

Sexual Orientation / Gender Identity References¹

U.S. Department of State

Human Rights Reports for 2009

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[2009 Country Reports on Human Rights Practices](#)

Introduction

Lesbian, gay, bisexual, and transgender (LGBT) persons in **Uganda** faced arbitrary legal restrictions. It is illegal to engage in homosexual acts, based on a 1950 legal provision from the colonial era criminalizing "carnal acts against the order of nature" and prescribing a penalty of life imprisonment. No persons have been charged under the law. The September introduction in parliament of a bill providing the death penalty for "aggravated homosexuality" and for homosexual "serial offenders" resulted in increased harassment and intimidation of LGBT persons during the year; the proposed legislation also provides for a fine and three years' imprisonment for persons who fail to report acts of homosexual conduct to authorities within 24 hours. Public resentment of homosexual conduct sparked significant public debate during the year, and the government took a strong position against such conduct despite a December 2008 ruling by the High Court that constitutional rights apply to all persons, regardless of sexual orientation. The local NGO Sexual Minorities Uganda protested alleged police harassment of several members for their vocal stand against sexual discrimination.

Country Specific References

Africa

Angola

The law does not criminalize homosexuality or sodomy, although discussing homosexuality in society was highly taboo.

¹Note that HIV/AIDS-related excerpts from the Human Rights Reports can be found at www.glaa.org.

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 reports of abuses by security forces, poor prison conditions, lengthy delays in the judicial process, reports of restrictions on press freedom, and restrictions on the right to strike. Societal discrimination and violence against women, and discrimination against children, persons with disabilities, the lesbian, gay, bisexual, and transgender (LGBT) community, persons living with HIV/AIDS, persons with albinism, and members of the San ethnic group, and child labor were problems.

The law does not criminalize sexual orientation. However, the law does criminalize "unnatural acts," which was widely believed to include homosexual conduct. Police did not target homosexual activity, and during the year there were no reports of violence against persons due to their sexual orientation or gender identity. However, there were reports of societal discrimination and harassment of members of the LGBT community. The independent organization LEGABIBO (Lesbians, Gays, and Bisexuals of Botswana) attempted to register as an advocacy NGO; however, the government refused to register it.

Burkina Faso

Societal discrimination based on sexual orientation and gender identify remained a problem. Religious and traditional beliefs do not tolerate homosexuality, and homosexual persons were reportedly occasional victims of verbal and physical abuse. There were no reports that the government responded to societal violence and discrimination against homosexual persons.

Lesbian, gay, bisexual, and transgender (LGBT) organizations had no legal presence in the country but existed unofficially. Traditional mores are not accepting of LGBT persons. There were no reports of government or societal violence against such organizations.

Burundi

Despite opposition by local and international human rights organizations, the revisions to the penal code enacted during the year included a provision that criminalizes homosexual acts. Anyone who has sexual relations with a person of the same sex can be sentenced to three months up to two years' imprisonment and/or fined. At year's end no one had been prosecuted under this provision.

In early September the government registered a self-described lesbian, gay, bisexual, and transgender (LGBT) rights organization. In order to register, the organization was informally advised by Ministry of Interior sources to change its name from the "Association for the Respect and Rights of Homosexuals" to the Kirundi word "Humure," meaning "do not be afraid."

The size of the LGBT community was unclear, as many individuals feared identifying themselves as LGBT because it was not culturally acceptable. A study in Bujumbura released on August 15 found 180 males who self-identified as gay men.

Although discrimination existed, it was not always overt or widespread. Families sometimes disowned children who refused to deny their homosexual identity, and gays and lesbians often entered opposite-sex marriages due to social pressure. Humure reported that 90 percent of the men who engaged in male-to-male sex were married. Representatives of the LGBT community stated that after the passage of the revised penal code criminalizing same sex relations, they were subjected to more discrimination, but the number of cases remained small. The government took no steps to counter discrimination against homosexuals.

On July 1, a young man was arrested for allegedly committing sexual violence against a club patron in Bujumbura. The police later stated the man was arrested for being gay but offered to release the suspect in exchange for money. Advocacy by human rights NGOs and the LGBT community helped secure his release from police custody.

On March 6, a demonstration with an estimated 2,000 to 3,000 participants took place in Bujumbura in support of the law criminalizing homosexuality. The march was sponsored by the ruling party, CNDD-FDD. Participants in the antihomosexual demonstration wore CNDD-FDD T-shirts and sang party anthems. Buses were hired to bring large numbers to the march, including school-aged children; schools were closed for the event.

Cameroon

The government also impeded freedom of movement. Other problems included widespread official corruption; societal violence and discrimination against women; female genital mutilation (FGM); trafficking in persons, primarily children; and discrimination against indigenous people, including pygmies, and homosexuals.

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

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.

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

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). Homosexual persons generally kept a low profile because of the pervasive societal stigma, discrimination, and harassment as well as the possibility of imprisonment.

Authorities prosecuted at least two persons under this law during the year. Homosexual persons suffered from harassment and extortion by law enforcement officials. False allegations of homosexuality were used to harass enemies or to extort money.

On September 14, the instructing magistrate of the Wouri High Court in Douala ordered the release of Yves Noe Ewane for lack of evidence, after he had spent four months in jail. The police arrested Ewane on May 4, and on May 19, the prosecutor placed him under pretrial detention on homosexuality charges.

On November 10, the Douala police arrested Alain Nje Penda on homosexuality charges. He remained in jail awaiting trial at year's end.

In 2007 the Bonanjo High Court refused to release six Douala men held in New Bell Prison on charges of homosexuality. In January 2008 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.

Several lesbian, gay, bisexual, and transgender organizations operated in the country. However, there were no reports of discrimination based on sexual orientation in employment, housing, access to health care, or education.

Cape Verde

Legal protections helped ensure homosexual conduct was protected under the law; however, societal discrimination based on sexual orientation or gender identity continued to be a problem. There were no lesbian, gay, bisexual, or transgender persons' NGOs active in the country.

Central African Republic

The penal code criminalizes homosexual behavior. The penalty for "public expression of love" between persons of the same sex is imprisonment for six months to two years or a fine of between 150,000 and 600,000 CFA francs (between \$334 and \$1,334). When the relationships involve a child, the sentence is two to five years imprisonment, or a fine of 100,000 to 800,000 CFA francs (\$222 and \$1,775); however, there were no reports that police arrested or detained persons they believed to be involved in homosexual activity.

There was no official discrimination, but societal discrimination against homosexual conduct persisted during the year, and many citizens attributed the existence of homosexual conduct to undue Western influence.

Chad

There were no known lesbian, gay, bisexual, and transgender (LGBT) organizations. There was societal discrimination based on sexual orientation. There were no government or civil society efforts to address discrimination based on sexual orientation or gender identity.

Comoros

Homosexual acts are illegal. They can be punished by up to five years' imprisonment and a fine of 50,000 to 1,000,000 Comoran francs (\$154 to \$3,077). However, no case of this nature has come before the courts. No public debate on the issue is held, and persons targeted for sexual orientation or gender identity did not publicly discuss their sexual orientation due to societal pressure. There are no lesbian, gay, bisexual, and transgender (LGBT) organizations in the country.

Democratic Republic of the Congo

There are no known laws specifically prohibiting homosexuality or homosexual acts; however, individuals engaging in public displays of homosexuality were subject to prosecution under public decency provisions in the penal code and articles in the 2006 law on sexual violence. Homosexuality remained a cultural taboo, but there were no reports during the year of police harassing homosexuals or perpetrating or condoning violence against them. There were no reports during the year of official or societal discrimination based on sexual orientation in employment, housing, education, or health care.

Republic of the Congo

The constitution prohibits discrimination based on political, sexual, or religious orientation. There was not a large openly gay or lesbian community due to the social stigma associated with homosexual conduct. Colonial legislation from 1810 prohibits homosexual conduct and prescribes punishment of up to two years' imprisonment; however, the law was rarely enforced. The most recent arrest under this law was in 1996, when several individuals were arrested in Pointe Noire and briefly detained for homosexual behavior. There were no known cases of violence or discrimination against lesbians, gays, bisexuals, or transgender persons during the year. While discrimination may exist due to the social stigma surrounding homosexual conduct, no such cases were reported to NGOs or covered by the media.

Cote d'Ivoire

Societal stigmatization of the lesbian, gay, bisexual, and transgender (LGBT) community was widespread, and the government did not act to counter it during the year. There were few LGBT organizations in the country. Arc en Ciel, the primary NGO representing the LGBT community, operated freely; however, the government required the organization to amend its by-laws to include non-LGBT members before the organization's status was officially approved.

There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, gay men have been subjected to beatings, imprisonment, verbal abuse, humiliation, and extortion by police, gendarmes, and members of the armed forces.

Djibouti

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

Equatorial Guinea

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

Eritrea

Homosexuality is illegal, and homosexual persons faced severe societal discrimination. The government accused foreign governments of promoting the practice to undermine the government. There were no known official discriminatory practices against civilians, although there were uncorroborated reports that known homosexual persons in the military were subjected to severe abuse. There were no known lesbian, gay, bisexual, or transgender organizations in country.

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. There were some reports of violence against lesbian, gay, bisexual, and transgender individuals; however, reporting was limited 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 2008 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. No action was taken on the resolution by year's end.

Gabon

There is no law criminalizing homosexual or transgender activity. Discrimination and violence occasioned by homosexual and transgender conduct was not a problem.

The Gambia

Human rights problems included government complicity in the abduction of citizens; torture and abuse of detainees and prisoners, including political prisoners; poor prison conditions; arbitrary arrest and detention of citizens, including incommunicado detention; denial of due process and prolonged pretrial detention; restrictions on freedom of speech and press; violence against women and girls, including female genital mutilation (FGM); forced child marriage; trafficking in persons; child prostitution; discrimination against homosexual activity; and child labor.

The law establishes prison terms ranging from five to 14 years for any male that commits in public or private any act of gross indecency, procures another male, or has actual sexual contact with another male; however, to date, no one has been prosecuted. Many citizens shunned lesbian, gay, bisexual, and transgender (LGBT) individuals.

In a March 27 speech before the National Assembly, President Jammeh called homosexual conduct "strange behavior that even God will not tolerate." The president previously described homosexual conduct as a criminal practice and told police to arrest persons practicing homosexual activity and to close motels and hotels that accommodated them. In May 2008 the president ordered all LGBT persons to leave the country within 24 hours and threatened to cut off their heads. There were no LGBT organizations in the country.

Ghana

The constitution protects human rights but does not specifically mention sexual orientation in its list of protected classes. The law makes consenting homosexual acts a misdemeanor, and strong sociocultural beliefs discriminated against and stigmatized same gender sex. The law does not differentiate between male-male and female-female sex. There are no registered Lesbian, Gay, Bisexual, and Transgender (LGBT) organizations. LGBT persons faced widespread discrimination, as well as police harassment and extortion attempts. Gay men in prison often were subjected to sexual and other physical abuse.

Guinea

There were no laws criminalizing sexual orientation, although there were deep social, religious, and cultural taboos against homosexual conduct. There were no official or NGO reports of discrimination against individuals based on their sexual orientation. There were no lesbian, gay, bisexual, or transgender organizations active during the year, but there were no legal impediments to the operation of such groups.

Guinea-Bissau

There was no freedom of sexual orientation. Gay men and lesbians were afraid to be open in their behavior. There are no laws that criminalize sexual orientation, and there were no violent incidents or human rights abuses targeting individuals based on their sexual orientation or identity. There was no official or societal discrimination based on sexual orientation or gender identify in employment, housing, or access to education and health care.

Kenya

There was also evidence that some government and opposition officials tolerated, and in some instances instigated, ethnic violence. The law criminalizes homosexual activity.

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The penal code criminalizes "carnal knowledge against the order of nature," which is interpreted to prohibit homosexual activity and specifies a maximum penalty of 14 years' imprisonment. A further statute specifically criminalizes male-to-male sex and specifies a maximum penalty of 21 years' imprisonment. However, there were no reported prosecutions of individuals for sexual orientation or homosexual activity during the year.

Lesbian, gay, bisexual, and transgender advocacy organizations, such as the Gay and Lesbian Coalition of Kenya, were permitted to register and conduct activities.

There was frequent and widespread societal discrimination based on sexual orientation during the year. 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.

Lesotho

The law does not address sexual orientation, and general discrimination against gay persons was not present in the workplace, housing, statelessness, or access to health care or education. Homosexual conduct is taboo in society, and is not openly discussed. There were no reports of violence against gay persons during the year.

Liberia

The law prohibits sodomy, and the culture was strongly opposed to homosexuality. "Voluntary sodomy" is a misdemeanor with a penalty of up to one year's imprisonment; however, no convictions under the law occurred in recent years. There were no reported instances of violence based on sexual orientation. There were no lesbian, gay, bisexual, or transgender organizations in the country.

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 lesbian, gay, bisexual, and transgender (LGBT) activity, and there was general societal discrimination against LGBT.

Sexual orientation and gender identity were not widely discussed in the country, with public attitudes ranging from tacit acceptance to outright physical violence, particularly against transvestite sex workers. Local NGOs reported that most organizations that worked with the LGBT community did so as health service providers, often in the context of their work to combat the spread of HIV/AIDS. LGBT sex workers were frequently the target of aggression, including verbal abuse, stone throwing, and even murder. In recent years there has been an increased awareness of "gay pride" through positive media exposure and even a march in central Tana, but general attitudes have not changed.

The country's penal code provides for a prison sentence of two to five years and a fine of two to 10 million ariary (approximately \$1,000 to \$5,000) for acts that are "indecent or against nature with an

individual of the same sex under the age of 21." There are reports of official abuses occurring at the community level, such as administrative officials denying health services to transvestite men or breaking confidentiality agreements, although no cases have ever been pursued in court.

Malawi

Homosexual activity is defined as "carnal knowledge of any person against the order of nature." It is illegal and is punishable by up to 14 years in prison in addition to corporal punishment. On December 28, two men were arrested in Blantyre and charged with illegal carnal knowledge and committing acts of "gross indecency with another male person." The men were denied bail and were in jail awaiting trial at the end of the year.

Societal violence and discrimination based on sexual orientation occurred. The Center for Development of the People (CEDEP) reported that two cases of violence resulting in serious injury were perpetrated against gay men during the year. The victims did not report the attacks to police.

A 2008 study by CEDEP found that approximately 34 percent of gay men in the country had been blackmailed or denied services such as housing or healthcare due to their sexual orientation. Additionally, 8 percent of those surveyed said they had been beaten by police or other security forces due to their sexual orientation.

Mali

The government generally respected its citizens' human rights; however, there were problems, including the arbitrary or unlawful deprivation of a life, police abuse of civilians, poor prison conditions, arbitrary detention, lengthy pretrial detention, prolonged trial delays, executive influence over the judiciary, lack of enforcement of court orders, restrictions on freedom of speech and assembly, isolated cases of fraud in communal elections, official corruption and impunity, domestic violence and discrimination against women, female genital mutilation (FGM), trafficking in persons, societal discrimination against black Tamacheks, discrimination based on sexual orientation, societal discrimination against persons with HIV/AIDS, slavery-like practices and hereditary servitude relationships between ethnic groups, and child labor.

There were no publicly visible lesbian, gay, bisexual, and transgender (LGBT) organizations in the country. The free association of LGBT organizations was impeded by a law prohibiting association "for an immoral purpose;" in 2005 the then governor of the District of Bamako cited this law to refuse official recognition of a gay rights association. On April 13, in Bamako, police prevented homosexual activists from assembling on the margins of a conference concerning HIV/AIDS in the homosexual community. Societal discrimination based on sexual orientation was widespread. There was not official discrimination on the basis of sexual orientation.

Mauritania

Under Shari'a homosexual acts between males are punishable by death if witnessed by four individuals; however, there was no evidence of either societal violence or systematic government discrimination based on sexual orientation, and there were no criminal prosecutions during the year. There were no

organizations advocating for sexual orientation or gender-identity rights, but there were no legal impediments to the operation of such groups.

Mozambique

There were occasional reports of such discrimination, and the LDH reported cases of discrimination against gay men and lesbians in the courts. The Workers Law includes an article that prevents discrimination in the workplace based on a number of factors, including sexual orientation.

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

Namibia

The law does not prohibit homosexual conduct; however, sodomy between males is illegal, and the practice of homosexual activity was discouraged, according to The Rainbow Project, which represents lesbians, gays, bisexuals, and transgender persons.

Niger

There are no laws criminalizing sexual orientation. There were no known lesbian, gay, bisexual, or transgender persons' organizations and no reports of violence against individuals based on their sexual orientation or gender identity. However, gay persons experienced social discrimination.

Nigeria

Human rights problems during the year included the abridgement of citizens' right to change their government; politically motivated and extrajudicial killings by security forces, including summary executions; vigilante killings; abductions by militant groups; torture, rape, and other cruel, inhuman or degrading treatment of prisoners, detainees, and criminal suspects; harsh and life-threatening prison and detention center conditions; arbitrary arrest and prolonged pretrial detention; denial of fair public trial; executive influence on the judiciary and judicial corruption; infringement of privacy rights; restrictions on freedom of speech, press, assembly, religion, and movement; official corruption and impunity; domestic violence and discrimination against women; the killing of children suspected of witchcraft; female genital mutilation (FGM); child abuse and child sexual exploitation; societal violence; ethnic, regional, and religious discrimination; trafficking in persons for the purpose of prostitution and forced labor; discrimination against persons with disabilities; discrimination based on sexual orientation and gender identity; and child labor.

Homosexual activity is illegal under federal law, and 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 activity may be subject to execution by stoning, although no such sentences have been imposed.

Because of widespread taboos against homosexual activity, very few persons openly demonstrated such conduct. The NGOs Global Rights and The Independent Project provided lesbian, gay, bisexual, and

transgender (LGBT) groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness.

No action was taken against persons who in 2008 stoned and beat members of the House of Rainbow Metropolitan Community Church, an LGBT-friendly church in Lagos. The attacks occurred after four newspapers published photographs, names, and addresses of church members.

As of year's end, the trial of 18 men, originally charged in September 2008 with sodomy and subsequently charged with vagrancy, had been postponed multiple times. Five defendants were able to pay bail, set at 20,000 naira (\$133), and were released; the remaining 13 defendants remained in jail.

Rwanda

Societal violence and discrimination against women, trafficking in persons, and discrimination against Twa and the lesbian, gay, bisexual, and transgender (LGBT) community occurred.

Some members of the LGBT community reported societal discrimination and abuse during the year. According to a 2008-09 study conducted in Kigali, gay men claimed to have been verbally and physically abused in workplaces, bars, prisons, and elsewhere in public.

Sao Tome and Principe

There is no law criminalizing homosexual activity and there were no reports of societal discrimination based on sexual orientation.

Senegal

Homosexual activity, which is indirectly referred to in the law as "unnatural sexual intercourse," is a criminal offense. Gay men and lesbians faced criminal prosecution and widespread discrimination, social intolerance, and acts of violence.

On January 7, the court sentenced Diadji Diouf, director of AIDES Senegal, an NGO providing HIV prevention services, and seven other men to eight years in prison for committing "unnatural sex" and acting as a gang of criminals. They appealed the sentences and were released on April 20 after the court ruled that the evidence against them was inadmissible because the men were arrested in a private location, in violation of the code of criminal procedure.

On May 2, several young persons in the neighborhood of Darou Salam exhumed the body of Madiaye Diallo in the belief that the deceased was gay and should not be buried in their cemetery. After the police intervened, Diallo's family reburied the body. However, when the police left, local persons reexhumed the body and dragged it half-naked to the home of the bereaved family. The family reburied Diallo in a cemetery in Touba. There were no arrests or prosecutions by year's end.

On June 18, Amsa Gueye and Matar Gueye were arrested in Darou Mousty for performing unnatural sex acts. The gendarmes also arrested Ousmane Gaye and two minors, Massamba Gaye and Khadim Gueye.

Khadim reported that another man, Thierno Wade, forced himself on him. By year's end Wade had not been arrested. On August 12, the Regional Court of Louga sentenced Amsa Gueye to five years in prison for enticing a minor into vice and unnatural sex acts. Ousmane Gaye and Matar Gueye were found guilty of unnatural sex and sentenced to two years of imprisonment.

Seychelles

The law does not specifically prohibit discrimination based on sexual orientation, and there were no reports that such discrimination occurred.

Sierra Leone

The constitution does not offer protection from discrimination based on sexual orientation. A law from 1861 still in force prohibits male homosexual acts; however, there is no legal prohibition against female-to-female sex. The 1861 law carries a penalty of life imprisonment for indecent assault upon a man or 10 years for attempts of the crime. However, the law was not enforced in practice due to the secrecy surrounding homosexual conduct and the tendency for communities to handle the issue through discrimination rather than enforcement.

There are only a few organizations working to support gay, bisexual, lesbian, and transgender persons. Because such individuals were not culturally accepted, particularly among men, the groups must remain underground and hidden for fear of discrimination or violence against their members. Gay pride parades and other public displays of solidarity could not safely take place. There were unofficial reports of beatings by police and others, particularly targeting men dressed as women, but formal complaints were not filed due to fear of reprisal. Lesbian girls and women were also victims of "planned rapes" that were initiated by family members in an effort to change their sexual orientation.

Social discrimination based on sexual orientation occurs in nearly every facet of life for known gays and lesbians, and many choose to have heterosexual relationships and family units to shield them. In the areas of employment and education, sexual orientation is the basis for abusive treatment, which has led individuals to leave their jobs or courses of study. It is difficult for gays and lesbians to receive the health services they need, due to fear that their confidentiality rights would be ignored if they were honest about their ailments; many choose not to be tested or treated for sexually transmitted infections. Secure housing is also a problem, both for young and mature gays, lesbians, bisexuals, and transgender persons. Gay children frequently are shunned by their families, leading some to turn to prostitution to survive. Adults can lose their leases if their sexual orientation becomes public.

Somalia

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

South Africa

The government generally respected the human rights of its citizens. However, the government, nongovernmental organizations (NGOs), and local media reported the following serious human rights problems: police use of excessive force against suspects and detainees, which resulted in deaths and injuries; vigilante and mob violence; abuse of prisoners, including beatings and rape and severe overcrowding of prisons; lengthy delays in trials and prolonged pretrial detention; forcible dispersal of demonstrations; pervasive violence against women and children and societal discrimination against women, persons with disabilities and the lesbian, gay, bisexual, and transgender (LGBT) community; trafficking in persons; violence resulting from racial and ethnic tensions and conflicts with foreigners; and child labor, including forced child labor and child prostitution.

The constitution and law prohibit discrimination on the grounds of race, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, sexual orientation, or marital status. However, entrenched attitudes and practices often denied these rights in practice.

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 in November 2008, the Human Sciences Research Council found widespread public intolerance of homosexuality activity, which was commonly labeled "un-African," with 80 percent of respondents believing sex between two same-gender persons was "wrong."

Rights groups reported that the LGBT community was 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 September 22, Themba Mvubu was sentenced to life in prison for the April 2008 gang rape, robbery and murder of Eudy Simelane, a former player on the national women's soccer team and well-known lesbian activist. Khumbulani Magagula and Johannes Mahlangu, who were arrested with Mvuba, were acquitted based on testimony that the two were present but did not participate. The fourth accused, Thato Mphiti, was sentenced on February 13 to 32 years in prison for murder, robbery, and being an accomplice to rape.

The trial of seven men accused of the 2006 murder of Zoliswa Nkonyana, a lesbian, in Cape Town, was postponed several times during the year; there were no further developments.

Sudan

The law prohibits homosexuality; there were no reports of persons being prosecuted on this basis. Societal discrimination against homosexual persons occurred. Sexual orientation was not openly discussed in the country. There were no visible lesbian, gay, bisexual, or transgender organizations.

Swaziland

Societal discrimination against the lesbian, gay, bisexual, and transgender community (LGBT) was prevalent, and LGBT persons generally concealed their sexual preferences. Gays and lesbians who were

open about their sexual orientation and relationships faced censure and exclusion from the chiefdom-based patronage system, which could result in eviction from one's home. Chiefs, pastors, and members of government criticized homosexual conduct as neither Swazi nor Christian.

Tanzania

Homosexuality is 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. However, gays and lesbians faced societal discrimination.

In July a group of NGOs, including Global Rights, International Gay and Lesbian Human Rights Commission, and the Centre for Human Rights Promotion, submitted a "shadow" report to the UNHRC detailing the legal and societal discrimination faced by gays, lesbians, and transgendered persons. The report stated that the laws against homosexuality interfere with an individual's right to privacy and encourage the stigmatization of gays, lesbians, and transgendered persons. The groups called on the government to amend the penal code, which makes homosexuality a criminal offence.

In early October NGOs alleged that the arrest in Dar es Salaam of 39 individuals on prostitution charges was motivated by sexual orientation. Police made the arrests reportedly after receiving complaints from residents about prostituted persons in their neighborhood. However, NGOs indicated that residents were upset that members of two local gay and lesbian organizations were meeting in their neighborhood. At year's end the case was pending.

Togo

Men and women of heterosexual orientation received equal access to diagnosis and treatment for sexually transmitted infections, including HIV, but women were more likely than men to seek treatment and refer their partners. Men of homosexual orientation did not receive equal access to these services.

Homosexual conduct is illegal but the law was rarely enforced. 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 (\$220 to \$1,100).

There was societal discrimination based on sexual orientation.

Uganda

Serious human rights problems in the country included arbitrary and politically motivated killings; vigilante killings; politically motivated abductions; mob and ethnic violence; torture and abuse of suspects and detainees; harsh prison conditions; official impunity; arbitrary and politically motivated arrest and detention; incommunicado and lengthy pretrial detention; restrictions on the right to a fair trial and on freedoms of speech, press, assembly, association, and religion; restrictions on opposition parties; electoral irregularities; official corruption; violence and discrimination against women and children, including female genital mutilation (FGM), sexual abuse of children, and the ritual killing of

children; trafficking in persons; violence and discrimination against persons with disabilities and homosexuals; restrictions on labor rights; and forced labor, including child labor.

Unlike in the previous year, the Media Council did not block the screening of films for perceived promotion of homosexuality.

Lesbian, gay, bisexual, and transgender (LGBT) persons faced discrimination and legal restrictions. It is illegal to engage in homosexual acts, based on a 1950 legal provision from the colonial era criminalizing "carnal acts against the order of nature" and prescribing a penalty of life imprisonment. No persons have been charged under the law. The September introduction in parliament of a bill providing the death penalty for "aggravated homosexuality" and for homosexual "serial offenders" resulted in increased harassment and intimidation of LGBT persons during the year; the proposed legislation also provides for a fine and three years' imprisonment for persons who fail to report acts of homosexual conduct to authorities within 24 hours.

Public resentment of homosexual conduct sparked significant public debate during the year, and the government took a strong position against such conduct despite a December 2008 ruling by the High Court that constitutional rights apply to all persons, regardless of sexual orientation. The local NGO Sexual Minorities Uganda (SMUG) protested alleged police harassment of several members for their vocal stand against sexual discrimination.

For example, on April 5, police in Mbale District arrested SMUG activists Fred Wasukira and Brian Mpadde. On April 17, a court in Mbale charged Wasukira and Mpadde with homosexual conduct and remanded the suspects to Maluke prison. On May 20, the court released Wasukira on police bail; Mpadde was released on June 16. The case was ongoing at year's end.

On June 19, police in Kitgum interrogated former police coach Charles Ayeikoh over allegations that he was involved in homosexual acts. An investigation was ongoing at year's end.

In July the administration of Mbalala Senior Secondary School in Mukono District dismissed student John Paul Mulumba after he acknowledged that he was a SMUG member.

During the year the UHRC stopped investigating the July 2008 case in which SMUG activist Usaam Mukwaya alleged that police tortured and humiliated him during an illegal detention; Mukwaya reportedly decided not to pursue the case.

During the year police dismissed for lack of evidence a September 2008 case against SMUG members George Oundo and Brenda Kiiza, who were charged with indecent practices.

LGBT persons were also subject to societal harassment and discrimination.

For example, on March 17, the Uganda Joint Christian Council and the Family Life Network launched a campaign to curb homosexual conduct in higher institutions. SMUG accused the organizers of using religion to attack the LGBT community in the country.

On June 24, the Uganda Coaches Association instituted a code of conduct that requires members to denounce support for or involvement in homosexual activity.

In June in Entebbe, activists organized a three-day workshop to discuss the rights of LGBT persons and ways to address increasing public resentment against homosexual activity in the country.

Zambia

The government's human rights record remained poor, and it deteriorated during the year in a few areas. Human rights problems included an unlawful killing; torture, beatings, and abuse of suspects and detainees by security forces; official impunity; life-threatening prison conditions; arbitrary arrests and prolonged pretrial detention; long trial delays; arbitrary interference with privacy; restrictions on freedom of speech, press, assembly, and association; government corruption; violence and discrimination against women; child abuse; trafficking in persons; discrimination based on sexual orientation and against persons with disabilities; restrictions on labor rights; forced labor; and child labor.

The law criminalizes homosexual behavior and provides penalties of up to 14 years' imprisonment for individuals who engage in homosexual acts. The government enforced the law that criminalizes homosexual conduct and did not respond to societal discrimination. Societal violence occurred based on sexual orientation, and societal discrimination based on sexual orientation occurred in employment, housing, or access to education or health care. There were no known cases of lesbian, gay, bisexual and transgender persons becoming stateless because of their sexual orientation. There were active groups promoting rights of such persons, but the Ministry of Home Affairs' Registrar of Societies continued to refuse to register them. Groups held social gatherings but did not participate in open demonstrations or marches.

Zimbabwe

Over a period of years, Mugabe publicly denounced the LGBT community, blaming them for Africa's ills. Although there was no statutory law proscribing homosexual conduct, 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." Sodomy carries a penalty of up to one year in prison or a fine up to \$5,000. There were no known cases of sodomy charges being used to prosecute consensual homosexual activity.

There was one organization, Gays and Lesbians of Zimbabwe (GALZ), that was dedicated to advancing the rights of the LGBT community. GALZ experienced discrimination and interference in its operations during the year. The government censorship board continued to confiscate materials sent to GALZ from outside the country and refused to release the material, claiming that it was "indecent." In 2008 GALZ filed three lawsuits against the censorship board, seeking to release the materials. Due to the courts' refusal to act, three cases from 2008, three cases from 2007, and two cases from 2006 were pending at year's end.

General homophobia and restrictive legislation made it difficult for the LGBT community to feel safe about being open about their sexuality in public. Because of significant social pressure, some families reportedly subjected men and women to "corrective" rape and forced marriages to encourage heterosexual conduct; the crimes were rarely reported to police. Women in particular were subjected to rape by male members of their own families.

Members of the LGBT community reported widespread societal discrimination based on sexual orientation. Many persons who identified with the LGBT community did not seek medical care for sexually transmitted diseases or other health issues due to fear that health providers would shun them. In the 2006-07 Presidential HIV/AIDS Strategic Plan, the government agreed to address HIV/AIDS among gay men. However, by year's end the government had not made any effort to address the health needs of this population. Many LGBT persons reported leaving school at an early age, decreasing their capacity for economic gain. Coupled with socioeconomic discrimination, higher rates of unemployment and homelessness among the LGBT community were reported.

East Asia and the Pacific

Australia

In 2008 and 2009, the government amended 84 laws to eliminate discrimination against same-sex couples and their children in a wide range of areas, including taxes, child support, immigration, pensions, and social security. A large number of these reforms came into effect on July 1.

A number of gay, lesbian, bisexual, and transgender NGOs were openly active in the country, and gay pride marches took place in major cities; police provided sufficient protection to participants. The HREOC received 17 complaints of employment discrimination based on sexual orientation from July 2008 through June 2009.

Brunei Darussalam

No mention.

Burma

The penal code contains provisions against "sexually abnormal" behavior, and authorities applied them to charge gay men and lesbians who drew official attention. The maximum sentence is 20 years' imprisonment and a fine. Under the penal code, laws against "unnatural offenses" apply equally to both men and women. Nonetheless, such persons had a certain degree of protection through societal traditions.

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

Cambodia

There were no laws criminalizing homosexual acts, nor was there official discrimination against the lesbian, gay, bisexual, and transgender (LGBT) community, although some societal discrimination and

stereotyping persisted, particularly in rural areas. The LGBT community was visible and active in urban areas, particularly Phnom Penh and Siem Reap. There were a few NGOs dedicated to serving the needs of LGBT persons, primarily focused on delivery of health care. In May several local businesses and NGOs hosted the Fifth Annual Phnom Penh Pride festival, a week-long series of events that highlighted the LGBT community.

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

There were a few reports of private individuals refusing to employ or rent property to persons based on sexual orientation or gender identity.

China (includes Tibet, Hong Kong, and Macau)

No laws criminalize private homosexual activity between consenting adults. Homosexuality was decriminalized in 1997 and removed from the official list of mental disorders in 2001. Due to societal discrimination and pressure to conform to family expectations, most gay individuals refrained from publicly discussing their sexual orientation.

On March 30 and April 3, approximately 50 gay men were reportedly detained in Renmin Park in Guangzhou and questioned by police. On August 25, police in Guangzhou tried again to remove a group of gay men from Renmin Park. The men refused, and after a nonviolent standoff, the police desisted. In June the first gay pride festival took place in Shanghai. Also in June the Beijing Queer Film Festival was held. Police had blocked previous attempts to hold the festival.

Homosexual plotlines and scenes are not allowed on broadcast television. While there is no legal prohibition against the registration of lesbian, gay, bisexual, or transgender student groups, none were allowed to register at any universities.

In July a group of lesbians organized an online petition calling on the government to rescind a 1998 law banning gay persons from donating blood.

Taiwan

There are no laws prohibiting homosexual activities. According to homosexual rights activists, antihomosexual violence was rare, but societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons with HIV and AIDS was a problem.

LGBT rights activists said instances of police pressure to close gay- and lesbian-friendly bars and bookstores decreased.

The seventh gay pride march was held in October. More than 25,000 individuals participated. LGBT rights activists alleged the restrictions on doctors providing fertility treatments to unmarried persons unfairly discriminated against LGBT persons, who are not permitted to marry. Employers convicted of discriminating against jobseekers on the basis of sexual orientation face fines of up to NT\$1.5 million (\$46,200).

Fiji

The abrogated 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. The Employment Relations Decree prohibits discrimination in employment based on sexual orientation.

The gay, lesbian, bisexual, and transgender NGO "Equal Ground Pasifik" operated in the country. There were no reports of impediments to its operation.

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

Indonesia

On October 24, approximately 12 Jakarta police officers detained and allegedly beat Riko, a transgender person, as a suspect in a burglary. At year's end an internal police investigation continued.

Under the terms of the 2005 Aceh peace agreement, Aceh is the only province in Indonesia formally permitted to implement aspects of Shari'a. The provincial government enacted "qanun," regulations governing relations between members of the opposite sex, alcohol consumption, and gambling. On September 14, the outgoing provincial parliament enacted qanun, which prescribed stoning to death for adultery and steep prison terms and public caning for homosexual acts, rape, and pedophilia. Critics both inside and outside Aceh criticized the new qanun as unconstitutional, and more secularly minded parties dominated the incoming provincial parliament.

The 2008 Pornography Law bans gay and lesbian sex. According to NGOs, lesbian, gay, transgender, and bisexual (LGBT) issues were characterized as socially taboo. The government took almost no action to prevent discrimination against LGBT persons or to spur action by the police in investigating societal abuse against LGBT persons. Police corruption, bias, and violence caused LGBT individuals to avoid interaction with police. NGOs reported that LGBT individuals were socially ostracized by family members and the general public.

On September 6, the provincial legislature in Aceh passed a law criminalizing homosexual conduct.

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

On May 16, LGBT organizations held gay pride marches in Jakarta, Surabaya, Yogyakarta, Makassar, and Banda Aceh commemorating the International Day Against Homophobia. Organizers were able to obtain necessary permits from the government and police provided protection to the marchers.

NGOs documented instances of government officials not issuing identity cards to LGBT individuals.

Japan

No laws criminalize homosexual practices or protect against discrimination on the basis of sexual orientation. However, NGOs that advocate for gay, lesbian, bisexual, and transgender persons noted that on some occasions such persons suffered from bullying, harassment, and violence.

Kiribati

Sodomy and acts of "gross indecency between males" are illegal, with maximum penalties of seven and five years' imprisonment respectively, but there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender persons under these provisions. Societal discrimination and violence based on sexual orientation or gender identity were not significant problems.

Societal discrimination and violence against persons with HIV/AIDS were not significant problems. According to Ministry of Health statistics, 20 women and 32 men had AIDS or were HIV positive. A government-run HIV/AIDS taskforce coordinated outreach and educational activities concerning HIV/AIDS.

Democratic People's Republic of Korea

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

Republic of Korea

The law prohibits discrimination on the basis of sexual orientation, but societal discrimination persisted. In November 2008 a military court asked the Constitutional Court to rule on the constitutionality of rules prohibiting sexual activity between male military personnel. At year's end the court had not issued a ruling.

The law does not have specific legislation regarding discrimination or violence against lesbians, gays, bisexuals, and transgenders (LGBTs). The MOJ reported that the equality principles under article 11 of the constitution apply to LGBTs. The government punished perpetrators of violence against LGBTs according to the law. There were no cases of discrimination against LGBTs reported during the year.

Laos

Within lowland Lao society, despite wide and growing tolerance of homosexual practices, societal discrimination in employment and housing persisted, and there were no governmental efforts to address it.

Malaysia

In October 2008 the National Fatwa Council issued a fatwa prohibiting girls from acting and dressing like boys. This "tomboy" fatwa claimed such activity was a violation of the tenets of Islam and encouraged

homosexual conduct. Sisters In Islam noted that this fatwa was only directed at women and was an example of the sexism and discrimination against women in the country.

In July 2008 authorities arrested political opposition leader Anwar Ibrahim for alleged consensual sodomy with a former aide. In August 2008 prosecutors charged Anwar in court under the penal code for "consensual carnal intercourse against the order of nature," which carries a potential sentence of 20 years in jail. The court released Anwar on bail.

Although there are no laws that prohibit homosexual conduct, laws against sodomy and "carnal intercourse against the order of nature" exist and were enforced sporadically. Religious and cultural taboos against homosexual conduct were widespread. For example, during the year a Health Ministry official stated that homosexual activity and masturbation helped to spread the H1N1 infection.

Marshall Islands

There is no known law criminalizing homosexual conduct. There were no known lesbian, gay, bisexual, and transgender organizations or marches in the country. There were no reports of official or societal discrimination against groups based on sexual orientation in employment, housing, statelessness, or access to education or health care.

Federated States of Micronesia

There are no laws criminalizing homosexual conduct. There were no lesbian, gay, bisexual, or transgender organizations, but there were no impediments to their operation. There were no reports of violence, official or societal discrimination, or workplace discrimination against such persons.

Mongolia

Homosexual conduct 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 persons engaging in homosexual conduct. Such persons reported harassment and surveillance by police.

The government impeded the free association of lesbian, gay, bisexual and transgender (LGBT) groups. The State Registration Agency refused in multiple instances to register the LGBT Centre, alternatively asking for bribes and declaring its name to be "immoral," but registered the group in December. There were reports that individuals were assaulted in public and at home, denied service from stores and nightclubs, and discriminated against in the workplace based on their sexual orientation. There also were reports of abuse of persons held in police detention centers based on their sexual orientation. Some media outlets described gay men and lesbians with derogatory terms and associated homosexual conduct with HIV/AIDS, pedophilia, and the corruption of youth.

Nauru

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

New Zealand

The law prohibits abuse, discrimination, and acts of violence based upon sexual orientation and gender identity, and the government generally enforced the law. During the year the HRC received 57 discrimination complaints relating to gender or sexual orientation (1.3 percent of all complaints). The Ministry of Justice received no reports of societal violence or discrimination based on sexual orientation.

A Hungarian tourist was acquitted of murder but convicted of the lesser charge of manslaughter for killing a gay man who had solicited him at a local bar. The defendant claimed that the victim's sexual advances had provoked him to commit the crime. The legislature has since repealed the Law of Provocation that the tourist used in his defense.

Palau

There is no law criminalizing sexual orientation. There were no reports of cases of violence or discrimination based on sexual orientation.

Papua New Guinea

Sodomy and acts of "gross indecency" between male persons are illegal. The maximum penalty for sodomy is 14 years' imprisonment, and for acts of gross indecency between male persons (a misdemeanor), it is three years. However, there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender (LGBT) persons under these provisions during the year. There were no specific reports of societal violence or discrimination against LGBT persons, but they were vulnerable to societal stigmatization.

Philippines

There was some societal discrimination based on sexual orientation, including in employment and education. There were many active LGTB organizations, and some of them held public marches or other events during the year to promote equality and antidiscrimination legislation. An effort by an LGBT group to register as a political party was denied because it "tolerates immorality, which offends religious beliefs" (see section 3).

In general political parties could operate without restriction. In October the Commission on Elections rejected an attempt by a group that plotted an unsuccessful coup in 2003 to register a new political party. In November it rejected a petition by Ang Ladlad, an organization representing lesbian, gay, bisexual, and transgender (LGBT) persons, to be registered as a political party for the 2010 elections on the grounds that it "tolerates immorality, which offends religious beliefs." The group's petition for accreditation was previously denied in 2007 on the grounds that it did not have an adequate national

presence. In December the commission rejected the group's appeal of the ruling. The Commission also disqualified Ang Ladlad's president Danton Remoto from the list of 2010 senatorial candidates, stating that he had inadequate support to conduct a nationwide campaign.

The law prohibits all forms of discrimination against persons with HIV/AIDS and provides basic health and social services for these persons. However, there was some evidence of discrimination against HIV/AIDS patients in the provision of health care, housing, and insurance services. The rate of HIV/AIDS remained low, although the rate of infection was believed to be underreported. Overseas workers were required to participate in an HIV/AIDS class as part of a predeparture orientation seminar.

Samoa

The government generally did not restrict academic freedom or cultural events. In April, however, the Censorship Board banned the film *Milk* due to its homosexual scenes (see section 6), and in May banned the film *Angels and Demons* to "avoid any religious discrimination by other denominations and faiths against the Catholic Church." Other films also reportedly banned by the board included *The Butcher, Van Wilder, Unborn, and The Cell 2*.

Sodomy and "indecentcy between males" are illegal, with maximum penalties of seven and five years' imprisonment, respectively. However, these provisions were not actively enforced with regard to consensual homosexual acts between adults. There were no reports of societal violence based on sexual orientation or gender identity; however, there were isolated cases of discrimination. In April the government Censorship Board rejected the screening of the film *Milk*, about the life of gay rights activist Harvey Milk, on the basis that the film had "inappropriate scenes" that contradicted the country's Christian beliefs. In contrast, the board allowed the screening of the film *Lesbian Vampire Killers* with the explanation that the film was not necessarily about lesbians, but about the legend of female vampires.

The Samoa Fa'afafine Association, a local transgender organization, operated freely, without government interference; the prime minister was the patron of the association.

Singapore

A vigorous debate took place in 2007, when an ultimately unsuccessful attempt took place to repeal the section of the penal code criminalizing sex between men. After the attempt failed, Prime Minister Lee stated that the authorities would not actively enforce the statute, leaving gay men free to live their private lives in peace as long as they did not actively promote their sexual orientation.

The sensitivity of the issue emerged again during the year when social conservative activists temporarily seized control of a women's rights NGO, the Association of Women for Action and Research (AWARE), and accused AWARE's former leadership of promoting homosexual conduct in the public schools through a sex education program designed under AWARE's auspices. The Ministry of Education suspended use of the AWARE sex education program pending further review.

On May 16, a rally in support of "the freedom of lesbian, gay, bisexual, and transgender persons in Singapore to love" took place at Speakers Corner. Participants held pink umbrellas aloft and arranged

themselves to form a large pink dot when seen from nearby high-rise buildings. The rally took place without disturbance.

Solomon Islands

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

Thailand

There are no laws that criminalize sexual orientation. NGOs dealing with lesbian, gay, bisexual, and transgender (LGBT) matters were generally able to operate freely. They were able to register with the government, although there were some restrictions with the language that can be used in registering their group names. They reported that police treated LGBT victims of crime as any other except in the case of sexual crimes, when there was a tendency to downplay sexual abuse or not take harassment seriously.

An effort to organize a gay pride parade in Chiang Mai in February failed due to a lack of government support combined with social hostility. Provincial authorities, except for the MPH, withheld permission to conduct the event. UDD members protested against the event and condemned the organizers, while police did not provide adequate protection, creating a hostile situation.

There was continued discrimination based on sexual orientation and gender identity. The Thai Red Cross would not accept blood donations from gay men. Some life insurance companies refused to issue policies to gay persons. According to military sources, the armed forces did not draft gay or transgendered persons because of the assumed detrimental impact on the military's strength, image, and discipline. The official rejection rationale recorded in military documentation was "Type 3 – Sickness That Cannot Be Cured Within 30 Days," as opposed to the previously utilized "Type 4 – Permanently Disabled or Mentally Ill." The law does not permit transgendered individuals to change their gender on identification documents. Some major businesses did not allow transgendered persons to use their preferred bathrooms. NGOs also alleged that some nightclubs, bars, hotels, and factories denied entry or employment to gays, lesbians and transgendered individuals.

In December the rectors of the Rajabhat Institutes, which operated state-run universities throughout the country, rejected a request forwarded by the Cross-Dresser Network of Thailand to allow transsexual students to wear female outfits at their commencement ceremonies.

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. According to the East Timor Law and Justice Bulletin (ETLJB), the principal international NGO that runs an HIV-AIDS transmission reduction program excludes gays from its program. Aside from the ETLJB report, there were no formal reports of

discrimination based on sexual orientation, due in part to limited awareness of the issue and a lack of formal legal protections.

Tonga

Sodomy is illegal, with a maximum penalty of 10 years' imprisonment, but there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender persons under this provision. Persons who engaged in openly homosexual behavior faced societal discrimination. There were no reports of violence against persons based on sexual orientation or gender identity.

Tuvalu

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

Vanuatu

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

Vietnam

A homosexual community existed but was largely underground. There are no laws that criminalize homosexual practices. There was no official discrimination in employment, housing, statelessness, or access to education or health care based on sexual orientation, but social stigma and discrimination was pervasive. Most homosexual persons chose not to tell family of their sexual orientation for fear of being disowned.

There was growing public awareness of homosexuality and little evidence of direct official discrimination based on sexual orientation. Despite Ministry of Culture regulations specifically limiting beauty contests to "female citizens ages 18 or over," the number of, and participation in, transvestite and transgender beauty contests in Ho Chi Minh City increased. Several annual competitions gained notoriety, and several transgender and transvestite beauty queens emerged as prominent celebrities.

Europe and Eurasia

Albania

Discrimination against women, children, homosexual persons, and minorities were problems.... Roma, Balkan Egyptians, and persons engaging in homosexual conduct were particularly vulnerable to police abuse.... The law prohibits discrimination based on race, gender, ethnicity, disability, language, or social status; however, the government did not effectively enforce these prohibitions, and discrimination against women, Balkan Egyptians, Roma, and homosexual persons persisted....

There are no laws criminalizing sexual orientation, and the law does not differentiate between types of sexual relationships. There were few lesbian, gay, bisexual, and transgender (LGBT) organizations in the country, although their numbers and activities were starting to grow. The groups operated without interference from police or other state actors, largely because they generally were discrete. There were repeated reports that individuals were beaten, fired from their employment, or subjected to discrimination due to their sexual orientation. Often these cases went unreported.

In June a man allegedly murdered his brother due to his sexual orientation. The murderer pled guilty and was sentenced to eight years in prison. In August four men were arrested in Durres for prostitution and engaging in public sexual activity. The men claimed police discriminated against them, since police officers often did not arrest female prostitutes and their clients when apprehended. Without an antidiscrimination law, societal discrimination based on sexual orientation was a constant. There were several informal reports of harassment, denial of service, and employment discrimination due to sexual orientation. For example, homosexual customers were sometimes denied service in bars and restaurants. There were reports of LGBT persons being harassed on the streets. They often did not report criminal or civil offenses committed against them from fear of economic and physical reprisals. LGBT persons are not a protected class under the law. NGOs claimed that police routinely harassed homosexual persons.

Andorra

No lesbian, gay, bisexual, or transgender organizations exist in the principality, and no gay marches occurred during the year. On the basis of constitutional guarantees of the right to freedom of ideas, religion, and ideology, the government acts against any discrimination that may occur in the country.

Armenia

Violence against women and spousal abuse, trafficking in persons, and discrimination against persons with disabilities and homosexual individuals was also reported.

General societal attitudes towards homosexuality remained highly unfavorable. The country's endorsement of the UN December 2008 statement against discrimination on the basis of sexual orientation and gender identity caused a public outcry and increased the number of negative articles in the media about homosexuals. Society continued largely to view homosexuality as an affliction.

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. During the year there was at least one reported case of a young man, whose homosexuality was revealed during military service, being diagnosed and hospitalized with "homosexuality disease."

According to local human rights activists, lesbians, gays, bisexuals, and transgender persons experienced some of the most humiliating discrimination in prisons, where they were forced to do some of the most degrading jobs and separated from the rest of the prison population.

Societal discrimination based on sexual orientation continued to be a problem with respect to employment, family relations, and access to education and health care for sexual minorities.

Austria

There was some societal prejudice against gays and lesbians; however, there were no reports of violence or discrimination based on sexual orientation. Lesbian, gay, bisexual and transgender persons' organizations, such as the Homosexual Initiatives (HOSI) in Vienna and Linz and the Lambda Rights Committee, were present and generally operated freely. Vienna hosted an annual gay pride march in July and provided police protection.

Azerbaijan

A local NGO reported numerous police beatings of persons based on sexual orientation. . . . There are no laws criminalizing sexual orientation. There were numerous incidents of police brutality against individuals based on sexual orientation. During the year there were no investigations into or punishments of those responsible for these acts, although this was largely due to victims' unwillingness to file claims due to fear of social stigma. In 2007, after an official complaint was made through the ombudsman's office, two police officers were removed from their positions.

During the year police raided gay bars on four occasions and arrested almost 50 persons. Police reportedly held the individuals and threatened to expose their sexuality publicly unless they paid a bribe. The human rights Ombudsman's Office intervened to resolve the incidents.

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

There were no reported deaths during the year due to violence based on sexual orientation. However, domestic violence due to sexual orientation remained a large problem.

The government did not officially condone discrimination based on sexual orientation; however, there was societal prejudice against LGBT persons. While being fired from a job for sexual orientation remained illegal, LGBT individuals reported that employers found other reasons to fire them. Discrimination in access to healthcare was also a problem. In 2008 two transgender individuals died from injuries received from a car accident because physicians at Baku Hospital Number 1 refused to treat them.

Belarus

There was discrimination against Roma, ethnic, and sexual minorities....Homosexuality is not illegal, but discrimination against members of the LGBT community was widespread, and harassment occurred.

According to a local LGBT rights group, government-controlled media discouraged participation in the protests following the 2006 presidential election by saying they were part of a "gay revolution."

In February Homyel authorities denied local gay activists permission to hold a "Right to Love" event on February 12 in which they planned to distribute educational materials and raise public awareness about homophobia and discrimination against homosexuals. A similar request submitted to the Minsk authorities was also denied.

On July 22, Syarhei Androsenka, the head of the GayBelarus project, announced that Belarus customs officials had seized 25 copies of a gay interest magazine that were mailed to him. Officials claimed that they seized the publication because it was not registered in the country.

In the early morning of August 24, following a dispute at a bar, unknown persons followed and assaulted gay rights activist Maksim Tsarkou. During the assault the assailants cursed at the victim and shouted homophobic slurs.

On September 23, the KGB in Homyel informed local gay rights activist Svyataslau Semyantsou that they had opened a criminal case against him for participating in activities of an unregistered group. The KGB also threatened Semyantsou with charges of providing defamatory and discrediting information to a foreign source.

On December 17, a court in Minsk fined LGBT community activist Alyaksandr Gagaryn BYR 105,000 (\$35) for participating in an unsanctioned picket in front of the Iranian embassy. The activists demonstrated to protest the capital punishment against LGBT persons in Iran. Police fined Syarhei Androsenka BYR 875,000 (\$300) and Syarhei Pradzed BYR 350,000(\$120) on December 23 for their participation in the same protest.

Belgium

The government-sponsored CEOCR is tasked with promoting equal opportunity and with combating all forms of discrimination, exclusion, or preferential treatment based on race, skin color, descent, national or ethnic origin, sexual orientation, marital status, birth, wealth, age, religion or ideology, physical condition, disability, or physical characteristics..... The law identifies 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..... According to the CEOCR, 5.2 percent of the complaints it received in 2008 concerned discrimination based on sexual orientation. Most were work-related, and the center received several reports on violence against gays, lesbians, bisexuals, and transgender persons.

Bosnia and Herzegovina

The following human rights problems were reported: reports of continued deaths from landmines, police abuses, poor and overcrowded prison conditions, inter-prisoner violence in prisons, police failure to inform detainees of the rights or allow effective access to legal counsel prior to questioning, harassment and intimidation of journalists and members of civil society, obstruction of refugee returns,

government corruption, discrimination and violence against women and ethnic, sexual, and religious minorities, discrimination against persons with disabilities, trafficking in persons, and limits on employment rights.

Many media outlets used language, often nationalistic, considered incendiary on matters related to ethnicity, religion, sexual orientation, and political affiliation. Both entities have defamation laws which were used in courts.

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 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.

During the year the Q Association conducted an awareness campaign to follow up on the September 2008 "Queer Sarajevo Festival," which drew harsh, often discriminatory commentary from Islamic community leaders, and was the scene of numerous threats and several acts of physical violence.

Bulgaria

The law prohibits 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, particularly against women, sexual minorities, and ethnic minorities.

The law prohibits discrimination on the basis of sexual orientation, but the government did not effectively enforce this prohibition. Reports of violence against lesbian, gay, bisexual, and transgender persons were rare, but societal discrimination, particularly discrimination in employment, 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 27, the second annual gay pride parade in downtown Sofia attracted 300 to 500 participants. In contrast to the first parade in 2008, there were no violent incidents or major antigay protests, thanks in part to strong police cooperation and protection. Gemini reported that on the day of the parade, vandals broke a window in its headquarters and threw Molotov cocktails at a well-known gay club and hotel. In June 2008, police arrested approximately 60 nationalist protesters who attempted to disrupt the parade, and the Patriarch of the Christian Orthodox Church and the Muslim chief mufti condemned the march, calling it immoral and referring to homosexual activity as a disease.

In February the Sofia city court fined the prosecution service for discriminating against a female prisoner who was refused early release. The prosecutor maintained the prisoner's way of life and emotional status were problematic because of her homosexual conduct.

Croatia

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 lesbian, gay, bisexual, and transgender (LGBT) persons. There are at least two active LGBT organizations.

On June 13, an antigay protest was staged during the annual Gay Pride Parade. Members of the protest carried banners with abusive language such as "kill the faggots." Organizers of the parade considered the protest a hate crime and criticized authorities for having allowed it to take place. Police arrested five persons who tried to break through police lines and attack parade participants. After the parade two unidentified persons followed one parade supporter to his doorstep and severely beat him.

In August the ECSR issued a statement on the sexual education curriculum in Croatian schools that criticized the government for homophobic material in classroom texts. The committee stated certain parts of the educational material were "manifestly biased, discriminatory, and demeaning" and served to stigmatize homosexuals "based upon negative, distorted, reprehensible, and degrading stereotypes." The committee found the material had a "discriminatory and demeaning impact" upon persons not of heterosexual orientation throughout society and presented a "distorted picture of human sexuality." The committee stated the government had failed "in the provision of objective and nonexclusionary health education." Authorities removed the textbook in question.

Societal discrimination against LGBT persons was frequently manifested by insults, stereotypical jokes, and societal prejudices.

Cyprus

Despite legal protections, gays and lesbians faced significant societal discrimination, and few lesbian, gay, bisexual, or transgender (LGBT) persons were open about their sexual orientation. According to a report during the year by the Gay Liberation Movement of Cyprus (AKOK) and the International Lesbian, Gay, Bisexual, Trans- and Intersex Association (ILGA), there was no significant LGBT movement in the country, and a general stigma against homosexuality was present in society. The organization reported that some local religious figures and politicians frequently stated in public that homosexual individuals were "immoral persons, bodily and mentally perverted." The groups also noted that there was no specific LGBT antidiscrimination law and that the lack of awareness-raising efforts and education about LGBT issues significantly contributed to the stigmatization of LGBT persons.

In January the ombudsman publicly claimed that authorities at passport control at Larnaca Airport asked some foreign nationals were asked about their sexual orientation.

Male homosexual activity is criminalized in the area administered by Turkish Cypriots under a general sodomy statute that excludes female homosexual activity. The maximum penalty is 14 years' imprisonment. Homosexuality remained highly proscribed socially and rarely discussed. Very few LGBT persons were publicly open about their sexual orientation.

In 2008 members of the LGBT community, including some NGOs, started a group, called the "Initiative Against Homophobia," aimed at legal reform and reducing homophobia. There were no reported

impediments to its operation or free association, and it was officially accepted and registered as an association in March. An informal LGBT group, called "The Short Bus Movement," organized cultural activities, such as film screenings. During the year neither police nor "government" representatives condoned or perpetrated violence against the LGBT community.

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

Czech Republic

The law prohibits discrimination based on sex, age, disability, race, ethnic origin, nationality, sexual orientation, religious faith, or personal belief. However, the government did not effectively enforce these provisions....

Lesbian, gay, bisexual, and transgender organizations operated freely.

In June in the town of Tabor, members of the Workers Party attempted to disrupt a second annual gay pride march held by gay rights advocates. Police, including members of an anticonflict team, kept Workers Party members mostly separated from the march.

The government did not keep statistics regarding incidents of violence directed at individuals based on their sexual orientation or gender identity. A report by a government working group on issues involving sexual minorities indicated that physical and verbal attacks occur, although are often not reported.

There were some reported cases of discrimination against persons based on sexual orientation. A gay registered partner of a parent may not adopt the partner's child, although a gay, lesbian, bisexual, or transgender person not in a registered partnership may adopt.

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 Security and Intelligence Service (PET) reported 175 hate crimes in 2008. The number of cases was roughly a five-fold increase over the number of hate crimes reported in 2007. Police attributed the increase to a new, broader definition used by PET of what constitutes a hate crime. For the first time, PET combined its hate crime cases with those from the various regional and national police registries. The new definition was expanded to cover crimes motivated by political issues, skin color, nationality, ethnic origin, religious beliefs, and sexual orientation.

The country has one major lesbian, gay, bisexual, and transgender (LGBT) organization, the Danish National Association of Gays and Lesbians, which was founded in 1948. It operated independently of political interference to promote LGBT interests in Denmark. The annual Copenhagen Pride parade was held on August 1 and was followed by a "pride show" in Copenhagen's main town square. During the year Copenhagen also sponsored the World Outgames, which occurred without incident and without police or government interference.

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

Estonia

The legal chancellor, an independent official with his own staff of 30 persons, performs the role of human rights ombudsman. The legal chancellor reviews legislation for compliance with the constitution and oversees observance by authorities of fundamental rights and freedoms and the principles of good governance. The legal chancellor also helps resolve accusations of discrimination based on gender, race, nationality (ethnic origin), color, language, religion, social status, age, disability, and sexual orientation.

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

Finland

No person may be discriminated against on the basis of gender, sexual orientation, or other personal characteristics. The government generally respects these rights, and law enforcement authorities have mechanisms to investigate and punish violations against these human rights. The national human rights and sexual equality-oriented NGO Seta and its members participate actively in national decision-making processes, and the organization provides a forum for public discussions of these subjects. In addition, several foundations, social platforms, and government-funded offices offer advising services, support, and hotlines related to sexuality issues.

There were no incidents of violence or human rights abuses specifically targeting individuals based on their sexual orientation or gender identity. Gays in legal partnerships are not allowed to donate blood or organs for national use.

France

The constitution prohibits discrimination on the basis of gender, and there are laws prohibiting discrimination on the basis of sexual orientation in employment or service, public or private.

Authorities pursued and punished perpetrators of violence against lesbians, gays, bisexuals, and transgender persons (LGBT). The NGO SOS Homophobia reported 1,248 homophobic acts in 2008, a 3 percent decrease from 2007. In 2007 there were 132 instances of physical assault. After the NGO Inter-LGBT claimed that homosexual minors were frequently targeted for violence, the Ministry of National Education responded by asking schools to introduce lessons on tolerance and diversity.

Georgia

Abuse of women and children, trafficking in persons, and societal discrimination and prejudice against persons based on their sexual orientation were also reported.

There are no laws that criminalize sexual orientation, male-to-male sex, or female-to-female sex; however, homosexuality was not widely accepted in society.

There were a few lesbian, gay, bisexual, or transgender (LGBT) organizations; however, they did not work exclusively as such and instead promoted tolerance more broadly. One reason for this was the strong societal stigma against homosexuality, including its denunciation by the Georgian Orthodox Church. The new public defender (see section 5) stated that among his priorities would be the protection of LGBT groups and individuals, and on July 31, in a debate with another nominee for the post, he said that discrimination on the basis of sexual orientation was unacceptable.

On December 15, the office of an NGO that promotes LGBT equality was searched by police. Reportedly, officials used antihomosexual slurs, made unnecessary strip searches, unnecessarily damaged organizational posters, and unnecessarily ransacked offices. The Ministry of Internal Affairs denied that any procedural violations took place and maintained that the profile of the organization was irrelevant in terms of the law. The ministry reported that its General Inspection Office gave one officer a reprimand at the "severe" level in accordance with the police code of ethics, as his actions were determined to be nonethical and inappropriate for police officers. Two other officers were also given a reprimand at the "severe" level for not preventing the above-mentioned officer from making the unethical statements.

Germany

The constitution prohibits the denial of access to housing, health care, or education on the basis of race, ethnicity, gender, religious affiliation, age, sexual orientation, disability, language, or social status, and the government normally enforced these provisions in practice.

The FCO defined "politically motivated crimes" as offenses related to the victims' ideology, nationality, ethnicity, race, skin color, religion, world view, ancestry, sexual orientation, disability status, appearance, or social status.

Many LGBT rights groups in the country report no impediments to their operations or free association. During the year several gay pride marches occurred around the country without hindrances. However, media and other reports indicated that societal and job-related discrimination against LGBT persons occurred, although such instances were rare. The government reported 54 hate crimes in 2008 in the OSCE's report, *Hate Crimes in the OSCE Region*.

According to a study by the Berlin antiviolence project MANEO, between April 2008 and April 2009 more than 35 percent of LGBT persons surveyed nationwide experienced some form of violence because of their sexual orientation. Approximately 11.9 percent of all cases were registered with the police.

According to federal statistics, there were seven violent and right-wing extremist crimes in 2008 against persons because of their sexual orientation and a total of 42 such crimes between 2001 and 2008 nationwide.

On April 5 in Berlin, five youths attacked a gay couple, evidently because of the victims' sexual orientation. One 42-year-old man suffered swelling, scrapes, and hematoma on his face; his 35-year-old partner suffered bruises and scrapes on his upper arm. The state criminal investigation department took over the investigation.

On July 6, a 45-year-old gay man was attacked with a stone in Berlin. The police were investigating the attack at year's end.

Greece

According to law, the age of consent is 15 for heterosexual sex and 17 for male homosexual sex. The law does not specify an age of consent for female homosexual sex. The NGO, Homosexual and Lesbian Community of Greece (OLKE), stated that the higher age of consent for homosexual males and the lack of any legal treatment of female-to-female sex, constituted gender identity discrimination. OLKE also criticized the country's laws against hate speech for not including sexual orientation or gender identity.

OLKE alleged during the year that police often abused and harassed homosexual and transgender persons and subjected them to arbitrary identity checks and body searches in public places. In March organizers of the Athens Pride parade reported that the police did not respond to a series of attacks against gay bars in Athens. OLKE reported that police protection had improved for the parade and that the ombudsman officials had handed out employment antidiscrimination flyers during the event.

NGOs reported that societal discrimination based on sexual orientation was widespread, but focused on gay male relationships. Transgender and HIV-positive persons were exempted from military service on disability and medical grounds, respectively.

Hungary

Homosexual conduct is legal, but extremist groups continued to subject gay men and lesbians to physical abuse and attacks.

On September 5, the Rainbow Mission Foundation organized the 14th annual Pride March in Budapest, which capped a week of lesbian, gay, bisexual, and transgender programs. Organizers were successful in registering the march but criticized a police statement that participants should refrain from "actions that are against public taste" or the police would disperse the march. Although protestors tried to disrupt the event, the march, in which an estimated 1,500 persons participated, finished without major disturbances. Police detained 41 counter-demonstrators and initiated proceedings against 17 of them on suspicion of using force against officials.

Police opened an investigation against three persons for creating a "public nuisance" when they assaulted a woman who was wearing a gay pride shirt. On September 7, after the HCLU complained to the national police chief that the reason for the assault was related to the woman's membership in a

societal group, police changed the legal grounds of the investigation to "violence against a member of a community." The case was pending at year's end.

On April 8, police detained two persons in connection with two 2008 attacks on a gay bar and a gay bathhouse in Budapest. The case remained pending at the end of the year.

Iceland

The law establishes fines and imprisonment for up to three months for persons convicted of publicly deriding or belittling the religious doctrines of a lawful religious association active in the country. The law also establishes fines and imprisonment for 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.

Lesbian, gay, bisexual, and transgender persons' organizations in the country included Samtökin '78, the major interest and activist group, and Trans-Iceland, an activist organization for transgender persons.

Reykjavik Gay Pride is an independent organization responsible for coordinating annual gay pride festivities in Reykjavik. An estimated 80,000-100,000 persons attended the annual gay pride march in Reykjavik in August. The government authorized the march and police provided sufficient protection to marchers.

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

Ireland

The law proscribes words or behaviors that are likely to generate hatred against persons in the country or elsewhere because of their race, nationality, religion, national origins, or sexual orientation. There were no reports that authorities invoked these provisions during the year.

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

There were seven gay and lesbian resource centers in the country, in Dublin, Cork (two centers), Limerick, Derry, Waterford, and Dundalk.

All cities and many smaller towns celebrated gay pride with parades and festivals. The government endorsed these activities and provided sufficient protection.

Italy

The government generally respected the human rights of its citizens, although there were problems with lengthy pretrial detention; excessively long court proceedings; violence against women; trafficking in persons; and abuse of homosexuals, Roma, and other minorities.

There were no laws criminalizing homosexuality. An official from the NGO Arcigay reported police maintained order at several gay pride events, including a march through Rome. Arcigay reported the group was granted permits for the events. The Rome police department has created a special unit to investigate reports of crimes based on sexual orientation.

There were reports of societal discrimination based on sexual orientation. Arcigay reported eight killings and 52 nonlethal attacks on lesbian, gay, bisexual, or transgender (LGBT) persons between January and September, compared to nine killings and 45 other attacks in 2008. Several of the crimes were described as domestic disputes. Between May and September, several acts of vandalism were committed against bars and discos catering mainly to LGBT clientele.

Kosovo

During the year reported problems and abuses included the following: deaths and injuries from unexploded ordnance or landmines; corruption and government interference in security forces and the judiciary; lengthy pretrial detention and lack of judicial due process; cases of politically and ethnically motivated violence; societal antipathy against Serbs and the Serbian Orthodox Church; lack of progress in returning internally displaced persons (IDPs) to their homes; government corruption; violence and discrimination against women; trafficking in persons, particularly girls and women for sexual exploitation; societal violence, abuse, and discrimination against minority communities; societal discrimination against persons with disabilities; abuse and discrimination against persons based on their sexual orientation; and child labor in the informal sector.

The constitution and law prohibit discrimination based on sexual orientation; however, there were reports of violence and discrimination directed against lesbian, gay, bisexual, and transgender (LGBT) individuals.

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

There were few NGOs in the country that focused on LGBT issues. The Center for Social Group Development, a local NGO addressing LGBT issues, stated that there were a number of other cases of discrimination against LGBT individuals during the year, but that victims refused to allow the center to present their cases publicly out of fear of discrimination. There were no overt impediments to the center's operation; however, social pressure and traditional attitudes had the effect of limiting its

activities.

There were no developments in the 2007 incident in which police officers harassed four men, three of whom were wearing dresses.

The center reported that police had failed to follow up on the alleged May 2008 murder of a 32-year-old man from Gjilan/Gnjilane municipality in the Pristina city park in an area known as a gathering point for gay men.

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

Latvia

There were no official reports of societal violence or discrimination based on sexual orientation or gender identity; however, leaders of lesbian, gay, bisexual and transgender (LGBT) organizations complained of widespread intolerance and underreporting of physical attacks.

Mozaika was the most prominent LGBT organization in the country. It worked on legal issues surrounding LGBT rights and organized the annual gay pride march.

On May 16, after first revoking a previously approved permit on security grounds, the city of Riga respected a court order to grant a permit and allowed a Baltic gay pride march to take place in the city center under heavy police protection. An estimated 300 persons took part in the parade. Approximately 500 demonstrators behind police barricades jeered the marchers and carried signs accusing LGBT persons of being linked to AIDS and pedophilia. In contrast to previous years, there were no physical attacks but only minor violations of public order.

Liechtenstein

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

In October the Office of Equal Opportunity launched a awareness campaign using posters to reduce discrimination and stigmatization of homosexual activity.

Lithuania

Domestic violence and child abuse, trafficking in women and children, and intolerance of sexual and ethnic minorities were problems.

In June 2008 parliament approved amendments to the Law on Equal Rights adding 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.

The law prohibits and penalizes discrimination based on race, gender, social status, ethnic background, age, sexual orientation, disability, and religion or beliefs. Despite government programs and efforts at enforcement, discrimination against women and against ethnic and sexual minorities persisted.

Homosexual acts are not criminal, and there was no official discrimination against lesbian, gay, bisexual or transgender (LGBT) persons, but society's attitude towards homosexuality remained negative. NGOs focusing on LGBT issues faced no legal impediments, but the few that functioned kept a low profile because of public hostility to their aims. The Lithuanian Gay League (LGL) is an advocacy organization dedicated to fighting homophobia and discrimination based on sexual orientation and gender identity. Through education, support, and representation of the LGBT community, LGL promotes an inclusive social environment for LGBT persons.

Local human rights organizations and members of the LGBT community reported that discrimination and persistent social exclusion of LGBT persons were problems. In November a court upheld the refusal of the Vilnius municipality to allow two NGOs that support gay rights and other human rights causes to organize a tolerance march on Independence Day, March 11 (see section 2.b.).

In July 2008 the government paid 40,000 euros (\$57,200) to a transsexual woman after the ECHR ruled in 2007 that authorities had violated her privacy rights.

Amendments to a law protecting minors against certain public information were enacted in July over the president's veto. They were criticized by many human rights proponents on the grounds that they discriminated against homosexual persons. The law was amended again in December in response to those objections, but some human-rights activists remained skeptical of its possible use (see section 2.a.).

Luxembourg

There are no laws criminalizing homosexual conduct.

There is one lesbian, gay, bisexual, and transgenders (LGBT) organization and there were no impediments to its operation. In May the annual gay gathering celebrated 10 years in the country. The government authorized the event, and the police provided sufficient protection.

There were no reported incidents of discrimination based on sexual orientation.

Macedonia

There were two registered NGOs addressing lesbian, gay, bisexual, and transgender (LGBT) issues, including one dedicated to gay health issues. Activists representing the rights of LGBT individuals reported incidents of societal prejudice, including harassment and use of derogatory language, including in the media. LGBT activists joined a coalition of NGOs called "Macedonia without Discrimination" and were subjected to derogatory language when they participated in protests against the construction of an Orthodox church in Skopje's main square. LGBT organizations also reported societal discrimination

and violence against transgender persons in the Skopje municipality of Shuto Orizari, noting that victims felt unsafe to report violence against them to authorities.

On November 16, an NGO coalition led a march through the city center for LGBT tolerance under the motto "Love is love." In contrast to a 2007 denial of a permit to an LGBT NGO to organize an event in the Skopje city center, organizers were issued a permit and reported excellent cooperation with the Ministry of Interior. Police coverage of the march was very substantial, allowing the event to occur without incident. Nearly all media outlets covered the event and the reporting was largely fact-based and straightforward.

Malta

From October 29 to November 1, the Malta Gay Rights Movement hosted the International Lesbian and Gay Association-Europe Conference with an estimated 300 participants from 48 countries. It also freely carried out other public activities.

Moldova

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 lesbian, gay, bisexual, and transgendered (LGBT) persons, and their families.

In recent years public officials spoke out against homosexual conduct. In a speech before parliament in May 2008, then-deputy speaker Iurie Rosca stated that citizens 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 effect on children's psychological and moral development.

During a May 2008 pride parade organized by GenderDoc-M, security forces observed from a distance as hundreds of persons 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 stated, "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, Mayor Dorin Chirtoaca withdrew permission, claiming that he did so to avoid violence.

In May 2008 Chisinau municipal authorities prohibited GenderDoc-M from holding a protolerance, antidiscrimination rally. Authorities based the denial on the need to avoid societal tensions and religious organizations' disapproval of homosexual conduct.

In light of the problems in 2008 and the heightened tensions following the April elections, the LGBT community canceled plans for a public demonstration on May 7 and instead held a festival at a local nightclub without incident.

In Transnistria homosexual activity is illegal, and LGBT persons were subject to governmental and societal discrimination.

Monaco

There are no specific laws protecting lesbians, gays, bisexual, or transgender (LGBT) persons from discrimination. There were no reports of official or societal discrimination against LGBT persons during the year.

Montenegro

Human rights problems included: police mistreatment of suspects in detention, substandard prison conditions, abusive and arbitrary arrests, police impunity, lengthy pretrial detention, delayed and inefficient trials, widespread perception of corruption in law enforcement agencies and the judiciary, physical assaults on journalists, excessive monetary judgments against the media for slander, denial of public and press access to information, mistreatment and discrimination against the large number of refugees and internally displaced persons, sectarian intolerance and homophobia, discrimination against women, trafficking in persons, and discrimination against ethnic minorities, particularly Roma. The constitution calls for respect for human rights on all grounds and prohibits the instigation of hatred or intolerance on any grounds.

Nevertheless, antipathy toward homosexual persons existed, and at times it was mirrored in the views of leaders. On November 6, Ferhat Dinos, the minister of human and minority rights, told television *Vijesti* that, "I would be unhappy" if homosexuality were present in Montenegro. The remarks provoked a public reaction, particularly from NGO activists, some of whom demanded his immediate resignation. However, at a November 18 meeting on human rights organized by the European Commission, Dinos continued to express these views. The Ombudsman's office noted that the country should be devoted to the protection of human rights guaranteed by the constitution.

There were infrequent reports of violence and discrimination directed against gay men; there were no reports that the government condoned such actions. There were no reports that persons were denied equal opportunities in education and employment on the basis of gender orientation. Societal antipathy towards homosexual persons led most of them to conceal their orientation. The print media at times reinforced these attitudes by publishing articles with negative overtones about homosexual conduct.

On March 1, the NGO *Juventas* opened the country's first Web portal for homosexual persons. In August the Serbian Orthodox Church issued a statement calling for equal treatment for transgender believers.

During the year the NGO Human Rights Action estimated that there were between 30,000 and 62,000 homosexual persons in the country. A group of 14 NGOs wrote to the president requesting that he use his authority to explain to people that homosexual conduct is not a disease.

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.

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.

In the Netherlands, there are no government impediments to the organization of gay events. However, the lesbian, gay, bisexual, and transgender communities were not well organized. There were no gay pride marches.

During the year the Justice Ministry reported a rise in harassment of homosexuals. Most incidents consisted of verbal epithets and abuse. Police placed a high priority on combating antigay violence.

Norway

Several lesbian, gay, bisexual, or transgender organizations operated freely in the country. Gay pride marches were authorized and registered. On June 22, the main march during the year took place in Oslo. On August 9, an unknown assailant attacked two gay men who were holding hands while walking in a majority Muslim neighborhood of Oslo. The assailant stated that he did not condone the men's lifestyle and that they were in a Muslim neighborhood, and then kicked one of the men. The other man called the police while the attacker ran away. The attack was under police investigation at year's end.

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 gays and lesbians.

The Ministry of Labor and Social Policy ... continued to implement projects to combat gender discrimination in the workplace, including an EU program that involved local NGOs to fight discrimination based on gender, race, religion, disability, age, or sexual orientation.

The constitution guarantees all persons the right to equal treatment and prohibits all forms of discrimination in the political, social, and economic spheres. There are no laws that criminalize sexual orientation or behavior. However, organizations representing LGBT persons reported that discrimination is common in schools, the workplace, hospitals, and clinics. For example, LGBT persons are sometimes prevented from donating blood due to the perception that HIV/AIDS is prevalent in the LGBT community. During the year there were some reports of skinhead violence and societal discrimination against LGBT persons. There are several LGBT organizations operating in the country, with a focus on preventing discrimination of LGBT persons and promoting tolerance.

In May the NGO Campaign Against Homophobia reported that the level of hate speech against persons based on their sexual orientation was still high in the country. The NGO called for revisions to the antidiscrimination law to include sexual orientation among the categories of punishable offenses.

On July 15, the human rights ombudsman intervened in a legal dispute on behalf of a local branch of LAMBDA, an NGO that combats discrimination based on sexual orientation. In June a district court in Bydgoszcz and city authorities had blocked the group's registration. LAMBDA filed a formal complaint against the ruling. In a letter to the court, the ombudsman stated that it had violated rules on registering organizations, and all citizens are equally entitled to participate in public life and to express their views freely. In November the LAMDA branch received its registration.

On August 4, in an unprecedented decision, the Szczecin District Court imposed a 15,000 zloty (\$5,260) fine on a woman who repeatedly harassed a neighbor over his sexual orientation. Her public comments prompted other neighbors to harass the plaintiff verbally and physically. The court also prohibited the woman from making further disparaging public comments about her neighbor's sexual orientation.

On May 16, an estimated 500 persons took part in Krakow's fifth annual gay March for Tolerance to call for an end to prejudice against homosexuals. The event took place without major incident, due in part to the presence of 450 police officers. A small counterdemonstration was organized by the All Youth and National Rebirth of Poland activists. Some counter-demonstrators threw eggs, tomatoes, and chairs at march participants and shouted antigay and anti-Europe slogans; 15 persons were detained by police. The Krakow Archdiocese issued a statement criticizing the march as immoral, but distanced itself from violence against homosexuals.

On June 13, Warsaw authorities allowed the annual Equality Parade to take place in the city center for a fourth consecutive year. Approximately 2,000 local and international gay rights advocates participated in the march without serious incident. Some 30 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.

Portugal

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

Romania

Gay, lesbian, bisexual and transgender persons continued to suffer societal discrimination.

A 2007 study by the Institute of Public Policies and Romani CRISS identified the potential danger of online discrimination and hate speech, directed mainly against Roma and homosexuals, in discussion forums of four national dailies. On-line discrimination and hate speech continued to exist in discussion forums during the year.

The law prohibits discrimination based on sexual orientation; however, NGOs reported that police abuse and societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons 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. The government in its May 2008 statement before the Universal Periodic Review at the UN Human Rights Council stated that LGBT persons faced prejudice and discrimination. ACCEPT, an NGO supporting gay and lesbian rights, reported that the number of complaints by members of their community about harassment of gay men by authorities increased during the year. Several members reported that police and gendarmerie raids took place in public places known as meeting areas for gay men, and that police behavior was abusive. These raids mostly occurred in public parks, with police or gendarmes asking all men to show their identification, questioning them about the reason for their presence, making offensive comments regarding homosexuality, and threatening to arrest

them. In most cases, the police officers or gendarmes fined those they encountered at these locations for allegedly committing obscene acts.

On February 26, unidentified people beat and cut the hair of a transgender person in Bucharest. On March 17, taxi drivers reportedly verbally abused the same person.

There were two officially-registered LGBT organizations, ACCEPT and LGBTeam. Other LGBT groups lacked legal status; these groups generally kept a low public profile. There were no reports of impediments to LGBT groups' activities.

On May 23, approximately 300 persons participated in the annual "march of diversity" gay pride parade in Bucharest. Local authorities mobilized hundreds of police to protect the participants, and the parade ended without violent incidents. There were some claims that individuals who wanted to participate in or watch the parade were discouraged from doing so because of the police barricades. Meanwhile, the "New Right," a neofascist group opposed to homosexuality and claiming Christian orientation, sponsored a "march for normalcy" antigay rally on the same day as the march for diversity, but at a different time and location, and chanted virulent antigay slogans. On the previous day, a number of NGOs organized a "march for the family," ostensibly to oppose the gay pride march. There were no developments in the investigation of the violent incidents that took place at gay parades in previous years.

A number of young men in police detention reported that police failed to protect them effectively from violence and harassment from other inmates who perceived them as being homosexual.

In 2007 a Bucharest court ruled in favor of a person who accused a company of discrimination in access to services on grounds of sexual orientation. The person withdrew a prior complaint he filed with the CNCD.

Russia

Abuse of prisoners by other prisoners continued to be a problem. Violence among inmates, including beating and rape, was common. There were elaborate inmate-enforced caste systems in which certain groups, including informers, homosexuals, rapists, prison rape victims, and child molesters were considered "untouchable" (the lowest caste) and treated harshly. Prison authorities provided little or no protection.

While homosexuality was decriminalized in 1993, the gay and lesbian communities continued to suffer societal stigma and discrimination. Gay rights activists asserted that the majority of gay Russians hide their orientation out of fear of losing their jobs or their homes, as well as the threat of violence. Medical practitioners reportedly continued to limit or deny gay and lesbian persons access to health services due to intolerance and prejudice. According to recent studies, gay men were refused work due to their sexuality. Openly gay men were targets for skinhead aggression; police often failed to respond out of indifference. A few gay rights organizations operated but did so out of public view. In March 2008 two youths killed a man they perceived to be gay. Police arrested both individuals and at year's end they remained under investigation.

On May 16, the gay rights organization Project GayRussia attempted to stage a gay pride parade timed to coincide with the annual Eurovision song contest hosted by Russia. Authorities arrested all 50 participants in the Sparrow Hills park before they could organize, releasing the majority on the same day and the remaining seven the following day. Organizer Nikolay Alekseyev had announced that the parade would take place downtown near Pushkin Square, a decoy that attracted some police and hostile counterdemonstrators. Moscow mayor Yuriy Luzhkov, who in the past had called homosexuality "satanic," told the television program "Facing the City" that "the morals of society" do not accept gay persons, to whom he referred using a slur.

Four days before the scheduled date of the parade, the Russian Orthodox Church Youth organization held a press conference to criticize it, calling it "spiritual terrorism." On the eve of the scheduled parade, the Communist Party Web site posted an article suggesting that persons should kill gay parade participants in the same manner that "healthy persons" killed lepers in the Middle Ages, to avoid being infected. A correspondent from *Kommersant* reported hearing a group of young men on the scheduled parade day describe in graphic detail the violence they hoped to inflict on parade participants. According to the reporter, a nearby police officer smiled upon hearing this. However, no violence took place during the event.

As of September Project GayRussia was awaiting a ruling from the ECHR regarding its complaint that Russian authorities had denied it a total of 155 permits for marches since 2006, for which the group was asking 1.7 million euros (\$2.4 million) in damages.

San Marino

There were no reports of discrimination based on sexual orientation.

Serbia

The following human rights problems were reported: physical mistreatment of detainees by police; police corruption; inefficient and lengthy trials; harassment of journalists, human rights advocates, and others critical of the government; limitations on freedom of speech and religion; large numbers of internally displaced persons (IDPs); corruption in legislative, executive, and judicial branches of government; government failure to apprehend the two remaining fugitive war crimes suspects under indictment of the International Criminal Tribunal for the former Yugoslavia (ICTY); societal violence against women and children; societal intolerance and discrimination against minorities, particularly Roma and the lesbian, gay, bisexual, transgender (LGBT) population; and trafficking in persons.

Violence and discrimination against gays, lesbians, bisexuals, and transgender persons were serious problems. Societal perceptions of homosexual conduct and attitudes towards the LGBT population continued to be negative. Several Serbian-based neo-Nazi Web sites, nationalist Web forums, and Facebook pages hosted anti-LGBT forums and groups. During the public debate concerning the law against discrimination, politicians argued that the law would force religious communities to perform gay marriages, referred to homosexual conduct as a sickness that should be treated like kleptomania, and announced that the country, which needed to pass the antidiscrimination law to receive "white list" status under the Schengen Agreement on border controls, should not "use pederasty to go to Europe."

Members of the LGBT community continued to be targets of attacks. Psychologist and Professor Zarko Trebjesanin estimated that 25 percent of the country's population believed homosexual conduct was a disease that needed medical treatment. In April the Council of Europe's Parliamentary Assembly adopted a resolution that condemned attacks on the LGBT community in the country and called for government investigations of the incidents. In a letter on November 16, Human Rights Watch urged the country's president to denounce violence and discrimination on the grounds of sexual orientation and gender identity and calling on the government to protect fully the rights of the country's LGBT population.

In January Marko Karadzic, state secretary of the Ministry of Human and Minority Rights, announced that representatives of LGBT organizations experienced constant threats and attacks by "organized profascist groups." During the year there were several attacks against gay clubs in Belgrade and against LGBT individuals on public transportation and on the streets.

On February 26, management of the state-owned Sava Center in Belgrade did not allow the NGO Gay Straight Alliance (GSA) to hold a press conference on its premises. The broader NGO community, the Liberal Democratic Party, the League of Social Democrats of Vojvodina, and the Social Democratic Union strongly criticized the decision, and the Sava Center director, Dragan Vucicevic, and Belgrade's mayor, Dragan Djilas, eventually issued public apologies to the GSA.

On March 9, a group of approximately five masked individuals broke windows and attempted to enter the Student Cultural Center in Kragujevac during a press conference held by the GSA to present its annual report on gay rights in Serbia. This was the press conference that was supposed to have been held in the Sava Center. The GSA alleged that the attackers had been emboldened by the government's decision to withdraw a draft law against discrimination from parliamentary procedure in response to pressure from the Serbian Orthodox Church and right-wing groups. On March 14, police arrested three individuals in connection with the incident, but there was no additional information available at year's end.

Organizers from the LGBT community cancelled a pride parade scheduled for September 20 after the government proposed an alternate venue away from downtown Belgrade, citing security concerns. In advance of the event, right-wing and nationalist organizations openly threatened violence against the participants. The nationalist movement "1389" also sent a letter to the press offering to buy close-up photographs of the parade participants for future posting online so that "parents will be able to recognize sexually deviant persons and protect their children from this harmful influence." The acting head of the Serbian Orthodox Church, Metropolitan Amfilohije of Montenegro and the Coastlands, called the event "the shame parade, the parade of Sodom and Gomorrah."

On May 29, the district prosecutor in Belgrade declined to file criminal charges in connection with the September 2008 attack by a group of approximately 20 youths wearing surgical masks and hoods on participants in a gay rights festival in Belgrade. In July the NGO Labris initiated a civil suit on behalf of one of the victims; the case was pending at year's end.

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

campaign peaked before the March adoption of the law against discrimination and again before the Belgrade pride parade planned for September. The right-wing organization Nasi continued its campaign against the LGBT community through leaflets and articles on its Web site.

Slovakia

There were no reports of violence based on sexual orientation but, according to gay rights advocates, prejudice and official and societal discrimination persisted. In October there was a well-attended gay and lesbian film festival in Bratislava, which was in part supported by the international community.

Officials at times expressed discriminatory views. In December Jan Slota, SNS Chairman (and governing coalition member), stated that "we're strictly against any promotion of these sick (same-sex) relationships...when I see those transvestites having their parades, strutting down the street naked and presenting this as a fashion...I consider this to be outrageous and sick."

Lesbian, gay, bisexual, and transgender persons (LGBT) organizations existed and operated without impediments and continued to lobby for legal rights.

Slovenia

Societal violence against women, trafficking in women and girls, discrimination against Roma, violence against gays and lesbians, 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 homosexual persons occurred. Recent data on the problem's scope was not available.

On June 27, the ninth 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, one individual was assaulted prior to the parade. Police arrested three individuals, whom they charged with assault and promoting hatred and intolerance.

Spain

On October 15, the Parliament approved a new Asylum and Subsidiary Protection Law. The law ... criteria for refugee status but who could face dangers such as torture or the death penalty if returned to their countries of origin. The law expands the rationale for providing additional protection beyond the currently contemplated "humanitarian reasons," and increases the length of protection from one year to three years.

The law also includes gender and sexual orientation as conditions for granting asylum; makes free legal assistance available to asylum seekers; provides a single process for both asylum and subsidiary protection (if asylum is denied, subsidiary protection will be automatically considered); contemplates

family reunification for asylum seekers; allows asylum requests to be accepted at an embassy or consulate; and provides for the resettlement of refugees in neighboring countries in some cases.

Sweden

The law criminalizes 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 to a maximum of four years in prison.

At the national level, the country has seven ombudsmen: four justice ombudsmen, the chancellor of justice, the children's ombudsman, and the discrimination ombudsman with responsibility for ethnicity, gender, transsexual identity, religion, age, sexual orientation, and disabilities.

The law prohibits discrimination based on race, gender, age, disability, language, social status, or sexual orientation.

During the year there were isolated incidents of societal violence and discrimination against homosexual conduct. 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 (RFSL). In 2008, the most recent year for which data was available, the discrimination ombudsman registered 47 reported cases, the same number as in 2007, while the ombudsman's office initiated six new discrimination investigations in 2008, compared with eight in 2007.

The RFSL is the leading nonprofit organization working with and for the rights of lesbian, gay, bisexual and transgender persons (LGBT). It is nonpartisan and religiously unaffiliated. Approximately 20 additional LGBT organizations were active in the country, including the Association for Christian Homosexual, Bisexual, and Transsexual (HBT) persons, United HBT students, Stockholm Pride, Amnesty International's HBT group, the Association for Gay Police Officers, the Association for HBT Doctors and Nurses, and the HBT Association for Employees in the Swedish Armed Forces.

In July the annual weeklong Gay Pride Festival took place. A government working group promotes equal rights for LGBT persons.

Switzerland

There were no reports of societal violence or discrimination based on sexual orientation. From May 2 to June 7, Euro-Pride, Europe's largest festival for gay, lesbian, bisexual, and transgendered persons, took place in Zurich. Although some conservative religious organizations submitted a petition against the festival in 2008, the Zurich City Council did not intervene, and the festival attracted over 100,000 people celebrating the 40-year anniversary of the Pride movement.

Turkey

While the law does not explicitly discriminate against homosexuals, organizations working with lesbian, gay, bisexual, and transgender (LGBT) individuals claimed that references in the law relating to "the

morals of society" and "unnatural sexual behavior" were sometimes used as a basis for abuse by police and discrimination by employers. The law also states that "no association may be founded for purposes against law and morality." This article was applied in attempts to shut down or limit the activities of NGOs working on LGBT matters.

On October 16, the Diyanet released a decision declaring that homosexuality is "a behavior disorder and has been spreading in a scary way within society...homosexuality cannot be accepted." The decision went on to state that homosexuality "is against human nature, and it should be corrected without targeting homosexuals."

On June 28, a LGBT pride parade and celebration occurred in Istanbul. Police provided protection to the celebrations, and no incidents of violence were reported. The event had heavy participation and coverage by European observers. According to NGOs, LGBT events with foreign participation generally occurred without incident while those without foreigners had much higher levels of police interference.

Openly gay men were not allowed to perform military service for "health reasons" due to their sexual orientation; those requesting military exemption for reasons of sexual orientation must undergo an invasive burden of proof. LGBT groups complained that gay men were required to show photos of themselves in overt sexual positions and to undergo thorough medical evaluations to prove their homosexuality to military officials.

There were active LGBT organizations in at least five cities in the country: Istanbul, Ankara, Izmir, Eskisehir, and Diyarbakir. Other unofficial groups existed in smaller cities. All groups complained of harassment by police and government authorities. Most had problems registering as an official organization or maintaining their registration once granted. In May protesters stoned an Ankara-based group during a press conference on LGBT matters. When the police arrived, instead of protecting the group, they told the group members that they "should have known better" and demanded that they end their press conference and leave. None of the stone throwers was arrested.

On October 16, the Izmir prosecutor filed a case at the behest of the Izmir governor to close Black Pink Triangle (BPT), an LGBT rights organization in Izmir, on charges of forming an organization that was "contrary to public morality." BPT claimed that their charter was identical to the charters of similar organizations in Ankara and Istanbul. The trial had not begun by year's end.

In 2007 Bilgi University students established the country's first gay and lesbian university club. Approximately 15 parents lodged complaints with the university's 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.

LGBT groups claimed that transgender individuals were significantly persecuted during the year. Although police arrested many for unauthorized prostitution, NGOs claimed that during the year there was a significant rise in prosecutions for "offending public morals." One group reported that many transgender individuals were fined for frequenting stores or walking on city streets, officially for "disturbing the environment" or "disrupting traffic." Police claimed they were acting on complaints they

had received. Transgender individuals filed a case in Istanbul court against the police in October for harassment, but there was no movement on the case by year's end.

The HRF and LGBT organizations reported that the former police chief in Izmir had instituted a "point system" whereby officers were rewarded for fining transgender individuals. After the same police chief took command in Istanbul, there was reportedly a large increase in the number of detentions and fines for "offending public morals." Similar cases were reported in Ankara and other municipalities as well. Many observers noted that this practice had contributed to an increase in the levels of abuse of transgender individuals by security forces. There was no government response to these allegations by year's end.

On March 10, prominent transgender rights activist Ebru Soykan was stabbed numerous times and killed in her home in Istanbul. Police arrested Birol Can Korkmaz for the murder. Soykan had made numerous complaints to the police and the prosecutor that Korkmaz had beaten her on several occasions and asked for protection. The criminal case was ongoing at year's end.

On May 20, Halil Ibrahim Dincdag, a soccer referee, lost his job because of his self-identification as gay. He had been hired and had a long career as a referee despite his not having done his military service. According to the national soccer league's regulations, anyone who fails to complete his military service for health reasons is unfit to perform as a referee. Since Dincdag was precluded from military service for being gay, he was declared unfit to act as a referee and was fired.

On August 9, the trial began for Yahya Yildiz, accused of killing his son, Ahmet Yildiz, in July 2008 in Istanbul. The case has been described as a gay "honor killing"; Yildiz allegedly killed his son because he had a boyfriend. Ahmet Yildiz had represented the country in an international gay gathering in San Francisco in 2007.

Ukraine

.....there were reports of police harassment of the gay community. The lesbian, gay, bisexual, and transgender (LGBT) community continued to suffer societal stigma and discrimination.

According to the coordinator of the Gay-Forum of Ukraine, Svyatoslav Sheremet, the number of persons with a homosexual orientation ranged from 800,000 to 1.2 million. Those who openly declared their sexual orientation experienced discrimination in education, in the workplace, and in access to medical treatment and to information on the prevention of HIV/AIDS. There were an estimated 19 LGBT rights groups in the country.

In May activists of the nationalist Svoboda party threw eggs at participants of a sanctioned gay street action in Lviv; police did not intervene in the incident. On September 30, the Pavlo Hudimov Art Center in Kyiv was the target of an arson attack following a public discussion on homosexuality. Also in September police in Lviv detained and charged three activists of the right-wing Bandera Trident organization who tried to obstruct a press conference during a national book forum on a presentation of *120 Pages of Sodom*. The activists threw tomatoes, mayonnaise¹ and water; smashed a microphone and glasses; and destroyed press releases and copies of the book.

On September 17, in a related development, LGBT organizations criticized Lviv city council members of the Christian-Democratic Union party and Our Ukraine for urging a ban on the sale of *120 Pages of Sodom* at the book forum. The political parties described the book, which is an 18th century anthology of sexual gratification, as "overt perversion."

According to Nash Mir (Our World), a registered LGBT rights group, the Ministry of Internal Affairs, the SBU, and military academic institutions used a textbook approved by the Ministry of Education that qualified homosexual orientation as sexual perversion. The group also maintained that police mistreated and collected personal data on homosexual persons, while the Ministry of Internal Affairs ignored homophobic attitudes among its personnel.

In February following the killing of a gay man in Lviv, regional police reportedly questioned more than 300 gay men over a three-month period as part the investigation into the death. According to Andriy Lyshchyshyn, director of the LGBT organization Total, the men were subjected to psychological pressure, insults, and physical violence. Police officers also threatened to reveal their orientation to employers. Detailed information about the men, including fingerprints, was collected. The men were also forced to sign statements that they had no complaints about police conduct.

On April 10, Nash Mir reported that the Berkut police unit raided the Androgin gay club in Kyiv as part of an investigation into the killing of a homosexual man. Nash Mir said police indiscriminately detained approximately 80 individuals and brought them to the Holosiyivskiy district office where they were fingerprinted, photographed, and told to declare in writing that they had no complaints about police conduct. LGBT rights organizations complained to police and the prosecutor about the raid but were told that police had acted appropriately.

In July 2008 the Kyiv prosecutor closed a criminal case opened in February 2008 against Oleksandr Zinchenkov, an editorial staff member of *Gay.ua*, the newspaper for Nash Mir. The organization's chairman, Andriy Maimulakhin, was also charged with distributing pornography. Maimulakhin was granted amnesty, and the court closed the case without a ruling. According to Nash Mir, the criminal investigation resulted in closure of *Gay.ua*, which was the only publication for the country's LGBT community.

United Kingdom

Societal problems included discrimination against religious minorities; mistreatment of women, children, ethnic minorities, gay persons, 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 mandate of the 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 EHRC also has a mandate for combating discrimination based on race, sex, religion and belief, sexual orientation, and age, and some disability advocates argued this led to a dilution of efforts on behalf of persons with disabilities.

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. Numerous lesbian, gay, bisexual, and transgender NGOs existed and operated freely. Dozens of gay pride marches and other activities took place in locations throughout the country legally and with no interference by the authorities.

In 2008 Stonewall, a gay-rights organization, released the results of a survey, conducted by the online polling service YouGov, which found that 20 percent of all gay respondents had suffered some form of hate crime, yet only 1 percent of hate crimes led to convictions. The Crown Prosecution Service released a report on December 16 stating that 1,090 homophobic crimes had been transferred to it in 2008–09, of which 65.1 percent resulted in charges being pressed. The service prosecuted 1,013 homophobic cases, 80.5 percent of which resulted in a conviction.

Near East and North Africa

Algeria

The penal code criminalizes public homosexual behavior for males and females, and there is no specific legal protection for lesbians, gays, bisexuals, and transgender (LGBT) persons. The law stipulates penalties that include imprisonment of two months to two years and fines of 500 to 2,000 dinars ((\$7 to \$28). If a minor is involved, the adult may face up to three years' imprisonment and a fine of 10,000 dinars (\$138).

There was societal discrimination against homosexual conduct, but no reported violence or official discrimination. While some LGBT persons lived openly, the vast majority did not.

Bahrain

The law does not criminalize homosexual relationships between consenting adults at least 21 years of age; however, lesbian, gay, bisexual, and transgender activities were not socially accepted, and discrimination was common. There were no reports of violence specifically targeting individuals based on their sexual orientation or gender identity.

Egypt

On October 5, the government's Supreme Press Council revoked the license of the weekly newspaper *Al-Balagh Al-Gadid*, effectively shutting it down. The action was in response to an article in the newspaper alleging that police questioned a group of named popular male actors for engaging in a gay prostitution ring. On October 6, the newspaper's editor stated publicly that his source was a senior police officer, but observers believed the paper had no evidence for its allegations.

Although the law does not explicitly criminalize homosexual acts, in at least one case, police targeted homosexual persons and arrested them on charges of debauchery. On January 2, police arrested 10 men in Cairo on charges of debauchery. Authorities forced the men to undergo HIV tests and anal

examinations in detention. Following a May 27 court order, police released the men on May 30 and 31. Homosexual persons faced significant social stigma in society and in the workplace.

Iran

Violence and legal and societal discrimination against women, ethnic and religious minorities, and lesbian, gay, bisexual, and transgender (LGBT) persons; trafficking in persons; and incitement to anti-Semitism remained problems.

The Special Protection Division, a volunteer unit of the judiciary, monitored and reported "moral crimes." The law prohibits and punishes homosexual conduct; sodomy between consenting adults is a capital crime. The law defines transgender persons as mentally ill, encouraging them to seek medical help in the form of gender-reassignment surgery. The government censored all materials relating to lesbian, gay, bisexual, and transgender (LGBT) issues. In September 2008 President Ahmadi-Nejad called homosexual activity an "unlikable and foreign act" that "shakes the foundations of society." The size of the LGBT community was unknown, as many individuals feared identifying themselves. There were active LGBT NGOs in the country, but most activities to support the LGBT community took place outside the country.

According to a November 4 HRW report, three men--Mehdi P., Moshen G., and Nemat Safavi--faced execution based on homosexual conduct allegedly committed when they were minors. At year's end they were still believed to be in prison. According to HRW, the last confirmed 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 gay man or lesbian was harsher if the gay man or lesbian's partner was Muslim. Punishment for homosexual behavior between men was more severe than for such behavior between women.

The government provided grants of as much as 45 million rials (\$4,500) and loans of as much as 55 million rials (\$5,500) for transgender persons willing to undergo gender reassignment surgery. Human rights activists and NGOs reported that some members of the gay and bisexual community have been pressured to undergo gender reassignment surgery to avoid legal and social persecutions in the country. In September international newspapers reported that a family court allowed the first transsexual marriage between a woman and her male partner, previously also a woman.

Iraq

During the year the following significant human rights problems were reported: arbitrary or unlawful killings; insurgent and terrorist bombings and executions; disruption of 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; limits on freedoms of speech, press, assembly, and association due to sectarianism and extremist threats and violence; limits on religious freedom due to extremist threats and violence; 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 significant

widespread 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.

There was no law specifically prohibiting the practice of homosexuality, although paragraph 394 of the penal code prohibits the act of "buggery." The law calls for imprisonment only if the "victim" is under the age of 18. There was no data on how often, if ever, persons were prosecuted for buggery.

During the year there were reports of discrimination and violence against gay men and lesbians, mostly by nongovernmental actors. Press reports in April indicated that approximately 60 gay men had been murdered during the first four months of the year, most of them in Baghdad. According to UNHCR, during the year approximately 30 boys and men from Baghdad were murdered because they were gay or perceived to be gay. On April 4, local and international media reported the discovery of the bodies of nine gay men in Sadr City. Three other men were found tortured but alive. Numerous press reports indicate that some victims were assaulted and murdered by having their anuses glued shut or their genitals cut off and stuffed down their throats until they suffocated. The government did not endorse or condone these extra-judicial killings, and the MOI publicly stated that killing men or lesbians was murder.

On May 29, Muqtader al-Sadr, leader of the JAM militia, ordered that the "depravity" of homosexuality be eradicated. Although he publicly rejected outright violence against lesbian, gay, bisexual, and transgendered (LGBT) individuals, reports attributed the killings of gay men to radical Shia militias, as well as to tribal and family members shamed by the actions of their LGBT relatives.

Authorities had not announced any arrests or prosecutions of any persons for killing, torturing, or detaining any LGBT individuals by year's end.

Other parts of this report contain related information; see sections 1.c, 2.c., and 6.d

Israel and the occupied territories

The law prohibits discrimination based on sexual orientation, and the government generally enforced these laws.

Gay Pride rallies occurred peacefully in Tel Aviv on June 12 and in Jerusalem on June 25, with only one incident in which police arrested an egg-throwing protester in Jerusalem. There was police authorization and protection for the marchers. There were demonstrations in an ultra-Orthodox section of Jerusalem against the march.

On August 1, a masked gunman killed Nir Katz, 26, and Liz Trobishi, 16, and wounded 15 others in the offices of the NGO GLBT Israel in Tel Aviv. At year's end, a high priority police investigation continued. High-level politicians, including the president and prime minister, were quick to condemn the attacks. Settler Yaacov Teitel (see sections 1.a., 1.c., 6, and the Annex) was arrested on October 7 after posting

signs in Hebrew in an ultra-Orthodox community in Jerusalem praising the attack in Tel Aviv, but police did not charge him with these killings.

A number of lesbian, gay, bisexual, and transgender (LGBT) organizations operated freely. They included Jerusalem Open House, which runs an LGBT Health Awareness Campaign, and Aswat, a lesbian advocacy organization of Arab citizens of Israel that works to promote LGBT rights and to combat homophobia in the Arab community.

....

Palestinian law, based on the Jordanian Penal Code of 1960, prohibits homosexual activity, although in practice the PA did not prosecute individuals suspected of homosexuality. Cultural and religious traditions reject homosexuality, and Palestinians alleged that PA security officers and neighbors harassed, abused, and sometimes arrested homosexuals because of their sexual orientation. Israeli press reported that an unidentified homosexual Palestinian male from the West Bank petitioned the State of Israel for protection, due to fear that his community would reject and possibly harm him. Israeli courts were reviewing the case at the end of the year.

Jordan

Homosexuality is not illegal in Jordan; however, societal discrimination against homosexuals existed. There were reports of individuals who left the country out of fear their families would punish them for their sexual orientation.

In March the municipality of Amman reportedly denied an application to establish a gay rights organization.

In October 2008 security forces arrested four gay men in a park in West Amman for "lewd acts" following a targeted operation by the police. The individuals were placed in solitary confinement in Jweidah Prison until they promised they would not carry out any such acts in the future.

Kuwait

Homosexuality and cross-dressing are illegal. The law punishes homosexual behavior between men older than 21 with imprisonment of up to seven years; those engaging in homosexual activity with men younger than 21 may be imprisoned for as long as 10 years. In 2007 the National Assembly approved a law to impose a fine of 1,059 dinars (\$3,690) and/or one year's imprisonment for those imitating the appearance of the opposite sex in public. There are no laws that criminalize sexual behavior between women.

During the year there were more than a dozen reports of police arresting transgender persons at malls and markets, taking them into custody, beating them and shaving their heads, and then releasing them without charges. For example, on March 10, MOI Criminal Investigations Division officers raided a cafe, arresting five men for cross-dressing.

There were no official NGOs focused on lesbian, gay, bisexual, or transgender matters. Societal discrimination based on sexual orientation was common; official discrimination was less so. There was no government response to either.

Lebanon

Discrimination against homosexual activity persisted during the year. The law prohibits "unnatural sexual intercourse," an offense punishable by up to one year in prison. The law was sometimes applied to men engaging in homosexual activity; it was rarely applied to women, although the domestic NGO Helem (from the Arabic acronym for Lebanese Protection for Lesbians, Gays, Bisexuals, and Transgenders) reported police used the law to blackmail women.

At year's end Helem reported on December 3, a judge in the Batroun District rendered the first decision determining "unnatural sexual intercourse" does not apply to homosexual activity, which he ruled a part of nature.

Meem, the first NGO in the country exclusively for nonheterosexual women, hosted regular meetings in a safe house, provided counseling services, and carried out advocacy projects for nonheterosexual women.

On February 25, Helem organized a demonstration in Beirut to protest an attack by security forces against two gay men (see section 1.c.) and against the homophobic provisions of the law. On May 10 and on May 17, the International Day Against Homophobia, Helem in coordination with Meem and Gay-Straight Alliance organized gay rights demonstrations. The government permitted these demonstrations, and there was no violence from any source reported against the demonstrators.

Libya

No public information was available on societal discrimination on the basis of sexual orientation or identity.

There were no reports of societal abuses, violence, or discrimination based on sexual orientation and sexual identity, although Libyans tended to hold negative views of homosexual activity. Homosexual acts are a criminal offense punishable by three to five years in prison. The law provides for punishment of both parties. There were no reports of legal discrimination based on sexual orientation in employment, housing, or access to education or health care.

Morocco

The government made efforts to prosecute traffickers and trafficking-complicit officials during the year. Penalties prescribed by law for sex trafficking offenses are stringent and commensurate with those for other serious crimes such as rape. During the year, 193 persons were prosecuted for facilitating the prostitution of a minor. During the year, 10 foreigners were prosecuted for homosexual activity, inciting a minor to prostitution, and violent rape of a minor less than 18 years of age. The sentences ranged from two years to one month's imprisonment. From January to September, the government reported dismantling 91 criminal networks involved in smuggling persons and contraband. As the government

continued to make no distinction between migrant smuggling and trafficking, it is not clear how many, if any, actually were trafficking rings.

The penal code criminalizes homosexual activity, but these provisions were infrequently enforced. Homosexual conduct was addressed in the media and in public with more openness than in previous years. There were no reports of societal violence based on sexual orientation.

Authorities near Meknes detained 17 men suspected of homosexual activity and male prostitution during a Sufi festival on March 10. Eight of the men were detained and charged under the penal code with "attacks against the kingdom's moral foundations," which may carry a penalty of as long as three years in prison and a fine of 1,200 dirhams (\$150). All those charged have been released.

On March 15, a judge sentenced two men in Agadir to 10 months in prison on sodomy and prostitution charges.

Western Sahara

No mention.

Oman

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

The discussion of sexual orientation in any context remained a social taboo. There was no official or overt societal discrimination based on sexual orientation in employment, housing, or access to education or health care.

Qatar

The law prohibits same-sex relations between men but is silent concerning same-sex relations between women. Under the criminal law, a man convicted of having sexual relations with another man or boy younger than 16 is subject to a sentence of life in prison. A man convicted of having sexual relations with another man older than 16 is subject to a sentence of seven years in prison under section 285 of the criminal law. There were an unknown number of cases before the courts during the year. There were no lesbian, gay, bisexual, or transgender (LGBT) organizations in the country. During the year no violence was reported against LGBT persons.

Saudi Arabia

On May 30, the *Huffington Post* reported the beheading of a man who had sodomized and killed an 11-year-old boy.

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 to wear women's clothes and vice versa. There were few reports of societal discrimination, physical violence, or harassment based on sexual orientation. There were no organizations of lesbian, gay, bisexual, and transgender

persons. There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Sexual orientation could constitute the basis for harassment, blackmail, or other actions. No such cases were reported.

On June 13, Riyadh police arrested 67 men from the Philippines for drinking and dressing in women's clothing at a private party. According to their embassy, police released the men to their employers while charges were being processed.

In 2007 the newspaper *Okaz* reported the public flogging of two men in the city of Al-Bahah after being found guilty of sodomy. The sentence was 7,000 lashes.

Syria

The law criminalizes homosexual conduct under penal code article 520, which states that each sexual act "contrary to nature" is punishable by as long as three years in prison. Because homosexual conduct was both unlawful and considered shameful, the law made homosexuals and transgendered individuals vulnerable to honor crime retaliation. Penal code article 192 permits judges to reduce legal penalties in cases when an individual's motive for murder is a sense of honor. There were no reports of prosecutions under these laws during the year nor evidence of honor crimes against gays and lesbians; however, reports indicated that dozens of gay men and lesbians have been imprisoned over the past several years after being arrested on vague charges such as abusing social values. There were no reports of punishment for female homosexual behavior.

In a November 22 article from Middle-East-Online.com, Muhammad Habash, the head of the now-closed Center for Islamic Studies in Damascus, stated that some Muslim clerics overtly incited the killing of homosexuals and that others recommended providing gay men and lesbians with social support to help them "overcome their illness."

The size of the lesbian, gay, bisexual, and transgender (LGBT) community was unclear, as many individuals feared identifying themselves as such due to societal discrimination. There were no NGOs focused on LGBT matters. There were several online networking communities, including Facebook.com sites (blocked in the country but easily accessed through proxy servers) that served the local LGBT community. According to an October article in *Syria Today*, 200 individuals formed a Facebook community called "I'm Just Like You," which "published an appeal for tolerance" during the year.

Tunisia

Homosexuality is illegal and the penal code (article 230) criminalizes homosexuality with sentences up to three years in prison. There was anecdotal evidence that gay persons faced discrimination, including allegations that police officers sometimes brutalized openly gay persons and accused them of being the source of AIDS.

United Arab Emirates

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 activity. During the year,

there were reports that the government deported and sentenced individuals to prison for openly homosexual activity.

Under the law, cross-dressing is a punishable offense. The government deported cross-dressing foreign residents and referred citizens to public prosecutors. On August 3, the Ministry of Social Affairs launched a social awareness campaign and offered psychological treatment and social counseling to combat a trend of girls dressing as men.

Yemen

Homosexual activity is a crime punishable by death under the country's interpretation of Islamic law. There were no lesbian, gay, bisexual, or transgender (LGBT) persons' organizations. There were no reports of official or societal discrimination based on sexual orientation in employment, housing, or access to education or health care, largely because of social pressure not to discuss LGBT issues. Few, if any, LGBT residents were open about their orientation or identity because of heavy societal pressure.

South and Central Asia

Afghanistan

The law criminalizes homosexual activity; however, authorities only sporadically enforced the prohibition. Organizations devoted to the protection or exercise of freedom of sexual orientation remained underground. There were no reported instances of discrimination or violence based on sexual orientation, but social taboos remained strong.

Bangladesh

Homosexual acts remained illegal but in practice the law was rarely enforced. There were a few informal support networks for gay men, but organizations to assist lesbians were rare.

Attacks on lesbians and gay men occurred on occasion, but those offenses were difficult to track because victims desired confidentiality. Strong social stigma based on sexual orientation was common and repressed open discussion about the subject. Local human rights groups did not monitor the problem, and there were few studies on homosexuality in the country.

Although overt discrimination against lesbians, gays, bisexuals, and transgender individuals was fairly rare—partly because few individuals openly identified their orientation—there was significant societal discrimination. Openly gay individuals, particularly those from less affluent backgrounds, found their families and local communities ostracized them. Some sought refuge in the transgender or "hijra" community.

Bhutan

Same-sex relationships are illegal in the country and punishable as a petty misdemeanor with a prison sentence ranging from one month to one year. Under Article 213 in Chapter 14 of the Penal Code, a

person can be imprisoned for as long as one year for engaging in "sodomy or any other sexual conduct that is against the order of nature." There were, however, no reported cases of such charges.

India

The law punishes acts of sodomy and bestiality and 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 employers often fired gays and lesbians who did not hide their orientations. Gays and lesbians also faced physical attacks, rape, and blackmail. Police committed crimes against gays, lesbians, bisexuals, and transgender persons and used the threat of arrest to coerce victims not to report the incidents.

Voices Against 377, a campaign to overturn the colonial-era law section 377 that outlaws homosexual conduct, continued its efforts during the year.

On July 2, the Delhi High Court overturned some provisions in section 377, thus decriminalizing consensual sexual activities between adults. Section 377 continued to apply in cases involving minors and coercive sex. Within one week, three groups petitioned the Supreme Court, challenging the ruling. On July 9, several Islamic, Christian, and Jain leaders issued a joint statement protesting the ruling. On September 16, the Delhi Commission for Protection of Child Rights also questioned the ruling, stating that the judgment would encourage sexual exploitation of children.

On September 17, the cabinet decided not to issue a statement on the propriety of the Delhi High Court judgment, allowing the Supreme Court to make a final decision. The Supreme Court's hearing date for the case was twice postponed and rescheduled to begin December 9. There were no updates at year's end.

On July 14, the MHA stated that the population census required respondents to identify themselves as male or female. On November 13, the Election Commission of India issued a statement allowing eunuchs and transsexuals to indicate their sex as "other" in the electoral rolls.

Lesbian, gay, bisexual, and transsexual groups were active throughout the country, sponsoring events and activities including rallies, gay pride marches, film series, and speeches. Nonetheless, societal discrimination continued on the basis of sexual orientation and identity throughout the country.

Kazakhstan

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

Although there were no official statistics on discrimination or violence based on sexual orientation, there were reports of such discrimination. Representatives of international organizations reported that negative social attitudes towards marginalized groups, including lesbian, gay, bisexual, and transgender

(LGBT), impeded these groups' willingness to come forward and consequently hindered their access to HIV/AIDS programs.

LGBT individuals, particularly gay men, were among the most oppressed groups, although the country does not outlaw homosexual conduct. Those whose nontraditional sexual orientation was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. Several LGBT organizations operating in the country reported that government-run HIV clinics sometimes breached confidentiality and reported patients' sexual orientation to their families and employers.

Kyrgyz Republic

The following human rights problems were reported: restrictions on citizens' right to change their government; arbitrary killing, 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; authorities' failure to protect refugees adequately; pervasive corruption; discrimination against women, persons with disabilities, ethnic and religious minorities, and other persons based on sexual orientation or gender identity; child abuse; trafficking in persons; and child labor. Unlike in previous years, there were no reports that the government forcibly returned Uzbek refugees or asylum seekers to Uzbekistan.

There is no law against homosexuality; however, according to Human Rights Watch and a local NGO, lesbian, gay, bisexual, and transgender (LGBT) individuals faced severe oppression. Persons whose nontraditional sexual orientation was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. Inmates and officials often openly victimized incarcerated gay men. Forced marriages for lesbian and bisexual women also occurred. According to an October 2008 Human Rights Watch report, the government failed to protect the rights of LGBT individuals.

A single NGO supported advocacy campaigns, conducted training, organized festivals, and operated a community center and shelter in support of LGBT individuals.

Maldives

The law prohibits homosexual conduct, and it was considered socially unacceptable. The punishment for men includes banishment for nine months to one year or 10 to 30 lashes. For women the punishment is house arrest for nine months to one year. There were no organizations concerned with lesbian, gay, bisexual or transgender (LGBT) issues in the country. There have not been any reports of officials complicit in abuses against the LGBT community. There were no reports of official or societal discrimination based on sexual orientation in employment, housing, access to education, or health care.

Nepal

The country has no laws that specifically criminalize homosexuality; however, government authorities, especially police, sometimes harassed and abused homosexual persons. According to Blue Diamond

Society, an indigenous NGO, harassment of such persons was common by both government and citizens.

In 2008 the Nepal Army Court upheld the NA's 2007 decision to fire Sergeant Bhakti Shah for being a lesbian while serving as an instructor at the military academy. On September 26, Shah filed an appeal before the Supreme Court. The Supreme Court hearing was initially scheduled for November 30 but did not occur during the year.

As a result of the 2007 Supreme Court decision that sexual minorities are natural persons, transgender individuals may be issued third-gender identification cards. In 2008 the first transgender individual received a citizenship certificate. The court also directed the government to eliminate discriminatory laws and policies for sexual and gender minorities. Other than issuing the certificates, the government made no progress on complying with the Supreme Court's order.

Pakistan

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

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

On July 14, the Supreme Court stated that hijras are equal citizens of the country and ordered provincial social welfare departments to survey and register hijras and to provide them benefits from the government's financial support mechanisms, such as the Benazir Income Support Program. On December 23, the Supreme Court ordered authorities to allow transvestites and eunuchs to identify themselves as a distinct gender and ordered the government to give national identity cards to members of the community. The Supreme Court also ordered that district administrations assist them in obtaining inheritance rights after tracing their families.

Sri Lanka

The law criminalizes homosexual activity, but this was not officially enforced. Some NGOs working on lesbian, gay, bisexual, and transgender (LGBT) issues did not register with the government. In recent years human rights organizations reported that while not actively arresting and prosecuting LGBT activity, police harassed, extorted money, or sexual favors from, and assaulted gays and lesbians in Colombo and other areas. This led to many incidents of crimes against members of the LGBT community going unreported. There were LGBT organizations, and several events were held throughout the year. In addition to pressure, harassment, and assaults by police, there remained significant societal pressure against members and organizations of the LGBT community. There were no legal safeguards to prevent discrimination based on sexual orientation or gender identity.

Tajikistan

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

Turkmenistan

Homosexual conduct between men is illegal and punishable by up to two years in prison; the law does not mention women. According to a human rights NGO, homosexuality is considered a mental disorder, and gay men were sometimes sent to psychiatric institutions to be "cured."

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

Uzbekistan

Homosexual activity is punishable by up to three years' imprisonment. There were no known lesbian, gay, bisexual, and transgender (LGBT) organizations. There was no known perpetrated or condoned violence against the LGBT community. There were no known reports of official or societal discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care, but this may be attributed to the social taboo against discussing homosexual activity rather than to equality in such matters.

Western Hemisphere

Antigua and Barbuda

...there were occasional reports of police brutality, corruption, excessive force, discrimination against persons on basis of sexual orientation or gender identity, and allegations of abuse by prison guards. Homosexual acts are illegal, carrying a maximum penalty of 15 years in prison. There were no reports of violence or discrimination based on sexual orientation. There was no information as to the existence of any lesbian, gay, bisexual, or transgender organizations in the country.

Argentina

Nine provinces have laws that either criminalize transgender behavior or single out homosexual activity when referring to prostitution; however, INADI reported that these laws were rarely enforced.

During the year INADI received 321 complaints of discrimination on the basis of sexual orientation or gender identity.

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

Numerous gay pride marches occurred throughout the country and received government authorization. Police provided protection to participants.

On April 10, an individual was reportedly beaten for his transgender identity in La Matanza, Buenos Aires Province. According to the NGO The International Gay and Lesbian Human Rights Commission, the attorney general and INADI had not responded to his complaint by year's end.

In November and December, Sergio Alfredo Nunez and Silvio Elias Soria went to trial for their alleged role in the 2006 killing of transgender activist Pelusa Liendro. The decisions were pending at year's end.

There was no official or overt societal discrimination based on sexual orientation in employment, housing, statelessness, or access to education or healthcare.

Bahamas

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

Authorities brought charges in one of three killings of reportedly gay individuals in 2008, but the jury could not reach a verdict in the case of Troyniko McNeil (alleged to have murdered handbag designer Harl Taylor). A retrial was set for July 12, 2010, and he was released on B\$30,000 (\$30,000) bail. There were no new developments in the investigations into the other killings by year's end.

One 16-year-old male rape victim alleged that investigators treated his case poorly because he was gay. He claimed that he had to wait hours to report his case or be seen by a medical examiner, and that the investigating authorities treated the case as a "joke." However, in early December a court convicted a man for having "unnatural intercourse" with the victim.

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 gays and lesbians occurred.

Belize

Other problems included lengthy pretrial detention, domestic violence, discrimination against women, sexual abuse of children, trafficking in persons for sexual and labor exploitation, discrimination based on sexual orientation, and child labor.

The law does not protect sexual orientation or gender identity. The criminal code states that "carnal intercourse" with "any person" "against the order of nature" shall receive a punishment of 10 years' imprisonment. The law is interpreted as affecting male-to-male sex but not female-to-female sex.

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

In July two men from Orange Walk alleged they were harassed because of their sexual orientation. One of the men reported to the United Belize Advocacy Movement (UNIBAM) that he and his partner were harassed by a group of police officers while visiting a local public park. The officers took the men to the police station where they detained one of the men overnight. During detention, the man alleged that the police verbally abused him with derogatory comments about his sexual orientation. The individual refused to file a complaint due to fear of future harassment and information that one of the police officers conducting the harassment was also the officer in charge.

The country's sole lesbian, gay, bisexual, and transgender advocacy organization, UNIBAM, reported that continuing harassment and insults by the general public and police affected its activities; however, its members were reluctant to file complaints. There were no gay pride marches organized in the past year due to UNIBAM membership concerns over the public's reaction to such a march.

Bolivia

While the government generally respected the human rights of its citizens, there were significant problems in a number of areas. These included alleged abuses by security forces; harsh prison conditions; allegations of arbitrary arrest and detention; an ineffective, overburdened, and corrupt judiciary; a "partly free" media; 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 harsh working conditions in the mining sector.

The new constitution explicitly prohibits discrimination based on race, gender, language, sexual orientation, or social status. According to the human rights ombudsman, there was significant discrimination against (in descending order) persons with HIV/AIDS, indigenous persons, gay persons, and women.

The law prohibits discrimination based on sexual orientation, including by police, and citizens are allowed to change their name and gender on their official identity cards. However, societal discrimination against gay, lesbian, bisexual, and transgendered persons was common and noted in local media editorials. Organizations advocating for lesbian, gay, bisexual, and transgender persons existed and marches occurred, including a small annual gay pride parade. One student was reportedly expelled from high school for being gay, although school authorities denied that was the reason for the expulsion.

Brazil

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

Between January and September, the NGO Bahia Gay Group received 115 reports of killings in the country based on sexual orientation and gender identity, a decrease from 186 during the same period in 2008. Gay men were the most affected group, followed by transvestites and lesbians. During the year Parana State had the most cases of killings of gay men (19), followed by the states of Bahia (18) and Sao Paulo (10). Activist groups claimed that violence against gay, lesbian, and transgender persons and, in particular, transvestites was underreported (see also section 1.a.). Boys perceived to be effeminate were trafficked within the country and abroad to work as transvestite prostitutes. Police routinely harassed transvestite prostitutes.

Rio de Janeiro's program "Rio without Homophobia"--created in May 2008 to replicate a national program aimed at providing assistance to the homosexual community--remained under development.

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. Lesbian, gay, bisexual and transgender organizations operated independently and without restriction. Federal, provincial, and municipal governments authorized, and sometimes provided financial support for, gay pride marches in communities across the country and provided police protection to marchers. There was no official discrimination based on sexual orientation in employment, housing, or access to education or health care.

In July the Nova Scotia Human Rights Commission opened an investigation into a complaint by an individual formerly employed by a provincial youth facility that he experienced severe and prolonged sexual harassment in the workplace based on his sexual orientation. The case remained pending at year's end.

In July a gay man filed a complaint with the Ontario Human Rights Tribunal after his parish priest removed him from his volunteer position as a church altar server because of his sexual orientation.

In July a lesbian couple filed a complaint with the Manitoba Human Rights Commission alleging that a family doctor declined to accept them as patients because their sexual orientation offended her religious beliefs and because she had no experience treating gay patients. The case was pending at year's end.

On July 22, a Saskatchewan court upheld a 2008 Saskatchewan Human Rights Tribunal ruling that a provincial marriage commissioner had discriminated against a gay couple when he refused to perform their same-sex ceremony on the grounds that the law violated his charter right to freedom of religion.

Chile

There are no laws criminalizing sexual orientation. There are active organizations for gay men, lesbians, bisexuals, transvestites, and transgender persons, which operated free of impediments. On June 27, 10,000 persons participated in the ninth annual gay pride march in Santiago without violence or other incidents. There were also marches in Calama, La Serena, Puerto Montt, and Lota. According to the *Seventh Annual Report on the Human Rights of Sexual Minorities* of the Movement for Homosexual Integration and Liberation (MOVILH), there were 65 cases of discrimination due to sexual orientation in 2008, compared with 57 cases (including four killings) in 2007. The MOVILH cited a decrease in reports of violent attacks against gay men, lesbians, bisexuals, transvestites, and transgender individuals but noted an increase in intrafamilial discrimination by parents who threatened or expelled children from their homes.

On May 28, a homosexual couple of former Carabineros sued the state for 50 million pesos each (approximately \$98,500), alleging that their superiors threatened to make public their sexual orientations if they did not resign. The case remained pending at year's end.

Colombia

Colombia Diversa, an NGO focused on violence and discrimination due to sexual orientation, reported at least 39 killings during the year due to prejudice regarding sexual orientation. LGBT activists were the subjects of "social cleansing" threats and attacks (see section 1.g.).

The Constitutional Court recognized the right of same-sex couples to pension; nevertheless, Colombia Diversa reported the law was frequently not applied due to lack of knowledge by government employees.

There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, Colombia Diversa reported societal discrimination. Colombia Diversa 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.

Colombia Diversa reported several cases of threats against human rights defenders working on LGBT issues. Colombia Diversa cited a high level of impunity for crimes against members of the LGBT community. Government authorized Gay Pride marches took place in several cities on June 28; there were no reports of insufficient security for the participants.

Costa Rica

There are no laws prohibiting discrimination against persons based on sexual orientation. There were isolated cases of discrimination against persons based on sexual orientation.

An NGO that focused on gay, lesbian, bisexual, and transgender (LGBT) rights and health issues complained that, due to the difficulty in proving labor discrimination based on sexual orientation, victims often failed to report such discrimination. The NGO received through a call center 2,332 inquiries or complaints from January to September 2008 when it lost funding from its sponsoring international

institution for its call-center operations. The same NGO conducted an HIV/AIDS prevalence study from February to April, which determined that 10 percent of gay men in the country were infected with HIV/AIDS. This NGO also published a nondiscrimination manual with best practice guidelines for the educational system. Other LGBT organizations operated freely and lobbied for legal reforms recognizing same-sex unions.

During the year the Ombudsman's Office reported receiving three complaints of discrimination based on sexual orientation, all of which were resolved. On May 27, the Supreme Court's Constitutional Chamber upheld the constitutionality of the provision on common-law marriage and the definition of common-law partner of the family code, which limits the term to opposite-sex partners.

Cuba

Officially, there was no discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, societal discrimination on the basis of sexual orientation or gender identity persisted, as police occasionally conducted sweeps in areas where gay men congregated, particularly along sections of Havana's waterfront. On March 24, police arrested 20 male transvestites in Central Havana. Some were reportedly detained for several hours and ordered to stop dressing in women's clothing. Gay 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 continued to be outspoken in promoting gay rights. Despite these efforts, several non-government gay rights activists asserted that the government had done nothing to stop frequent cases of police brutality and harassment of LGBT persons.

In August two LGBT activists were detained without charges for 13 days in connection with their efforts to plan a "Mr. Gay Cuba" competition. During the detention, police destroyed or damaged personal property and seized computer equipment used by the activists. The activists were held incommunicado for more than 24 hours. On September 3, the contest winner reported that he had been detained for several hours and threatened with expulsion from medical school as a result of his participation in the contest.

Dominica

The law criminalizes consensual homosexual relations. Although no statistics were available, anecdotal evidence suggested that societal discrimination against gays and lesbians was quite common in the socially conservative society. There were very few openly gay men or lesbians.

Dominican Republic

Although the government's human rights record continued to improve, serious problems remained: unlawful killings; beatings and other abuse of suspects, detainees, and prisoners; poor to harsh prison conditions; arbitrary arrest and detention of suspects; a large number of functionally stateless persons; widespread corruption; harassment of certain human rights groups; violence and discrimination against women; child prostitution and other abuses of children; trafficking in persons; severe discrimination

against Haitian migrants and their descendants; violence and discrimination against persons based on sexual orientation; ineffective enforcement of labor laws; and child labor.

NGOs reported widespread social discrimination against persons based on sexual orientation. Members of the lesbian, gay, bisexual, and transgender (LGBT) community voiced concerns about discrimination in all areas of society, including health, education, and work. Numerous credible reports indicated members of the LGBT community were expelled from public school, arrested without reason, fired from work, or denied access to rent or own homes.

Gays and lesbians faced physical attacks, intimidation, harassment, and threats of violence. NGOs reported that these groups were reluctant to file charges or complain to authorities due to fear of reprisal or humiliation. Several killings during the year were linked to the victims' sexual orientation. In March a transgender sex worker, Francisco Encarnacion Urbi, was thrown from a moving vehicle and later died at a hospital in Santo Domingo. In April two transgender sex workers were assaulted and later killed in Santiago. On August 11, 18-year-old Janet Cerda, a lesbian in Santiago, was found killed by an unknown attacker in the streets. On October 20, a transgender sex worker, Richard Joel Cuevas Castillo, was shot and wounded by four unknown suspects on motorcycles in Santo Domingo. On November 25, unknown attackers shot and killed a transgender sex worker, Alejandro Correa Pichardo, in Santo Domingo. Investigations into these killings were pending at year's end.

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

Ecuador

Societal problems continued, including violence against women; discrimination against women, indigenous persons, Afro-Ecuadorians, and persons based on their sexual orientation; trafficking in persons and sexual exploitation of minors; and child labor; despite constitutional provisions and some positive governmental steps on these issues.

The new constitution includes the principle of nondiscrimination and establishes choice of sexual orientation as a right. Homosexual acts are not criminalized. Transexuals have the right to identify themselves by their chosen gender on their national identification cards, according to a court case in Pichincha Province. Although the law prohibits discrimination based on sexual orientation, gays, lesbians, transgender persons, and transvestites continued to suffer discrimination from both public and private bodies. In September the National Electoral Council published rules governing the selection of the national prosecutor general, comptroller, members of the Council for Citizen Participation, and directors of certain regulatory bodies that gave lesbian, gay, bisexual, and transgender (LGBT) candidates for those positions two additional points on their applications. The measure was designed to help traditionally disadvantaged groups participate more effectively in government.

LGBT organizations existed and were not aware of incidents of violence perpetrated by the police or other government agents towards the establishment of these organizations. Such groups organized

multiple Gay Pride marches in the last decade with the authorization of pertinent authorities and received police protection.

Despite the lack of official discrimination, societal discrimination was present. The NGO Kimirina advised that members of the LGBT community believed that their right of equal access to formal education and employment was frequently violated. The LGBT population involved in the sex industry reported abusive situations, extortion, and ill-treatment by security forces but did not file or press charges in the Office of the Public Prosecutor.

The April 2008 case in which a policeman reportedly pushed and punched a member of a sexual minority group remained under investigation at year's end.

El Salvador

Other significant human rights problems included harsh, violent, and overcrowded prison conditions; lengthy pretrial detention; violence and discrimination against women; abuses against children, child labor, and forced child prostitution; trafficking in persons; violence and discrimination against sexual minorities; and inadequate enforcement of labor laws.

Although the law prohibits discrimination on the basis of sexual orientation, in practice discrimination was widespread. By year's end the government had not approved the legal registration application filed in August by the gay rights NGO Entre Amigos. However, Arco Iris and Gays Sin Fronteras, NGOs that also worked with the sexual minority population, enjoyed legal status.

There was widespread official and societal discrimination based on sexual orientation in employment and access to health care. Entre Amigos reported that public officials, including the police, engaged in violence and discrimination against sexual minorities. Persons from the lesbian, gay, bisexual, and transgender (LGBT) community reported that the PNC and Attorney General's Office ridiculed them when reporting cases of violence against LGBT persons. The government's response to these abuses was primarily through PDDH reports that publicized specific cases of violence and discrimination against sexual minorities. In general violence and discrimination against sexual minorities went unpunished.

LGBT rights supporters held two gay pride marches, for which the municipality of San Salvador provided authorization. The government provided sufficient police security for marchers.

By year's end Entre Amigos reported the killings of 23 persons from the LGBT community, compared with 11 during 2008. Entre Amigos alleged that many of the victims' bodies showed signs of torture.

Entre Amigos reported that the PNC did not investigate a July attempted break-in to the group's offices by unknown actors. At year's end there was no information regarding any investigation of the incident.

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 citizens, a wide variety of serious problems remained. These 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 serious crimes; 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 on the basis of sexual orientation and gender identity; and ineffective enforcement of labor laws and child labor provisions.

Homosexual rights support groups alleged that members of the police regularly waited outside clubs and bars frequented by sexual minorities and demanded that persons engaged in commercial sexual activities provide protection money. A lack of trust in the judicial system and a fear of further persecution or social recrimination discouraged victims from filing complaints. There was general societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons in employment, the workplace, and housing.

On September 29, a court ordered a stay of proceedings against LGBT rights defender Jorge Luis Lopez Sologaistoa, executive director of the NGO Organization to Support an Integrated Sexuality to Confront AIDS, who was accused of assaulting a sex worker in November 2008.

Guyana

Sodomy is punishable with a maximum sentence of life in prison. There are no laws concerning female-to-female sex. On September 18, Health Minister Leslie Ramsammy publicly called for a Caribbean-wide discussion on the laws, stating that "many homosexuals suffer because of the stigma and discrimination attached" to their sexual orientation.

Between February 6 and 10, police arrested at least eight transgendered persons, detaining them without reading them their rights, informing them of their charges, or allowing them to contact a lawyer. The acting chief magistrate ordered each of the men to pay a court fine of GYD \$7,500 (\$37) and told them they were "confused" about their sexuality and gender, stating "It's a curse on the family." There was no official response to the comments.

Haiti

There was a minimal presence of gay, lesbian, bisexual or transgender (LGBT) advocacy NGOs operating within the country.

There were no officially confirmed reports of discrimination against the LGBT community, but local NGOs reported that LGBT persons faced widespread societal discrimination including social stigma,

targeted physical violence, sexual assault, and employment insecurity. NGOs also reported that such persons did not report human rights violations due to fear of reprisal.

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; harsh prison conditions; violence against detainees, and corruption and impunity within the security forces; lengthy pretrial detention and failure to provide due process of law; arbitrary detention and disproportionate use of force by security forces after the June coup; politicization, corruption, and institutional weakness of the judiciary; erosion of press freedom; corruption in the legislative and executive branches; limitations on freedom of movement and association; 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 from sexual minority communities was widespread. Many NGOs indicated that hate crimes increased, particularly during political campaign season. Representatives of NGOs focusing on sexual diversity rights asserted that throughout the year security forces killed and abused their members. In cases where lesbian, gay, bisexual, and transgender (LGBT) persons were found dead, the prosecutor often encountered serious difficulties because the victims had either concealed their identity or sexual orientation, or were hiding from their families.

Criminal investigations did not recognize a "transgender" category. Sexual minority rights groups asserted that throughout the year security forces, government agencies, and private employers engaged in antigay discriminatory hiring practices. These groups also reported that intimidation, fear of reprisal, and police corruption made LGBT victims reluctant to file charges or proceed with prosecutions. In May Human Rights Watch released a report documenting targeted violence against transgender persons in the country. The report called for the repeal of statutory language on guarding against public scandal, which the police allegedly used to justify detaining transgender persons.

On January 12 and May 17, hundreds of LGBT protesters marched against hate crimes in Tegucigalpa calling for the government to investigate the reported killings of 28 persons from the sexual minority community since 2008. While police did not impede the demonstrations, authorities did not provide protection for the marchers. The organizers of the January and May events did not seek advance permission for these marches as required under the law.

There were multiple killings or attacks on persons presumably because of their sexual orientation. The LGBT rights organization Red Lesbica Cattrachas reported that between July and December, unknown actors killed 19 members of the LGBT community and that a number of gay persons fled the country out of fear of social and security-force persecution. One human rights group estimated that it registered approximately one case per month of pistol whipping and other police abuses against LGBT persons. The NGO Lesbian-Gay Rainbow Association of Comayagua operated a medical and psychiatric services clinic that treated between seven and 10 hate crime victims per month.

On January 9, unknown assailants shot and killed Cynthia Nicole, a transgender sex worker and well-known LGBT rights activist. In December 2008 armed men had physically assaulted Cynthia Nicole. At year's end there was no information available regarding any investigation of these incidents.

On March 3, unknown assailants reportedly beat to death 18-year-old Delmer Joel Martinez, allegedly because they thought he was gay, and dragged his body to a field near the Tegucigalpa suburb of Nueva Suyapa. There was no information available about any investigation in the case.

Following the June coup, human rights organizations reported at least two cases in which police made death threats against LGBT persons for their involvement in anticoup protests saying, "We should kill all homosexuals." On July 3, the IACHR requested that the de facto regime provide protective measures for four LGBT activists. In response to the commission's request, the de facto regime published a newspaper advertisement in *La Tribuna* listing the names of all persons awarded protective measures from June 28 onwards and asked the named persons either to present themselves to the Supreme Court or call a government-listed telephone number. Human rights defenders reported that none of the persons listed in the advertisement replied to the government request and asserted that the advertisement was a form of intimidation against the named persons.

On June 29, unknown actors fatally shot in the head transvestite sex worker Vicky Hernandez Castillo (Jhonny Emilson Hernandez) in San Pedro Sula. Human rights defenders alleged that security forces were responsible for the killing because Hernandez Castillo was believed to have been killed while working during curfew hours on the night of June 28.

On September 20, unknown perpetrators fatally shot Salome (Jorge Samuel Caravante) and Zaira (Carlos Ricardo), two transvestite sex workers in Choloma, Cortes Department. At year's end there was no information regarding any investigation of these killings.

On December 4, unknown persons reportedly kidnapped and physically assaulted LGBT activist Walter Trochez but later released him. Trochez told human rights organizations that during his December 4 detention, the kidnappers questioned him about his involvement in the anticoup movement. On December 13, unknown assailants fatally shot and killed Trochez in Tegucigalpa. At year's end the Office of the Special Prosecutor for Human Rights was conducting an investigation.

At year's end there was no information available regarding a response by the Committee on Human Rights to a 2008 complaint filed by LGBT rights advocates about reports that authorities denied transgender persons national identity cards because the applicants were wearing cosmetics and feminine accessories.

At year's end Nelson Daniel Gaytan had been charged with unlawful detention and was awaiting trial for the 2007 police beating and detention of LGBT activist Donny Reyes. Police reportedly detained Reyes in a cell with 57 gang members who raped and beat him.

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 person based on their suspected or known sexual orientation.

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. In October Prime Minister Golding, who upon taking office announced that no gays or lesbians would be allowed to serve in his cabinet, called for a constitutional prohibition against same-sex marriage.

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 such persons. Police often did not investigate such incidents. J-FLAG reported 33 cases of serious injuries to gays and lesbians over an 18-month period. The violence led many such persons to emigrate.

J-FLAG members also suffered attacks on their property and home intrusions, as people demanded to know the number of persons and beds in a home. In one instance, a fire bombing at the home of two men left one of them with burns on more than 60 percent of his body. In addition such persons 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.

On September 9, an honorary British consul in Montego Bay was strangled in bed, and a note left at the scene reportedly denounced the victim as gay. On October 12, a passerby accused a pedestrian on a Kingston sidewalk of being gay because he had been walking in an "effeminate manner." That person was subsequently attacked with a machete and four fingers were nearly severed.

The trial of six suspects arrested for the 2005 robbery and murder of prominent gay rights advocate Lenford "Steve" Harvey, initially begun and then postponed in 2007, was scheduled to recommence on January 25, 2010.

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

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

Mexico

While homosexual conduct experienced growing social acceptance, the National Center to Prevent and Control HIV/AIDS stated that discrimination persisted. According to the National Center and the Mexican Foundation for Family Planning, societal discrimination based on sexual orientation was common, reflected principally in entertainment media programs and everyday attitudes. Activists organized gay pride marches in cities across the country; the largest, in which 400,000 people participated, was held in June in Mexico City. In December Mexico City legalized gay marriage and adoption, effective in March 2010.

One of the most prominent cases of discrimination and violence against gay men was that of Agustin Humberto Estrada Negrete, a teacher and gay activist from Ecatepec, Mexico State. In 2007 he participated in a gay rights march wearing a dress and high heels. According to the NGO Asilegal, soon after the march, Estrada began receiving threatening telephone calls and verbal and physical attacks. In 2008 he was fired from the school for children with disabilities where he worked. After his dismissal, he and a group of supporters began lobbying the government to reinstate him; when they went to the governor's palace to attend a meeting with state officials in May, police beat him and his supporters. The next day he was taken to prison, threatened, and raped. Although he was released, Estrada continued to face harassment by state authorities.

Nicaragua

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. Lesbian, gay, bisexual, and transgender (LGBT) persons continued to face widespread societal discrimination and human rights abuses, particularly in employment and education. On November 30, the PDDH created the position of a special prosecutor for sexual diversity to champion LGBT issues. A gay rights NGO reported that, despite the fact that their community benefited from legislation which protects their human rights, violence directed toward the LGBT community increased. However, it was difficult to measure trends because LGBT human rights violations were underreported and often mischaracterized. Although not authorized by the government, gay pride events occurred several times during the year in Managua. There were no reports of violence directed against these events.

On August 11, the Ministry of Health signed a regulation that seeks to eradicate discrimination on the basis of sexual orientation in the public and private health sectors and to allocate funds from international donors and multinational aid for the establishment of programs to combat such discrimination.

Panama

In 2008 the country decriminalized sodomy. There was societal discrimination based on sexual orientation and gender identity, which often led to denial of employment opportunities. The PNP's regulations describe homosexuality as a "grave fault." The advocacy group New Men and Women of Panama advocated for homosexual rights and organized an annual gay pride parade.

Paraguay

Violence and discrimination against women, indigenous persons, persons with disabilities, and lesbian, gay, bisexual and transgender persons (LGBT) continued, as did trafficking in persons.

There was societal discrimination based on sexual orientation. The Public Ministry is responsible for investigating discrimination cases; however, government agents often condoned such discrimination.

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

Several LGBT rights organizations operated during the year without governmental interference, including Paragay, Aireana, and Panambi. On July 11, these organizations conducted a gay pride march. The government issued the required permits and provided sufficient security for the march.

There were no developments regarding the July 2008 attacks on and killings of transgender persons Lupita, Laura, and Gaby. The cases remained pending at year's end.

There are no laws explicitly prohibiting discrimination against LGBT individuals in employment, housing, statelessness, access to education, or health care. All types of discrimination occurred frequently. On December 10, the Secretariat for Personnel Management enacted policies applying to administrative civil service jobs that prohibit discrimination by government employees on the basis of sexual orientation or gender identity.

Peru

The government generally respected the human rights of its citizens; however, the following human rights problems were reported: abuse of detainees and inmates by police and prison security forces; harsh prison conditions; lengthy pretrial detention and inordinate trial delays; pressure 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.

There are no laws prohibiting discrimination against persons based on sexual orientation; however, government authorities including the police, sometimes harassed and abused homosexual persons. There were cases of discrimination against persons based on sexual orientation.

The Ministry of the Interior's *Handbook of Human Rights Applied to the Civil Police* stipulates that police must respect human rights, especially of the most vulnerable groups, and refers explicitly to the human rights of lesbians, gays, and transvestites. Although discrimination based on sexual orientation was a problem as seen in the expulsion of a gay student from a police academy, on December 9, the Constitutional Tribunal ordered the student to be reinstated.

Promsex, an NGO and member of the Peruvian Network (Red Peruana TLGB) focused on gay, lesbian, bisexual, and transgender rights reported that there were no impediments to their operation or free

association. They also lobbied Congress to pass a Hate Crimes Law, which was delivered to the Human Rights Committee of the Congress on October 23.

On January 29, a transgender woman, known as Techí, was kidnapped and tortured by members of a local neighborhood watch patrol in Tarapoto. In April local prosecutors presented the case to the Second Court of Tarapoto.

On April 14, the NGO Promsex and other NGOs sent the 2008 case of the rape of Luis Alberto Rojas Marin to the Inter-American Human Rights Commission; the commission rejected the petition on August 27.

Several gay pride marches occurred in Lima, including the Fifth Annual Festival of Sexual Diversity on January 11 and a lesbian march on October 13. By law organizers must inform the Ministry of Interior of intentions to hold a public gathering. There were no impediments or incidents for the festival, although there was a problem with police for the October march as they had not requested authorization.

There was no official or societal discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care although there were cases in each at year's end.

St. Kitts and Nevis

There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Homosexual acts are illegal and carry penalties up to 10 years in prison.

St. Lucia

The law criminalizes homosexual relations, and there was widespread social discrimination against lesbians, gays, bisexual, and transgender (LGBT) persons in the deeply conservative society. There were few openly LGBT persons in the country.

St. Vincent and the Grenadines

The law does not criminalize homosexuality, and 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 gays and lesbians.

Suriname

Although the law prohibits discrimination based on sexual orientation, there were reports of employment discrimination against gay and lesbian persons. There were no reports of official discrimination based on sexual orientation in housing, access to education, or health care. Police neither perpetrated nor condoned violence against gays, lesbians, bisexuals, or transgender (LGBT) persons. LGBT organizations operated in the country independently and without restriction.

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 lesbians, gays, bisexual, or transgender (LGBT) persons. LGBT rights groups reported that there remained a stigma related to sexual orientation in the country.

Uruguay

The Honorary Commission Against Racism, Xenophobia, and All Forms of Discrimination, headed by the Ministry of Education and Culture's director of human rights and including government, religious, and civil society representatives, proposes policies and specific measures to prevent and combat racism, xenophobia, and discrimination. Since its creation in 2007, the commission has investigated 60 claims from Afro-Uruguayans, persons with disabilities, and lesbian, gay, bisexual, and transgender (LGBT) persons. There were 14 cases brought to the commission's attention during the year, only one of which (a harassment case based on sexual orientation) it referred for legal action. The commission considered the other cases not valid for its action or handled them through mediation or other means.

No laws criminalize sexual orientation, and authorities widely protected the rights of the LGBT community. Several laws enacted during the year addressed specific rights of the LGBT community: specifically, the right to civil union for same-sex couples, the right for same-sex couples to adopt, and the right for transgender individuals to change their gender. Several LGBT groups were active in the country. They enjoyed free association and received wide support from government officials. In March the LGBT community joined with other civil rights and gender-rights groups in a "Diversity March," which drew nearly 10,000 participants. Hate crimes were rare, and no hate crimes related to LGBT issues were reported during the year. Police generally afforded protection to the LGBT community, but there were reports of abuse of some transvestite sex workers. There were occasional reports of nonviolent societal discrimination based on sexual orientation and gender identity.

Venezuela

The constitution provides for equality before the law of all persons and prohibits discrimination based on sex or social condition. On this basis, the Supreme Court ruled in March 2008 that no individual may be discriminated against by reason of sexual orientation in any way that implies treatment in an unequal fashion. This prohibition was generally respected in practice.

There were no reliable statistics on societal violence or discrimination based on sexual orientation, although violence against lesbian, gay, transgender, and bisexual communities reportedly occurred during the year. The media reported that four transgender persons were killed in Caracas between November 2008 and May and that nine transgender persons were killed in Caracas and Zulia State between January and October. The media also noted that victims of hate crimes based on sexual orientation frequently did not report the incidents.