

Sexual Orientation / Gender Identity References¹

U.S. Department of State

Human Rights Reports for 2010

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[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

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

South and Central Asia

Afghanistan

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

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

Bangladesh

From introduction: Discrimination against women, and violence against women and children remained serious problems, as did discrimination against persons with disabilities and against persons based on their sexual orientation.

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

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. Informal organizations reported that they were unable to organize, do outreach, petition for changes to the law, or set up permanent establishments because of the possibility of police raids. One gay rights organization stated that gay men and lesbians also often faced extreme family pressure to marry opposite sex partners.

Attacks on lesbians and gay men occurred on occasion, but those offenses were difficult to document 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 that their families and local communities ostracized them. Some sought refuge in the transgender or "hijra" community.

Bhutan

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

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

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

The law permits consensual sexual activities between adults. In July 2009 the Delhi High Court overturned a portion of section 377 of the penal code, which prohibited same-sex relations. Section 377 still applies to cases involving minors or coercive sex. While a few groups and individuals challenged the ruling in the Supreme Court within a few days of the announcement, the government decided not to oppose the verdict. At year's end the Supreme Court had not rendered a judgment on the appeal. The law was previously used to target, harass, and punish lesbian, gay, bisexual, and transgender (LGBT) persons.

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

During the week of April 3, transgender activist Laxmi Tripathi was banished from the elite Bombay Gymkhana club in Mumbai. After the club CEO told the dinner party's organizer that Tripathi had to leave, the entire group walked out of the club.

On April 10, a FIR was filed against six persons in the April 7 death of Srinivas Ramachandra Siras, a professor at Aligarh Muslim University (AMU) who was found dead in his home. In February, shortly before his retirement, the professor was secretly filmed having consensual sexual relations with another man. AMU suspended him without an inquiry, which he challenged in the Allahabad High Court. On April 2, the court ordered his reinstatement and stayed his unlawful removal from his official accommodation. On April 8, police claimed that preliminary investigations indicated suicide.

On May 6, the country's first transgender television host, Rose Venkatesan, officially announced her new gender status after undergoing sex reassignment surgery.

There were a few positive developments for transgender persons during the year. In April the state of Tamil Nadu hosted a weeklong transgender festival to facilitate the acceptance of transgender persons into mainstream society. The state, which established a transgender welfare board in 2008, continued to provide separate identity and ration cards to transgender persons. In November the central government announced that transgender persons would have the option to be counted as "Other" in the 2011 national census. On November 12, the state of Karnataka announced transgender persons would be included in the "Backward Classes" list, making them eligible for pensions, ration cards, and housing assistance through special programs.

Kazakhstan

The following human rights problems were reported: severe limits on citizens' rights to change their government; military hazing that led to deaths; detainee and prisoner torture and other abuse; unhealthy prison conditions; arbitrary arrest and detention; lack of an independent judiciary; restrictions on freedom of speech, the press, assembly, and association; pervasive corruption, especially in law enforcement and the judicial system; prohibitive political party registration requirements; restrictions on the activities of nongovernmental organizations (NGOs); discrimination and violence against women; trafficking in persons; and societal discrimination against gays, lesbians, bisexuals, transgender persons, and those with HIV/AIDS.

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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 non-Kazakhs in government, persons with disabilities, and those involved with homosexual activity were problems.

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

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

LGBT individuals, particularly gay men, were among the most oppressed groups, although the country does not outlaw homosexual conduct. According to a 2009 Soros Foundation study, 64.1 percent of LGBT respondents said they did not face open discrimination in the work place, although LGBT individuals often concealed their sexual orientation to avoid such discrimination. LGBT individuals whose sexual orientation was known publicly 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 occasionally breached confidentiality and reported patients' sexual orientation to their families and employers. Attempts to report violence against gay, lesbian and transgender persons to law enforcement officers occasionally were met with resistance and hostility.

Kyrgyz Republic

The following human rights problems were reported: arbitrary killings, 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.

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

There is no law against homosexual practice; however, according to HRW and a local NGO, lesbian, gay, bisexual, and transgender (LGBT) individuals faced severe oppression, and the government failed to protect their rights. 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. Doctors sometimes refused

to treat LGBT individuals. Forced marriages for lesbian and bisexual women also occurred.

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

Maldives

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

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

Nepal

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

The country has no laws that specifically criminalize homosexuality; however, government authorities, especially police, sometimes harassed and abused homosexual persons. According to Blue Diamond Society, a local NGO, harassment of such persons was common by both government and citizens.

On August 17, the government granted permission for the first gay pride parade in the country during the Gai Jatra Festival.

In a series of rulings in 2007 and 2008, the Supreme Court directed the government to enact laws to protect lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons' fundamental rights, enable third-gender citizenship, and amend all laws that are sexually discriminatory. Nevertheless, many mainstream political parties included pro-LGBTI legislation in their party manifestos, and LGBTI activists continued to press for protections for sexual minorities in the new constitution.

In May the Supreme Court dismissed an appeal by Sergeant Bhakti Shah, who had been fired by the NA for being a lesbian while serving as an instructor at the military academy in 2007.

NGOs working on LGBTI issues reported that police harassment of sexual minorities occurred in rural areas of the country, especially in the Terai.

Pakistan

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

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

Homosexual intercourse is a criminal offense; in practice, the government rarely prosecuted cases. Gays and lesbians rarely revealed their sexual orientation. There are no laws to protect against discrimination on the basis of sexual orientation.

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

On May 25, police arrested a fertilizer dealer, Malik Mohammed Iqbal, and a teenage eunuch in Peshawar for trying to marry. The police proposed the charge of "unnatural sexual offense" against the accused, for which the maximum punishment is life imprisonment.

In July 2009 the Supreme Court stated that hijras were equal citizens 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. In December 2009 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

Discrimination and violence against persons based on their sexual orientation were problems.
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From freedom of movement and refugee section of report: The report noted that refugee status determinations of Sri Lankan asylum seekers of Tamil ethnicity should be assessed upon five

potential risk profiles: (1) persons suspected of links to the LTTE (in these cases, exclusion criteria would also apply); (2) journalists and other media professionals; (3) civil society and human rights activists; (4) women and children with certain profiles; and (5) lesbian, gay, bisexual, and transgender (LGBT) individuals.

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

The law criminalizes homosexual activity but was not officially enforced. Some NGOs working on LGBT problems did not register with the government. In recent years human rights organizations reported that, while not actively arresting and prosecuting those who engaged in LGBT activity, police harassed and extorted money or sexual favors from those persons 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. There were reports that persons undergoing gender reassignment procedures had difficulty in amending government documents to reflect those changes.

Tajikistan

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

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

Turkmenistan

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

Homosexual conduct between men is illegal and punishable by up to two years in prison; the law does not mention women. According to one human rights NGO, homosexuality is

considered a mental disorder, and gays were sometimes sent to psychiatric institutions for treatment.

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

Uzbekistan

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

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

Homosexuality generally was a taboo subject in society, and there were no known lesbian, gay, bisexual, and transgender (LGBT) organizations. There was also no known perpetrated or condoned violence against the LGBT community. There were no known reports of official or societal discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care, but this circumstance may be attributed to the social taboo against discussing homosexual activity rather than to equality in such matters.