

# Sexual Orientation / Gender Identity References<sup>1</sup>

U.S. Department of State

Human Rights Reports for 2010

(Released April 8, 2011)

[2010 Country Reports on Human Rights Practices](#)

## **Introduction**

A third trend [in 2010], and one that points in a negative direction, was the continuing escalation of violence, persecution, and official and societal discrimination of members of vulnerable groups, often racial, religious, or ethnic minorities or disempowered majorities. In many countries this pattern of discrimination extended to women; children; persons with disabilities; indigenous; lesbian, gay, bisexual, and transgender (LGBT) persons; and members of other vulnerable groups who lacked the political power to defend their own interests. Often members of these groups were denied economic opportunity or the ability to abide by their social or cultural traditions or practices or were restricted in their ability to speak freely, to assemble peacefully, or to form associations or organizations.

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Persons around the world continue to experience discrimination and intimidation based on their sexual orientation or gender identity. Honduras saw an upsurge in killings of members of the LGBT community by unknown perpetrators. Meanwhile, in many African, Middle Eastern, and Caribbean nations, same-sex relations remain a criminal offense, and through such laws and other measures the state reinforces and encourages societal discrimination and intolerance. In Uganda, for example, intimidation and harassment of LGBT individuals worsened during the year, and some government and religious leaders threatened LGBT individuals.

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2010 marks the 35th year that the State Department has produced the annual *Country Reports on Human Rights Practices*. This year's report covers human rights conditions in 194 countries. What began as the response to a Congressional mandate to report on the human rights situation in those countries that were receiving U.S. assistance in the mid 1970s has blossomed into a detailed analysis of human rights conditions in all countries that are members of the

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<sup>1</sup>Note that HIV/AIDS-related excerpts from the Human Rights Reports can be found at [www.glaa.org](http://www.glaa.org).

United Nations. The country reports provide an overview of the human rights situation around the world as a means to raise awareness of human rights conditions, in particular as these conditions affect the well-being of women, children, racial and religious minorities, trafficking victims, members of indigenous groups and ethnic communities, persons with disabilities, sexual minorities, refugees, and members of other vulnerable groups.

## **East Asia and the Pacific**

### **Australia**

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

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.

Gay pride marches took place in major cities during the year; such marches were authorized by the government, and police provided sufficient protection to participants.

In August a man was charged with assault occasioning bodily harm in relation to an attack on a gay rights activist in Sydney. The victim stated that the accused had made violent homophobic comments toward him. The case was pending at year's end. On December 10, three teenagers were sentenced to prison terms for the January assault of a gay couple in the Queensland town of Maryborough.

The HREOC received 19 complaints of employment discrimination based on sexual orientation from July 2009 through June 2010.

### **Brunei Darussalam**

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

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

### **Burma**

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

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**

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

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

There were no reports of government discrimination based on sexual orientation in employment, statelessness, or access to education or health care. However, homosexual conduct was typically treated with fear and suspicion, 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)**

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

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. Individual activists and organizations working on HIV/AIDS and lesbian, gay, bisexual, and transgender (LGBT) issues continued to report discrimination and harassment from the authorities. In May HIV/AIDS activist Wan Yanhai, founder and director of the Beijing-based NGO Aizhixing, left the country, reportedly in response to increased pressure by authorities on himself and his organization.

In January police blocked an event to choose a delegate to the Worldwide Mr. Gay pageant, shutting down the first-ever Mr. Gay China pageant just before the event. Police cited a lack of permits.

In March, Li Yinhe, an activist and sexologist for the third time presented a proposal to the NPC and CPPCC advocating the legalization of same-sex marriage. Li had previously presented the proposal in 2003 and 2006. To date, no NPC debate has been held on the proposal.

On May 17, a small number of events were held across the country in universities to mark the International Day against Homophobia. The events were covered in English-language domestic media, but Chinese-language coverage was subdued.

In September police raided a park frequented by gays in Beijing, allegedly as part of a security sweep ahead of the October National Day holiday. Reports suggested approximately 80 men were taken to a local police station, most were released without charge.

In March and April 2009, approximately 50 gays were reportedly detained in Renmin Park in Guangzhou and questioned by police. In August 2009 police in Guangzhou tried again to remove a group of gays from Renmin Park. The men refused, and after a nonviolent standoff, the police desisted.

In June 2009 the first gay pride festival took place in Shanghai. Also in June 2009 the Beijing Queer Film Festival was held. Police had blocked previous attempts to hold the festival.

LGBT plotlines and scenes are not allowed on broadcast television. However, in May a play with a lesbian theme was staged in a mainstream Beijing theatre.

Although there is no legal prohibition against the registration of LGBT student groups, none were allowed to register at any university.

In July 2009 a group of lesbians organized an online petition calling on the government to rescind a 1998 law banning gays and lesbians from donating blood.

## **Hong Kong**

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

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

The SAR does not register or recognize same-sex marriages. In October the High Court (Court of First Instance) ruled against a transsexual woman who sued the government to be allowed to marry. The woman completed gender-reassignment surgery and changed her identity documents to "female." However, since the law does not allow her to change her birth certificate, she cannot legally marry her male partner. The court ruled that there was insufficient evidence "to demonstrate a shifted societal consensus...regarding marriage to encompass a postoperative transsexual...the court must not rush to substitute its own judgment in place of that of...the government or legislature of Hong Kong."

There were no reports of societal violence or official discrimination based on sexual orientation. Laws on domestic violence apply to same-sex cohabitant relationships.

## **Macau**

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

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

## **Fiji**

The constitution prohibits discrimination based on race, sex, place of origin, ethnicity, sexual orientation, color, primary language, economic status, age, or disability. The government generally enforced these provisions effectively, although there were problems in some areas. After the constitution's abrogation, only the 2007 Employment Relations Promulgation (ERP), which came into force in 2008, had similar provisions, but these are limited to workers and industrial relations matters.

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

The abrogated constitution prohibits discrimination on the basis of sexual orientation. The preexisting Penal Code criminalized homosexual acts between males, but the judiciary held these provisions to be unconstitutional. The new Crimes Decree that came into force in February does not criminalize homosexual acts between consenting adults, and for the first time recognizes male-on-male rape as a crime. The ERP prohibits discrimination in employment based on sexual orientation.

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

## **Indonesia**

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

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

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

On March 26-28, hundreds of activists from a number of hard-line Muslim groups, including the Islamic Defenders Front (FPI), disrupted an international LGBT conference in Surabaya, forcing their way into the hotel hosting the conference. Local police refused to issue a permit to the conference organizers in the face of hard-line opposition. The hard-line groups then forced the cancellation of the conference by forcing entry and occupying the hotel where the conference was being held.

On April 30, members of FPI disrupted training for transgender activists conducted by the National Human Rights Commission (Komnas HAM).

Throughout May and June, LGBT organizations across the country commemorated the International Day Against Homophobia. Organizers held public discussion groups, marched, and engaged in other activities raising awareness of LGBT issues. However, local officials and groups forced the cancellation of at least one event. After threats from FPI, organizers in Yogyakarta cancelled an open-air concert scheduled for May 22. Organizers in Surabaya opted not to hold a parade in the wake of a disrupted conference in March.

Protesters from FPI and local universities disrupted an internationally supported LGBT film festival in Jakarta in September. Mainstream Islamic organizations, including the head of the Indonesian Council of Ulema, also condemned the festival.

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

## **Japan**

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

While there is no national law that protects against discrimination on the basis of sexual orientation, some local governments have enacted laws prohibiting employment discrimination based on sexual orientation. NGOs that advocate for gay, lesbian, bisexual, and transgender persons reported some instances of bullying, harassment, and violence.

## **Kiribati**

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

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

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

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

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

## **Republic of Korea**

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

The law that installed the NHRC prohibits discrimination on the basis of sexual orientation and gives the NHRC the authority to review cases of discrimination based on sexual orientation. During the year the NHRC received six cases of alleged discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons but did not find merit in any of the cases. There are no specific laws punishing or providing remedy to victims of discrimination or violence against LGBT persons. The Ministry of Justice reported the equality principles under article 11 of the constitution apply to LGBT persons. The government punished perpetrators of violence against LGBT persons according to the law.

Societal discrimination against LGBT persons persisted. In June the Constitutional Court heard oral arguments on the constitutionality of the military code of conduct prohibiting consensual homosexual relationship between military personnel. At year's end the court had not issued a ruling.

## **Laos**

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

There was no law prohibiting discrimination on the basis of sexual orientation. 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. Reports indicated that lesbians faced greater stigma and discrimination than gay men.

## **Malaysia**

Some obstacles prevented opposition parties from competing on equal terms with the ruling coalition. Other human rights problems included: some deaths occurred during police apprehensions and while in police custody; police abuse of detainees; overcrowded immigration detention centers (IDCs); arbitrary arrest and detention using the Internal Security Act (ISA) and three other statutes that allow detention without trial; and persistent questions about the

impartiality and independence of the judiciary. The government continued to pursue the prosecution of a prominent opposition leader on sodomy charges. The criminal and Sharia courts utilized caning as a form of punishment. The government continued to restrict freedom of press, association, assembly, speech, and religion. Trafficking in persons remained a problem. Longstanding government policies gave preferences to ethnic Malays in many areas. Some employers exploited migrant workers and ethnic-Indian citizens through forced labor. Some child labor occurred in plantations.

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In 2008 authorities arrested parliamentary opposition leader Anwar Ibrahim for alleged consensual sodomy with a former aide. 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.

In August 2009 Anwar filed an application for judicial review to disqualify the government's prosecution team on grounds of alleged bias, conflict of interest, and prosecutorial misconduct. After months of delay while the trial court ruled on motions ranging from requests for evidence to outright dismissal, Anwar's trial began on February 2, with his former aide and alleged victim, Saiful Bukhari, taking the stand as the prosecution's first witness. Since the beginning of the trial, there have been six administrative delays due to appeals. The trial was scheduled to resume January 21, 2011. Prosecution for consensual sodomy between two adults is extremely rare in Malaysian jurisprudence.

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

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.

On December 21, a 32-year-old Muslim man acknowledged being gay in a video posted on the YouTube Web site. In the video, entitled "I'm Gay, I'm OK," the individual encouraged other gay persons to be confident in themselves. In six days, the video was viewed more than 140,000 times. The man received online death threats as a result of the video and stated that he feared for his life. Perak Mufti Harussani Zakaria condemned the video and said that the individual had "derided his own dignity and Islam in general."

### **Marshall Islands**

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

There is no law criminalizing homosexual conduct, and there were no reports of societal violence based on sexual orientation or gender identity. There were no reports of official or

societal discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care.

### **Federated States of Micronesia**

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

There are no laws criminalizing homosexual conduct. There were no reports of violence, official or societal discrimination, or workplace discrimination against lesbian, gay, bisexual, or transgender persons.

### **Mongolia**

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

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. Police took little or no action to apprehend ultranationalists who threatened, abducted, and committed acts of violence against members of the LGBT community.

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 gays and lesbians with derogatory terms and associated homosexual conduct with HIV/AIDS, pedophilia, and the corruption of youth.

### **Nauru**

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

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

### **New Zealand**

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

The law prohibits abuse, discrimination, and acts of violence based upon sexual orientation and gender identity, and the government generally enforced the law. During the year the HRC

received 187 discrimination complaints relating to gender or sexual orientation (14 percent of all complaints). The Ministry of Justice received no reports of societal violence or discrimination based on sexual orientation.

On December 10, a court sentenced two men to nine and one-half years and 10 years in prison, respectively, for the manslaughter of a transsexual in 2009. One prison term was longer, because the court determined the offense to be a hate crime.

## **Palau**

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

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

## **Papua New Guinea**

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

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

## **Philippines**

In general, political parties could operate without restriction. On April 8, the Supreme Court ruled in favor of party-list accreditation for Ang Ladlad, an organization representing lesbian, gay, bisexual, and transgender (LGBT) persons. COMELEC had rejected the group's petition for accreditation in October 2009 on grounds it "tolerates immorality, which offends religious beliefs."

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

There was some societal discrimination based on sexual orientation, including in employment and education. LGBT organizations held public marches or other events during the year to promote equality and antidiscrimination legislation. An LGBT group's effort to register as a political party originally was denied because it "tolerated immorality, which offends religious beliefs." However, on April 8, the Supreme Court allowed it to participate in the elections.

## **Samoa**

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

Sodomy and "indecency 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.

## **Singapore**

Government-linked companies and organizations operated all domestic broadcast television channels and almost all radio stations. Only one radio station, the BBC World Service, was completely independent of the government. Some Malaysian and Indonesian television and radio programming could be received, but satellite dishes were banned, with few exceptions. Cable subscribers had access to numerous foreign television news channels and many entertainment channels. In general these were not censored with the exception of certain themes such as homosexuality and explicit sexual content.

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

After failure of a 2007 attempt to repeal the section of the penal code criminalizing sex between men, Prime Minister Lee stated that the authorities would not actively enforce the statute, leaving gay men free to live their private lives in peace as long as they did not actively promote their sexual orientation.

During the year two men were arrested for a homosexual act in a public toilet and charged under laws that provide for a jail term of up to three months, or fine, or both. One of the men was convicted and fined S\$3,000 (\$2,300). At year's end the other man remained out on bail awaiting trial.

## **Solomon Islands**

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

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

## Taiwan

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

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

LGBT rights activists said instances of police pressure to LGBT-friendly bars and bookstores decreased. However, in February the Taipei City Education Bureau issued an official letter to schools warning of homosexual influence on students. Following mounting pressure from LGBT rights advocates, in September the Education Bureau asked that school officials disregard the letter.

The eighth annual gay pride march was held on October 30.

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 (approximately \$53,570).

## Thailand

Cultural events may be censored, usually for reasons of public decency. Under the 2008 Film Act, the state is authorized to ban the release of movies that "offend the monarchy, threaten national security, hamper national unity, insult faiths, disrespect honorable figures, challenge morals, or contain explicit sex scenes." Section 25 of the act stipulates that all films to be screened, rented, exchanged, or sold in the country must be screened and approved by the Film and Video Classification Committee. The film *Insects in the Backyard*, which tells the story of a transgendered single father and features scenes with child prostitutes and homosexual sex, was banned by the Culture Ministry's National Film Board for immorality and scenes considered pornographic. Additionally, theater owners and broadcasters frequently censored films before submitting them to the board. As part of the 2008 act, a seven-tiered rating system was introduced in August 2009. Movie theaters also had to apply for operation licenses by September 2009 or pay up to one million baht (\$31,250) in fines. There were no reports that fines were levied or any other restrictions acted upon during the year.

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

There are no laws that criminalize sexual orientation. Lesbian, gay, bisexual, and transgender (LGBT) groups were able to register with the government, although there were some restrictions on the language that can be used in registering their group names. They reported that police

treated LGBT victims of crime as any other person except in the case of sexual crimes, where there was a tendency to downplay sexual abuse or not take harassment seriously.

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, although four major insurance companies agreed to sell life insurance policies to LGBT citizens with full transfer of benefits to same-sex partners. According to military sources, the armed forces did not draft gay or transgendered persons because of the assumed detrimental effect 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.

### **Timor-Leste**

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

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**

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

Sodomy is illegal, with a maximum penalty of 10 years' imprisonment, but there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender persons under this provision. 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**

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

Sodomy and acts of "gross indecency between males" are illegal, with maximum penalties of 14 and seven years' imprisonment, respectively, but there were no reports of prosecutions directed against lesbian, gay, bisexual, or transgender persons under these provisions during the year.

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

### **Vanuatu**

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

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

### **Vietnam**

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

A homosexual community exists 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. In contradiction of the penal code, the chief judge of the Quang Binh Provincial People's Court in August refused to prosecute the gang rape of a transsexual, claiming the code did not address rape of transgendered individuals.