abuse of transgender persons in Salta Province. Nunez and Soria remained in pretrial detention at year's end. The court stayed legal proceedings against Rodolfo Aguilares and two other individuals.

In August the National Social Security Administration granted widowed homosexual partners the rights to inherit their partner's pension. Eligible partners must demonstrate that they lived with their partner for at least five years.

## **Bahamas**

Societal discrimination against homosexuals occurred, with some persons reporting job and housing discrimination based upon sexual orientation. Although homosexual relations between consenting adults are legal, there was no legislation to address the human rights concerns of homosexuals, lesbians, bisexuals, or transgendered persons. In 2006 the Constitutional Review Commission found that sexual orientation did not deserve protection against discrimination.

Three killings of reportedly gay individuals during the year, following sensationalistic media reporting of gay links in two high-profile murders in Nassau in November 2007, added to the atmosphere of societal intolerance. These killings were still under police investigation at year's end.

## **Barbados**

The law criminalizes consensual homosexual 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 no statistics were available, anecdotal evidence suggested that societal discrimination against homosexuals occurred. An NGO reported an instance in which a gay person who sought police protection from an abusive partner was denied and later killed by that partner.

## **Belize**

There were incidents of discrimination based on sexual orientation, but determination of its extent was difficult to ascertain.

## **Bolivia**

While the government generally respected the human rights of its citizens, there were problems in some areas. The most significant human rights problems were abuses by security forces; harsh prison conditions; arbitrary arrest and detention; attacks on the judiciary by the executive branch; threats to civil liberties, including legal rights and press freedom; use of excessive force and other abuses in internal conflicts; corruption and a lack of transparency in government; discrimination based on gender,

ethnicity, and sexual orientation; trafficking in persons; child labor; forced or coerced labor; and brutal working conditions in the mining sector.

Although the law prohibits discrimination based on race, gender, language, sexual orientation, or social status, there was significant discrimination against women, indigenous people, and the small black minority. Persons with HIV/AIDS, indigenous people, peasant farmers, and homosexuals, in this order, experienced the most discrimination.

According to a study by the Employment Bureau of La Paz Department, at least five people in the cities of La Paz, Cochabamba, and Santa Cruz were killed in 2007 due to their sexual orientation. According to the ombudsman's office the situation did not change significantly during the year. The study showed approximately 80 percent of homosexuals were discriminated against in the workforce, 70 percent in the educational system, and 60 percent in health centers.

## **Brazil**

State and federal laws prohibit discrimination based on sexual orientation, and the federal and state governments generally enforced these laws.

Between January and September, the NGO Bahia Gay Group received 186 reports of killings in the country based on sexual orientation (122 male homosexuals, 58 transvestites, and six lesbians), an increase from the 116 such reports in all of 2007. The Northeast continued to be the most violent area against homosexuals, with Pernambuco State accounting for 14 percent of the cases reported. The federal government's national program, "Brazil without Homophobia," was replicated at the local level in Rio de Janeiro. "Rio without Homophobia" was launched in October, providing assistance to the homosexual community through hot lines, professional counseling services, medical assistance, rights defense, and a witness protection program.

Although the law prohibits and penalizes discrimination on the basis of race, gender, disability, or social status, discrimination against women, Afro-Brazilians, homosexuals, and indigenous persons continued. Police continued to abuse transvestite prostitutes in Rio de Janeiro, Belo Horizonte, and Salvador, according to the NGO Bahia Gay Rights Group. Police routinely investigated such allegations, which rarely resulted in punishment (see section 5 Other Societal Abuses and Discrimination). CECRIA (Reference Center on Children and Adolescents) found that typical sex trafficking victims were darker-skinned women between 15 and 27 years of age, but researchers also noted the presence of adolescent boys as victims, some of whom worked as transvestites.

## **Canada**

There were rare reports of societal violence or discrimination based on sexual orientation. The law prohibits discrimination based on sexual orientation, and the criminal code provides penalties for crimes motivated by bias, prejudice, or hate based on personal characteristics, including sexual orientation. The law extends equal access to civil marriage to same-sex couples.

On November 25, a Saskatchewan marriage commissioner filed suit against the provincial government over a requirement to perform same-sex marriages. In May the Saskatchewan Human Rights Tribunal

had ruled that the marriage commissioner had discriminated against a gay couple when he declined to perform their same-sex ceremony on the ground that it conflicted with his religious beliefs. The tribunal had fined the commissioner. In his suit, the commissioner argued the law violated his Charter right to freedom of religion.

In August police in Peel, Ontario, created a telephone hot line for hate crimes against gay, lesbian, bisexual, and transgendered people.

On May 30, the Alberta Human Rights and Citizenship Commission ordered Rev. Stephen Boissoin and the Concerned Christian Coalition to cease making disparaging comments about homosexuals, pay a Cdn\$7000 (approximately \$6,570) fine, and publish an apology. At year's end Boissoin's appeal to the Alberta provincial court was pending.

In July and December respectively, the CHRC dismissed complaints against Catholic Insight magazine for allegedly promoting hatred of homosexuals and against Muslim cleric Abou Hammaad Sulaiman Dameus al-Hayiti for his book attacking homosexuals, Jews, and Christians.

In August police in Peel, Ontario, created a telephone hot line for hate crimes against gay, lesbian, bisexual, and transgendered people.

## **Chile**

According to the Sixth Annual Report on the Human Rights of Sexual Minorities of the Movement for Homosexual Integration and Liberation (MOVILH), there were 57 cases of discrimination (including four killings) due to sexual orientation in 2007. MOVILH cited a decrease in reports of police brutality but an increase in labor discrimination against gays, lesbians, transvestites, and transgendered individuals. Neo-Nazi and skinhead groups engaged in gang-type criminal activities and violence against immigrants, homosexuals, punk rockers, and anarchists. While these groups shared the anti-Semitic rhetoric of neo-Nazi groups, there were no reports of neo-Nazi attacks targeting the Jewish community. Police arrested persons involved in neo-Nazi attacks, and neo-Nazis have been dismissed from the armed forces and Carabineros.

## **Colombia**

Colombia Diversa, an NGO focused on violence and discrimination due to sexual orientation, reported at least 41 killings during the year due to prejudice regarding sexual orientation. The Constitutional Court recognized the right of same-sex couples to pension benefits and gave greater economic rights to same-sex couples. In spite of the court rulings, Colombia Diversa reported at least three cases of pension benefits being withheld from same-sex partners. Colombia Diversa also reported cases of police abuse against persons due to their sexual orientation, with the majority of complaints coming from transgender individuals. The group also claimed that violence in prisons against persons due to their sexual orientation remained a problem.

## **Costa Rica**

There are no laws prohibiting discrimination against persons based on sexual orientation. As of December the Ombudsman's Office reported receiving one complaint of discrimination based on sexual orientation; the Ombudsman's Office ruled in favor of the institution involved. At year's end a law recognizing same-sex marriage was under discussion in the legislature.

## **Cuba**

Societal discrimination against homosexuals persisted, as police occasionally conducted sweeps in areas where homosexuals congregated, particularly along sections of Havana's waterfront. Homosexual rights organizations also reported cases of individuals discharged from their jobs due to their sexual orientation.

Mariela Castro, the president's daughter, headed the national Center for Sexual Education and was outspoken in promoting homosexual rights. In May she organized a week of programs to mark International Anti-Homophobia Day. Television programs promoted tolerance for homosexuals. On June 6, the government announced the availability of free gender-reassignment surgery. However, nongovernment homosexual rights organizations, such as the Movement of Homosexual Liberation, asserted that the government had done nothing to stop frequent cases of police brutality and harassment of homosexuals, and that Mariela Castro did not respond to their requests to meet with her. On June 25, State Security forces prevented a coalition of homosexual rights groups from holding a "Gay Pride" march in Havana by detaining the organizers and intimidating would-be participants by maintaining a heavy police presence at the parade's starting point.

Sexual assault occurred at prisons. Reports suggested that there was a higher rate of incidence of sexual assault at female prisons. Former political prisoners speculated that the disparity in the rate of sexual assaults was due to assaults by other female prisoners as well as male guards, and because the prison community typically did not tolerate forced participation in male homosexual activity. When such assaults occurred in either male or female prison facilities, guards frequently looked the other way and failed to punish perpetrators.

The authorities continued to ignore applications from new groups for legal recognition, including several new religious groups as well as homosexual-rights organizations, thereby subjecting members to potential charges of illegal association.

## **Dominica**

There are no laws that prohibit discrimination in employment, housing, education, or health care against a person on the basis of sexual orientation. Although no statistics were available, anecdotal evidence suggested that societal discrimination against homosexuals was quite common, as homophobic attitudes were widespread in the socially conservative society. There were very few openly gay men or lesbians.

## **Dominican Republic**

There were no reports of violence against persons on the basis of their sexual orientation.

## **Ecuador**

While the government generally respected the human rights of its citizens, there continued to be problems in the following areas: isolated unlawful killings and use of excessive force by security forces, sometimes with impunity; poor prison conditions; arbitrary arrest and detention; corruption and other abuses by security forces; a high number of pretrial detainees; and corruption and denial of due process within the judicial system. Societal problems continued, including violence against women; discrimination against women, indigenous persons, Afro-Ecuadorians, and homosexuals; trafficking in persons and sexual exploitation of minors; and child labor.

The previous and new constitutions prohibit discrimination based on race, gender, disability, language, or social status; however, women, persons with disabilities, indigenous persons, Afro-Ecuadorians, homosexuals, and transgendered persons continued to face discrimination.

Although the law prohibits discrimination based on sexual orientation, homosexuals, transsexuals, and transvestites continued to suffer discrimination from both public and private bodies.

The 2008 constitution includes the principle of nondiscrimination, and establishes choice of sexual orientation as a right.

According to the NGO Kimirina, police subjected homosexuals, transsexuals, and transvestites to cruel, inhuman, and degrading treatment. The NGO accused the police of specifically targeting them and inflicting physical and psychological abuse, threats, extortion, and robbery. Police routinely arrested homosexuals and transvestites in public areas.

On April 29, a policeman pushed and punched a member of a sexual minority group. Two other policemen then forced the individual into a police car and accused him of being a criminal, while insulting him. They drove with him in the car and then pulled one of his friends into the car. The officers later released them.

## **El Salvador**

Although the constitution and the legal code establish that all persons are equal before the law and prohibit discrimination regardless of race, gender, disability, language, or social status, in practice the government did not effectively enforce these prohibitions. There was discrimination against women, persons with disabilities, gay and lesbian persons, and indigenous people.

The law prohibits discrimination on the basis of HIV status and sexual orientation, although in practice discrimination was widespread. The homosexual rights group Entre Amigos reported that public and private actors engaged in violence and discrimination against sexual minorities and persons with HIV/AIDS, including the government's continued denial of Entre Amigos' application for legal registration. Entre Amigos also reported that throughout the year, persons vandalized and robbed the group's offices, necessitating that the organization move locations regularly.

Although the constitution provides for freedom of association, there were concerns regarding registration delays of certain types of civil society groups. NGOs asserted that the Ministry of Governance delayed approval of, or denied legal status for, NGOs with particular human rights or

political agendas. The government continued to deny the legal registration application of the homosexual rights NGO Entre Amigos.

Domestic and international NGOs were required to register with the government, and some reported difficulties. The government continued to deny legal registration to the gay rights NGO Entre Amigos.

### **Grenada**

The law criminalizes consensual homosexual relations, providing penalties of up to 10 years' imprisonment. Society generally was intolerant of homosexuality, and many churches condemned it.

### **Guatemala**

Although the government generally respected the human rights of its citizens, serious problems remained. Human rights and societal problems included the government's failure to investigate and punish unlawful killings committed by members of the security forces; widespread societal violence, including numerous killings; corruption and substantial inadequacies in the police and judicial sectors; police involvement in kidnappings; impunity for criminal activity; harsh and dangerous prison conditions; arbitrary arrest and detention; failure of the judicial system to ensure full and timely investigations and fair trials; failure to protect judicial sector officials, witnesses, and civil society representatives from intimidation; threats and intimidation against and killings of journalists and trade unionists; discrimination and violence against women; trafficking in persons; discrimination against indigenous communities; discrimination and violence against gay, lesbian, transvestite, and transgender persons; and ineffective enforcement of labor laws and child labor provisions.

The law does not criminalize homosexuality or expressly include sexual orientation among the categories prohibited from discrimination. There was social discrimination against gay, lesbian, and transgender persons. Homosexual rights support groups alleged that members of the police regularly waited outside clubs and bars frequented by sexual minorities and demanded that patrons and persons engaged in commercial sexual activities provide protection money. Due to a lack of trust in the judicial system and out of fear of further persecution or social recrimination, victims were unwilling to file complaints.

Police threatened persons engaged in prostitution and other commercial sexual activities with false drug charges to extort money or sexual favors and harassed homosexuals and transvestites with similar threats of false charges. Critics accused the police of indiscriminate and illegal detentions when conducting antigang operations in some high-crime neighborhoods. Security officials allegedly arrested and imprisoned without charges, or sometimes using false drug charges, suspected gang members.

### **Guyana**

Violence and discrimination based on sexual orientation or against persons with HIV/AIDS were not widely reported.

## Haiti

There were no confirmed reports of discrimination against homosexuals.

## Honduras

The following human rights problems were reported: unlawful killings by members of the police and government agents; arbitrary and summary killings committed by vigilantes and former members of the security forces; violence against detainees by security forces; harsh prison conditions; corruption and impunity within the security forces; failure to provide due process of law; lengthy pretrial detention; politicization of the judiciary, judicial corruption, and institutional weakness; erosion of press freedom; corruption in the legislative and executive branches; government restrictions on recognition of some nongovernmental organizations (NGOs); violence and discrimination against women; child prostitution and abuse; trafficking in persons; discrimination against indigenous communities; violence and discrimination against persons based on sexual orientation; ineffective enforcement of labor laws; and child labor.

There are no discriminatory laws based on sexual orientation, but in practice social discrimination against persons based on sexual orientation was widespread. Many NGOs indicated that hate crimes increased, particularly during political campaign season when minorities became political targets. Representatives of NGOs focusing on sexual diversity rights asserted that security forces killed and abused their members. In cases where lesbians, gays, and transgender persons were found dead, the prosecutor often encountered serious difficulties because the victims had either concealed their identity or sexual orientation or, in many cases, were hiding from their families.

Criminal investigations did not recognize a "transgender" category. Sexual diversity 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 gay and lesbian victims of abuse reluctant to file charges or proceed with prosecutions. The government stopped requiring that, as a condition for legal registration, sexual diversity rights organizations remove any reference in their bylaws to promoting respect for the rights of gay, lesbian, or transgender persons.

In October transvestite and gay rights groups filed a complaint with the Committee on Human Rights asking that authorities remove the ban on having national identity card photographs taken with make-up and feminine accessories.

There were multiple killings or attacks on persons presumably because of their sexual orientation. The sexual diversity rights organization, Lesbian-Gay Rainbow Association of Comayaguela, asserted that between January and March, unknown actors killed seven homosexuals because of their sexuality and that a number of gay persons had fled the country out of fear of social and security-force persecution. On October 30, an attacker killed Yasmin, a transgender sex worker in Comayaguela, and the following day an attacker shot Bibi, another transgender sex worker, in the center of Comayaguela. On December 18, a transgender sex worker, Cynthia Nicole, was attacked by three men with pipes and clubs after hailing a cab in Comayaguela.

In March 2007 police beat and detained Donny Reyes, the treasurer of the Lesbian-Gay Rainbow Association of Comayaguela. Police then reportedly jailed Reyes in a cell with 57 gang members who raped and beat him. The only witness to Reyes's initial arrest was killed in October 2007. Reyes filed a formal complaint, which at the urging of the Supreme Court, Internal Affairs investigated. The investigation concluded that, while Reyes had many of the symptoms of being raped, it could not definitively determine it took place during his detention. During the course of the investigation, the offices of the Lesbian-Gay Rainbow Association offices were burglarized, and all archives and computers were stolen. Internal Affairs cited five policemen, Nelson Daniel Gaitan Sosa, Hill Lainez Nunez, Walker Josue Reyes, Denis Esau Cruz Varela, and Walter Cruz Espina, for dereliction of duty. Persons with mental illnesses, as well as those with tuberculosis and other infectious diseases, were held among the general prison population. Human rights organizations charged that prison officials used excessive force against prisoners, including beatings, as well as isolation and threats. There were credible reports that security officials condoned rapes and other physical assaults on detainees who were homosexuals.

The constitution and the law generally provide for freedom of association, and the government generally respected this right in practice. The criminal association law, however, prohibits illicit association and prescribes prison terms of three to 12 years. Human rights organizations criticized the law and its implementation as an undue restriction on the right to associate freely, while gay rights advocacy groups expressed concerns that the law could be used to criminalize social activities and organizations of the gay community. During the year authorities applied the law prohibiting illicit associations to arrest individuals for being members of Mara Salvatrucha and other gangs. The government used criminal code reforms outlawing illicit association to arrest and take land away from suspected gang members, farmers, and persons from indigenous communities.

A wide variety of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Government officials generally cooperated with NGOs and, with certain notable exceptions, were usually responsive to NGO views. In practice government bureaucracy delayed the registration for some civil society organizations, including gay and lesbian advocacy groups.

In December 2007 the Public Ministry charged five police officers for the torture and illegal detention of several members of the NGO Lesbian-Gay Rainbow Association of Comayaguela. There were no known developments in the case.

Prisoners were subject to other abuses, including rape by other inmates. Adequate food or other basic necessities were not provided. Prison escapes through bribery or other means continued to occur. On October 23, the NGO Center for Torture Prevention and Rehabilitation reported that seven of 10 inmates were tortured or otherwise abused in, or on their way to, prisons and jails. Their report also found that municipal and preventative police routinely rounded up vulnerable or "delinquent" youth (for example, gay, lesbian, transsexual, sex workers, and drug addicts) without cause or explanation of their rights.

## **Jamaica**

While the government generally respected the human rights of its citizens, there were serious problems in some areas, including unlawful killings committed by members of the security forces, abuse of detainees and prisoners by police and prison guards, poor prison and jail conditions, impunity for police who committed crimes, an overburdened judicial system and frequent lengthy delays in trials, violence and discrimination against women, trafficking in persons, and violence against suspected or known homosexuals.

The law prohibits "acts of gross indecency" (generally interpreted as any kind of physical intimacy) between men, in public or in private, which are punishable by 10 years in prison.

The Jamaica Forum for Lesbians, All Sexuals, and Gays (J-FLAG) continued to report human rights abuses, including arbitrary detention, mob attacks, stabbings, harassment of homosexual patients by hospital and prison staff, and targeted shootings of homosexuals. Police often did not investigate such incidents. J-FLAG members also suffered attacks on their property, home intrusions as people demanded to know the number of persons and beds in a home, and in one instance, a fire bombing at the home of two men that left one of them with burns on more than 60 percent of his body. In addition homosexuals faced death and arson threats, with some of these directed at the J-FLAG offices. J-FLAG did not publicize its location due to such threats, and its officials reported feeling unsafe having meetings with clients at the organization's office.

In February a mob broke into the home of four presumed homosexual men, killing three of them. The fourth was missing and presumed dead. The men had reported being harassed for their perceived sexual orientation prior to the fatal attack. Police made some inquiries in the case but did not conduct a full investigation or make any arrests by year's end.

The trial of six suspects arrested for the 2005 robbery and murder of Lenford "Steve" Harvey, initially begun and then postponed in 2007, was scheduled to recommence in January 2009. Male inmates deemed by prison wardens to be homosexual 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 homosexuality for their own safety. There were numerous reports of violence against homosexual inmates, perpetrated by the wardens and by other inmates, but few inmates sought recourse through the prison system.

Homosexual men were hesitant to report incidents against them because of fear for their physical well-being. Lesbian women were subject to sexual assault as well as other physical attacks. Human rights NGOs and government entities agreed that brutality against homosexuals, primarily by private citizens, was widespread in the community.

## **Mexico**

The law prohibits several types of discrimination, including bias based on sexuality, and requires federal agencies to promote tolerance.

While homosexuals experienced a growing social acceptance, the National Center to Prevent and Control HIV/AIDS stated that discrimination persisted. Homophobic beliefs and practices were common, reflected principally in entertainment media programs and everyday attitudes. Reports of attacks against homosexuals and transsexuals were frequent.

### **Nicaragua**

The law prohibits discrimination on the basis of race, gender, disability, language, or social status. In practice the government often did not enforce these legal protections, and aggrieved persons filed few discrimination suits or formal complaints. There were reports of societal abuses and discrimination against persons of Afro-Caribbean descent, indigenous communities, homosexuals, and persons with HIV/AIDS.

Although sexual orientation is not mentioned specifically, the constitution states that all persons are equal before the law and have the right to equal protection. The new penal code, implemented in July, repealed criminal penalties relating to same-sex relations. However, homosexual persons continued to face widespread discrimination and human rights abuses based on their sexual orientation. Gay rights activists reported that the Public Ministry received at least 10 complaints during the year alleging that education and health institutions discriminated against persons because of their sexual orientation. The law provides specific protections for persons with HIV/AIDS against employment and health services discrimination. However, persons with HIV/AIDS continued to suffer societal discrimination based on their alleged HIV/AIDS or sexual orientation status. Several NGOs worked to educate communities regarding HIV/AIDS discrimination. Communities often stigmatized persons with HIV/AIDS, and there was a general lack of awareness and education among the public and health care professionals regarding prevention, treatment, and transmission of HIV/AIDS.

### **Panama**

An August 1 executive decree decriminalized sodomy. There was societal discrimination against homosexuals, who often were denied employment opportunities. The internal regulations of the PNP describe homosexuality as a "grave fault." There were reports that the PNP fired police officers because of the officers' sexual preferences and that officers hid their sexual orientation due to fear of job termination. The DRP director defended the regulations on the basis that both physical and mental health were required of police officers.

### **Paraguay**

There was societal discrimination based on sexual orientation. The Public Ministry is responsible for investigating discrimination cases; however, government agents condoned such discrimination. On January 14, a judge jailed Jesus Alejandro Martinez and Blanca Estigarribia after their wedding on January 13 when an unknown individual claimed the couple entered into a same-sex marriage. On January 16, the judge released the couple after a doctor determined that Martinez was a hermaphrodite.

There were reports of killings of transgendered persons. On July 1, an unknown assailant killed 17-year-old "Lupita" and attacked "Laura," who witnessed the killing. On July 3, unknown individuals shot "Gaby." These cases remained pending at year's end.

Anecdotal evidence suggests that each year several thousand women, children, adolescents (mostly girls), and transgendered prostitutes were trafficked domestically and internationally from the country. An estimated 80 percent of the victims were young women and adolescents.

## **Peru**

The government generally respected the human rights of its citizens. The following human rights problems were reported: alleged unlawful killings by government forces and disappearance of persons in an area under military control; abuse of detainees and inmates by police and prison security forces; harsh prison conditions; lengthy pretrial detention and inordinate trial delays; attacks on the media by local authorities; corruption; harassment of some civil society groups; violence and discrimination against women; violence against children, including sexual abuse; trafficking in persons; discrimination against indigenous communities, ethnic minorities, and gay and lesbian persons; failure to apply or enforce labor laws; and child labor in the informal sector.

On February 25, three police officers reportedly raped 26-year-old Luis Alberto Rojas Marin in the police station at Casa Grande, allegedly because they thought he was a homosexual. On April 11, a judge ordered that the three officers be detained in police custody. NGOs asserted that this was the first time the government had arrested persons based on hate crimes and human rights abuses related to sexual orientation. However, due to protest marches organized by family members, magistrates of the La Libertad Regional Judicial Court freed the three officers. Due to what it determined to be insufficient evidence during the preliminary investigation, the Public Ministry closed the case. Rojas' lawyer appealed the decision, and the outcome was pending at year's end.

Homosexuals and persons with HIV/AIDS faced extensive discrimination and harassment. The Ministry of the Interior 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 human rights of lesbians, gays, and transvestites. The Ministry of Health (MINSa) implemented policies to combat discrimination based on sexual orientation.

## **Saint Kitts and Nevis**

There are no laws that prohibit discrimination against a person on the basis of sexual orientation.

## **Saint Lucia**

There was widespread social discrimination against homosexuals in the deeply conservative, highly religious society. There were few openly gay people in the country. There were at least two cases of violence against homosexuals, including one young man who was killed when he was hung from a tree because he was openly gay.

## **Saint Vincent and the Grenadines**

There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Although no statistics were available, anecdotal evidence suggested there was some societal discrimination against homosexuals and persons with HIV/AIDS.

## **Suriname**

The law prohibits discrimination based on race and ethnicity but does not address discrimination based on disability, language, or social status. While the law does not specifically prohibit gender discrimination, it provides for protection of women's rights to equal access to education, employment, and property. In practice various sectors of the population, such as women, Maroons, Amerindians, persons with HIV/AIDS, and homosexuals, suffered various forms of discrimination.

Although the law prohibits discrimination on the basis of sexual orientation, there were reports that homosexuals continued to suffer from employment discrimination.

## **Trinidad and Tobago**

Although the law criminalizes consensual homosexual relations, providing penalties of up to 10 years' imprisonment, the government generally did not enforce such legislation. The Equal Opportunities Act does not specifically include gays and lesbians. Gay rights groups reported that there remained a stigma related to homosexuality in the country.

## **Uruguay**

There were occasional reports of nonviolent societal discrimination based on sexual orientation.

## **Venezuela**

There were no reliable statistics on societal violence or discrimination based on sexual orientation.

## **South and Central Asia**

### **Afghanistan**

The law criminalizes homosexual activity; however, the authorities only sporadically enforced the prohibition.

### **Bangladesh**

Homosexual acts remained illegal; in practice the law is rarely invoked. There were some informal support networks for homosexual men, but organizations to assist lesbians were rare.

Attacks on homosexuals were known to occur but difficult to track because victims desired confidentiality; there was a social stigma surrounding homosexuality; and local human rights groups did not monitor the problem. There were few studies on homosexuality in the country.

## **Bhutan**

Homosexuality is illegal in the country and punishable as a petty misdemeanor with a prison sentence ranging from one month to one year. There were no reported cases of such charges.

## **India**

The law punishes acts of sodomy and bestiality; however, the law was often used to target, harass, and punish lesbian, gay, bisexual, and transgender persons. Gays and lesbians faced discrimination in all areas of society, including family, work, and education. Activists reported that in most cases, homosexuals who did not hide their orientation were fired from their jobs. Homosexuals also faced physical attacks, rape, and blackmail. Police committed crimes against homosexuals and used the threat of arrest to coerce victims into not reporting the incidents.

Voices Against 377, a high profile campaign to overturn Section 377, which outlaws homosexuality, continued its efforts during the year. On August 27, the Law Ministry rejected the demand of the Health Ministry to legalize homosexuality.

In 2006 the Supreme Court ruled that the Delhi High Court should not have dismissed an earlier case challenging Section 377 brought by two NGOs and returned the case to the Delhi High Court, which began hearings on September 18. The government opposed the case based upon the Ministry of Home Affairs' view that homosexuality is morally wrong. On November 7, the Delhi High Court allowed litigants one week to present final statements. The case continued at year's end.

On May 21, 40 gay and transgender groups collaborated on a bid for funding from the International Global Fund for AIDS, Tuberculosis, and Malaria (GFATM). The occasion marked the first time the groups had formed a united front to secure benefits for their cause.

On August 28, the Home Ministry informed the Delhi High Court that it was not empowered to issue directions to treat transsexuals as a special class entitled to jobs and other benefits. The Ministry was responding to the Public Interest Litigation regarding the dismissal of Sanju Behra from the CRPF on the grounds of gender ambiguity. Notices were issued to the CISF, Home Ministry, Ministry of Women and Child Development, and the Health Ministry during the year.

In December the central government submitted a report which asserted that legalizing homosexuality would lead to more cases of HIV/AIDS.

In March 2007 the UN Development Program released a report on "launda dancers," young men and boys hired to dance in women's clothing at various events in Bihar and Uttar Pradesh. Dancers were vulnerable to exploitation by being cheated of earnings or being forced into prostitution. Sexual assault and gang rape were frequent, and dancers were at high risk of contracting HIV/AIDS. Some laundas who

had illegal castrations to join the hijra (traditional transvestite) community suffered from post operation complications due to inadequate medical care.

According to the National AIDS Control Organization (NACO), the government agency responsible for monitoring HIV/AIDS, there were approximately 2.3 million persons living with HIV/AIDS in the country, and according to the International Labor Organization (ILO), 70 percent of persons suffering from HIV/AIDS faced discrimination. HRW reported that many doctors refused to treat HIV-positive children and that some schools expelled or segregated them because they or their parents were HIV-positive. Many orphanages and other residential institutions rejected HIV-positive children or denied them housing.

NACO, with support from UNAIDS and the WHO, produced revised AIDS estimates that showed as of December 2007 approximately 2.31 million persons were living with the virus and that HIV prevalence among adults was around 0.36 percent. Estimates for previous years (since 2002) have also been revised.

On February 14, an AIDS victim's body was denied cremation in Kendrapara district, Orissa, due to fears the smoke from the funeral pyre would spread the virus.

On August 13, Kerala became the first state to reserve government jobs for HIV-positive candidates.

On August 14, an initiative to provide insurance to persons with HIV/AIDS was launched in Karnataka. The state estimated that 250,000 residents were infected with HIV/AIDS; however, only 22,000 were registered with the main HIV/AIDS NGO, the Karnataka Network for Positive People.

In Karnataka, civil society organizations alleged that since the May elections there was an increased intolerance on the part of police. On October 20, police in Bangalore arrested five hijras on unclear charges. When representatives from Sangama, a Bangalore-based NGO that defends the human rights of sexual minorities, visited the jail, they alleged that both they and the original arrestees were verbally and physically abused, and at least one female representative was assaulted by police officials. The confrontation escalated, and 31 were eventually arrested. The group included women and men who were detained in the same cell, in violation of police code. Cases were pending at year's end, but all those arrested were released within 24 hours on bail. On November 9, Bangalore police issued notices to a number of landlords in the Desarahalli neighborhood alleging that hijras were "indulging in immoral activities on the premises" and demanding that the landlords appear at the local police station. The landlords responded by evicting some 30-40 hijras, many of whom were long-term residents.

## **Kazakhstan**

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not enforce this effectively. Violence against women, trafficking in persons, and discrimination against persons with disabilities, homosexuals, and non-ethnic Kazakhs in government were problems.

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Although there were no official statistics on discrimination based on sexual orientation, there were reports of such discrimination. Representatives of international organizations reported that negative

social attitudes towards marginalized groups, including homosexuals, impeded these groups' willingness to come forward and, consequently, hindered their access to HIV/AIDS programs.

### **Kyrgyz Republic**

The following human rights problems were reported: restrictions on citizens' right to change their government; torture and abuse by law enforcement officials; impunity; poor prison conditions; arbitrary arrest and detention; lack of judicial independence; pressure on nongovernmental organizations (NGOs) and opposition leaders, including government harassment; pressure on independent media; government detention of assembly organizers; refoulement of Uzbek refugees; pervasive corruption; discrimination against women, persons with disabilities, ethnic and religious minorities, and homosexuals; child abuse; trafficking in persons; and child labor.

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Persons of nontraditional sexual orientation, particularly homosexual men, were among the most oppressed groups, although the country does not outlaw homosexuality. Those whose nontraditional sexual orientation was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. Incarcerated gay men were often openly victimized in prisons by inmates and officials alike. In October Human Rights Watch reported that lesbians and transgender men suffered violence in the home and in public. Some lesbians reported being raped to "cure" them of their sexual orientation. Forced marriages for lesbian and bisexual women also occurred. According to news reports, on April 8, MIA officers raided a dinner hosted by the gay rights group Labrys and demanded identification documents from the 30 local and international advocates gathered. After negotiations brokered by human rights lawyers, the police officers left the location without further disruptions.

A single NGO provides services for lesbian and transgender individuals.

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The law prohibits discrimination based on race, gender, disability, language, or social status; however, in practice there was discrimination against women, persons with disabilities, ethnic minorities, and homosexuals.

### **Maldives**

The law prohibits homosexuality, and citizens did not generally accept homosexuality. The punishment for men includes banishment for nine months to one year or whipping 10 to 30 times. For women the punishment is house arrest for nine months to one year.

### **Nepal**

The country has no laws that specifically criminalize homosexuality; however, government authorities, especially police, sometimes harassed and abused homosexuals. According to Blue Diamond Society, an indigenous NGO, harassment of homosexuals continued.

On June 11, police arrested two transgender individuals in Kathmandu but released them after three hours.

On June 30, the Nepal Army Court upheld the NA's 2007 decision to fire Bhakti Shat for being a lesbian. On September 26, Shat filed an appeal at the Supreme Court. The case was pending at year's end. As a result of the December 2007 Supreme Court decision that sexual minorities are natural persons, transgender individuals may be issued third-gender identification cards. On September 17, the first transgender individual received a citizenship certificate. On November 17, the Court confirmed its summary decision and issued a directive order to the government to form a seven-member committee to study other countries' laws on same-sex marriage and provide a recommendation for a same-sex marriage bill. The budget, adopted in September, also reportedly included line items for transgender treatment and homes.

## **Pakistan**

Homosexual intercourse is a criminal offense; in practice, however, the government rarely prosecuted cases. Homosexuals rarely revealed their sexual orientation, and there were no cases brought during the year of discrimination on the basis of sexual orientation.

## **Sri Lanka**

The law criminalizes homosexual activity, but this was not enforced. Some NGOs working on lesbian, gay, bisexual, and transgender issues did not register with the government. In recent years human rights organizations reported that police harassed, extorted money or sexual favors from, and assaulted gay men in Colombo and other areas.

## **Tajikistan**

There was a stigma associated with homosexuality that made it difficult to assess the degree of discrimination to which persons were subjected. There was generally no public discussion of homosexuality.

## **Turkmenistan**

Homosexuality between men is illegal and punishable by up to two years in prison.

## **Uzbekistan**

Homosexual activity is punishable by up to three years' imprisonment. Some homosexuals reportedly left the country due to the restrictive environment.

## **Near East and North Africa**

### **Algeria**

The penal code criminalizes public homosexual behavior, and there is no specific legal protection to homosexuals in the country. There was societal discrimination against homosexuals, but there was no reported violence or official discrimination. While some homosexuals lived openly, the vast majority did not.

## **Bahrain**

The law does not criminalize homosexual relationships between consenting adults of at least 21 years of age.

While discrimination against homosexuality and HIV/AIDS was not common or apparent, both attributes were socially taboo and not widely covered in the media.

## **Egypt**

The government has asserted that referral to emergency courts usually has been limited to terrorism or national security cases, as well as major cases of drug trafficking; however, the government also has occasionally used emergency courts to prosecute homosexuals, heterodox religious groups, and political dissidents.

Although the law does not explicitly criminalize homosexual acts, police targeted homosexuals and persons with HIV/AIDS, leading to arrests on charges of "debauchery." Authorities also reportedly forced individuals in detention to undergo HIV tests and conducted abusive anal examinations. Homosexuals and persons with HIV/AIDS faced significant social stigma in society and in the workplace.

## **Iran**

The government's poor human rights record worsened, and it continued to commit numerous serious abuses. The government severely limited citizens' right to change their government peacefully through free and fair elections. The government executed numerous persons for criminal convictions as juveniles and after unfair trials. Security forces were implicated in custodial deaths and committed other acts of politically motivated violence, including torture. The government administered severe officially sanctioned punishments, including death by stoning, amputation, and flogging. Vigilante groups with ties to the government committed acts of violence. Prison conditions remained poor. Security forces arbitrarily arrested and detained individuals, often holding them incommunicado. Authorities held political prisoners and intensified a crackdown against women's rights reformers, ethnic minority rights activists, student activists, and religious minorities. There was a lack of judicial independence and fair public trials. The government severely restricted civil liberties, including freedoms of speech, expression, assembly, association, movement, and privacy, and it placed severe restrictions on freedom of religion. Official corruption and a lack of government transparency persisted. Violence and legal and societal discrimination against women, ethnic and religious minorities, and homosexuals; trafficking in persons; and incitement to anti-Semitism remained problems. The government severely restricted workers' rights, including freedom of association and the right to organize and bargain collectively, and arrested numerous union organizers. Child labor remained a serious problem. On December 18, for the sixth consecutive year, the UN General Assembly (UNGA) adopted a resolution on Iran expressing "deep concern at ongoing systematic violations of human rights."

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Although the constitution formally prohibits discrimination based on race, gender, disability, language, and social status "in conformity with Islamic criteria," the government discriminated on the basis of religion, gender, ethnicity, and sexual orientation.

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The Special Protection Division, a volunteer unit of the judiciary, monitored and reported moral crimes. The law prohibited and punished homosexuality; sodomy between consenting adults was a capital crime. According to HRW, the last known death sentences for homosexual conduct were handed down in 2005, although there were allegations of executions related to homosexual conduct in 2006 and 2007. The punishment of a non-Muslim homosexual was harsher if the homosexual's partner was Muslim. On September 29, President Ahmadi-Nejad called homosexuality an "unlikable and foreign act" that "shakes the foundations of society."

On February 28, police reportedly raided a home in Isfahan and arrested approximately 30 men on accusations including consensual homosexual conduct. The men were held for multiple weeks without access to lawyers and without being charged, according to HRW.

## **Iraq**

During the year, the following significant human rights problems were reported: a climate of violence; misappropriation of official authority by sectarian, criminal, and extremist groups; arbitrary deprivation of life; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; impunity; poor conditions in pretrial detention and prison facilities; denial of fair public trials; delays in resolving property restitution claims; immature judicial institutions lacking capacity; arbitrary arrest and detention; arbitrary interference with privacy and home; other abuses in internal conflicts; limitations on freedoms of speech, press, assembly, and association due to sectarianism and extremist threats and violence; restrictions on religious freedom; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; lack of protection of refugees and stateless persons; lack of transparency and widespread, severe corruption at all levels of government; constraints on international organizations and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women, and ethnic and religious minorities; human trafficking; societal discrimination and violence against individuals based on sexual orientation; and limited exercise of labor rights.

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There were continued reports of societal discrimination and reported violence against individuals based on sexual orientation.

Since 2003, the Iraqi Lesbian, Gay, Bisexual and Transgender Organization stated that 430 gay men have been killed because of their sexual orientation. The international NGO provided shelter for an estimated 40 men between 14 and 28 in several Baghdad safe houses. During the year there were reports of discrimination and violence against homosexual men and women, mostly by militias. On September 25, a coordinator of the NGO was killed in Baghdad by militia members, according to press reports. There were no government statistics on discrimination or on government programs protecting such groups, and requests by news agencies for information have been largely ignored.

According to press reports, on November 24, freelance journalist Adel Hussein was sentenced by a court in Erbil to six months in prison for violating a public decency law by writing an article about homosexuality. On December 7, KRG President Barzani pardoned him. The article was published by independent Kurdish Hawlati in April 2007.

## **Israel and the occupied territories**

The law states that all Palestinians are equal without discrimination because of race, gender, color, religion, political views, or disability. There was societal discrimination against women, persons with disabilities, and homosexuals; child abuse also persisted.

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Societal violence and discrimination based on sexual orientation or against persons with HIV/AIDS existed in isolated cases. The government continued to uphold laws criminalizing discrimination on the basis of sexual orientation or HIV/AIDS.

In 2006 the High Court issued a ruling requiring the government to recognize same-sex marriages legally performed in foreign jurisdictions. There was no information available about whether the government recognized such marriages in practice.

### **Jordan**

Societal discrimination against homosexuals existed. There were reports of individuals leaving the country out of fear they would be harmed by their family for being homosexual.

On October 23, security forces arrested for "lewd acts" four homosexuals in a park in West Amman following a set-up by the police. Amman governor Sa'ad Al-Manaseer placed them in solitary confinement in Jweidah prison without bail. They were released after guaranteeing they would not carry out any such acts in the future.

### **Kuwait**

Homosexuality is illegal, and there was discrimination against homosexuals, in addition to cases of police abuse of transgendered persons.

In December 2007 the National Assembly approved a law to impose a fine of 1,059 dinars (approximately \$3,600) and/or one year's imprisonment for those imitating the appearance of the opposite sex in public. There were no updates at year's end regarding the men arrested under this law in December 2007.

Unmarried men continued to face housing discrimination based solely on marital status. Although the law prohibits single men from obtaining accommodation in many urban residential areas, at year's end the government had yet to fulfill a plan to construct housing for them on the outskirts of the capital.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, some police and members of the security forces reportedly abused detainees during the year. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, and there were several reported accounts of police abuse of transgendered persons. The government stated that it investigated all allegations of abuse and punished at least some of the offenders; however, in most cases the government did not make public either the findings of its investigations or any punishments it imposed.

On March 14, according to Human Rights Watch, police arrested two transgendered persons at a checkpoint, made them take off their men's hats and jackets, and hit them on their faces as they stood in their female clothing. Authorities allegedly held them for five days and shaved their heads before releasing them.

On July 28, security officials allegedly abused hundreds of Bangladeshi workers on strike. Security officials reportedly imprisoned and beat the workers for five days before forcibly deporting them to Bangladesh.

There were no further developments in the December 2007 cases of reported physical and psychological abuse of five transgendered women in Tahla prison. However, after they reported abuse by other inmates, the director of the prison separated them from the general population.

### **Lebanon**

Discrimination against homosexuals persisted during the year. The law prohibits what is termed unnatural sexual intercourse, which is punishable by up to one year in prison. The law was sometimes applied to homosexuals.

### **Libya**

There were no reports of societal violence or discrimination based on sexual orientation.

### **Morocco**

There was some societal violence based on sexual orientation. The penal code criminalizes homosexual acts, but these provisions were infrequently enforced. In April authorities raided a religious festival in Marrakech and charged some participants with violating laws against homosexuality.

In November 2007 an angry mob ransacked the home of a man who had hosted an alleged gay wedding the previous weekend. In December 2007 he and five other participants were tried and convicted for violating the law against homosexual acts. All were released in March.

**Western Sahara** - no mention

### **Oman**

The penal code criminalizes homosexuality, with a jail term of six months to three years; however, there were no reports of prosecutions for homosexual conduct during the year.

### **Qatar**

The constitution prohibits discrimination based on nationality, race, language, religion, and disability. However, in practice government actions were heavily influenced by local custom, and legal, cultural, and institutional discrimination existed based on gender. There were no reports of discrimination based

on religious affiliation. Noncitizens were afforded fewer rights under the law. There were no reports of discrimination based on sexual orientation.

### **Saudi Arabia**

Under Shari'a as interpreted in the country, sexual activity between two persons of the same gender is punishable by death or flogging. It is illegal for men "to behave like women" or wear women's clothes and for women to wear men's clothes. There were reports of societal discrimination, physical violence, and harassment based on sexual orientation.

In June the Saudi Gazette reported that the Court of Cassation declined to endorse an "excessive" court sentence of a man convicted by a lower court of "trying to be a woman" by wearing makeup and women's clothes. The lower court sentenced the man to 10 years' imprisonment and 1,500 lashes. No further information on the sentence status was available.

According to media reports, in late July police arrested 55 people at a "gay party" on a farm near Qatif. Also in July, police arrested a group of persons at a pool hall in Jeddah for "practicing homosexuality." At year's end there were no reports of outcomes in either case.

In October 2007 a court in al-Baha Province sentenced two men to 7,000 lashes each for engaging in sexual intercourse with other men. According to AI, the two men have reportedly received part of their sentence.

### **Syria**

There were no reports of violence or discrimination against persons with HIV/AIDS. However, there was a belief among human rights activists that the extent of the problem was widely underreported. The law criminalizes homosexuality.

### **Tunisia**

Homosexuality is illegal. There is anecdotal evidence that homosexuals face some forms of discrimination.

### **United Arab Emirates**

Etisalat, the country's only Internet service provider, blocked via a proxy server material deemed inconsistent with the country's values. Blocked material included dating and matrimonial sites; gay and lesbian sites; sites concerning the Baha'i faith; sites originating in Israel; and sites explaining how to circumvent the proxy server. The proxy server occasionally blocked broad categories of sites including many that did not meet the intended criteria. Etisalat populated its proxy server list of blocked sites primarily from lists purchased from commercial companies, although individuals could also report offensive sites. Social Web site Orkut and politically oriented Web sites ArabTimes.com and UAEPrison.com remained blocked during the year. Etisalat denied having the authority to block any site and referred all complaints and suggestions to the NMC.

Other Societal Abuses and Discrimination

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Both civil law and Shari'a criminalize homosexual activity, and Islamic religious law sets the death penalty as punishment for individuals who engage in consensual homosexual activities. During the year there were reports that the government deported and sentenced to prison individuals for being openly homosexual.

Cross-dressing, according to the law, is a punishable offense. On May 26, Dubai police announced that transvestites would be arrested if caught in public. Police arrested 40 cross-dressing tourists in local shopping malls and other public places over the following three weeks and deported them soon after. On April 8, Dubai courts confirmed 15-year jail terms for two citizen men and a three-year term for one male minor citizen for the July 2007 gang rape of a 15-year-old Swiss-French boy. The victim left the country before any criminal prosecution.

**Yemen** – No mention