

Sexual Orientation / Gender Identity References¹

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 United Nations. The country reports provide an overview of the human rights situation around the world as a means to raise awareness of human

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

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.

Western Hemisphere

Antigua and Barbuda

There were human rights problems in some areas, including excessive use of force by police, poor prison conditions, some limits on press freedom, societal discrimination and violence against women, sexual abuse of children, and discrimination against homosexuality.

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The constitution specifically prohibits such practices, and the authorities generally respected these prohibitions in practice. Nonetheless, 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.

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

Homosexual acts for both sexes are illegal under indecency statutes, and some male homosexual acts are also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse carries a maximum penalty of 15 years in prison.

Societal attitudes towards homosexuality impede operation and free association of lesbian, gay, bisexual, and transgender (LGBT) organizations. Some LGBT persons claimed that being openly LGBT would result in discrimination and possible violence. However, there were no reports of actual violence or discrimination based on sexual orientation.

Argentina

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

Three provinces still 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 nine provinces enacted laws to repeal articles criminalizing transgender behavior in prostitution.

During the year INADI received 96 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 July 15, Congress passed a law to legalize same-sex marriages. The legislation removes all gender specification from existing marriage laws; permits gay and lesbian couples to marry; grants spouses immigration rights, medical benefits, pensions, and social security; and defines rights of inheritance for such couples by marriage law. Although the right to adopt children jointly is not explicitly granted in the bill, the removal of gender from the framework of marriage means that gay and lesbian parents receive the same treatment as heterosexual parents.

Following the passage of the law, approximately 835 same-sex couples were married as of late December, according to figures provided by the Federation of Gays, Lesbians, Transvestites, and Bisexuals.

In December 2009 the First Criminal Court of Salta sentenced Sergio Alfredo Nunez and Silvio Elias Soria to life imprisonment for their roles in the 2006 killing of transgender activist Pelusa Liendro.

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

The Bahamas

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

Societal discrimination against gay men and lesbians occurred, with some persons reporting job and housing discrimination based upon sexual orientation. Although homosexual activities between consenting adults are legal, no legislation addresses the human rights concerns of gay, lesbian, bisexual, or transgender persons. The 2006 Constitutional Review Commission found that sexual orientation did not deserve protection against discrimination.

A jury acquitted Troyniko McNeil, accused of the 2008 killing of a reportedly gay person, handbag designer Harl Taylor. At year's end the Public Service Commission was still investigating two other 2008 killings of reportedly gay individuals.

Barbados

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

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

Human rights abuses included civilian killings and the use of excessive force by security forces, which the government took steps to prosecute administratively in some cases. Other problems included lengthy pretrial detention, domestic violence, discrimination against women, sexual abuse of children, trafficking in persons, discrimination based on sexual orientation, and child labor.

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

The law does not protect sexual orientation or gender identity. The criminal code states that "carnal intercourse" with "any person" "against the order of nature" shall receive a punishment of 10 years' imprisonment. 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.

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 possible adverse reaction.

Bolivia

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

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

Brazil

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

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

On April 27, the STF decided in favor of a gay couple adopting a child, rejecting a request from the state prosecutor's office of Rio Grande do Sul that the STF overturn a state court decision in favor of the couple.

NGOs organized gay pride or sexual diversity parades in approximately 30 cities during the year, with cooperation and support from most large municipal governments. The Sao Paulo Gay Pride Parade Association estimated that more than three million persons participated in the annual parade on June 6.

Many municipalities conducted public awareness programs during the year aimed at reducing homophobia.

In August the Rio de Janeiro state Secretariat for Public Security created a public security taskforce to promote lesbian, gay, bisexual, and transgender rights and established a hotline for reporting crimes motivated by homophobia. This taskforce also informed training courses for military police recruits.

Between January and September, the NGO Bahia Gay Group received 165 reports of killings in the country based on sexual orientation and gender identity, an increase from 115 during the same period in 2009. Gay men were the most affected group, followed by transvestites and lesbians. On June 21, 14-year-old Alexandre Thome Ivo Rajao was beaten and killed after he and his friends reported threats by a group of skinheads to a police precinct in Rio de Janeiro; three suspects were arrested. Activist groups claimed that violence against gay, lesbian, and transgender persons and, in particular transvestites, was underreported (see also section 1.a.). NGOs reported routine police harassment of transvestite prostitutes.

On December 7, military police announced their intention to increase foot patrols on Avenida Paulista, a major thoroughfare in Sao Paulo, after what were believed to be homophobia-related attacks on five persons in the space of three weeks. On November 14, a group of five individuals allegedly beat four persons in three separate attacks while shouting homophobic epithets. Authorities arrested four suspects in the case.

In January the Rio de Janeiro state government created the Reference Center against Homophobia and Religious Intolerance. The center provides legal, psychological, and social assistance to the victims of violence and/or discrimination.

Canada

On March 30, an individual filed an appeal of a December 2009 Alberta provincial court decision that had overturned a 2008 order of the Alberta Human Rights and Citizenship Commission against Reverend Stephen Boissoin. The Commission found that Boissoin violated the province's human rights code by

writing a letter critical of homosexual conduct. The appeal remained pending at the end of the reporting period.

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

The federal statistical agency reported 159 incidents of police-reported hate crimes motivated by sexual orientation in 2008, constituting 16 percent of all hate incidents. The total almost doubled from 2007, and 75 percent of incidents involved a violent offense. The law prohibits discrimination based on sexual orientation or gender identity, and the criminal code provides penalties for crimes motivated by bias, prejudice, or hate based on personal characteristics, including sexual orientation. Lesbian, gay, bisexual and transgender organizations operated independently and without restriction. 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 and occupation, housing, statelessness, or access to education or health care.

On July 1, police charged two men with assault causing bodily harm in connection with a violent attack on a gay male couple in Vancouver, British Columbia, on June 12. The assailants allegedly uttered homophobic slurs during the attack.

In June the Nova Scotia Human Rights Commission closed its investigation into the 2009 complaint of a former employee of a provincial youth facility who had alleged that he had experienced severe and prolonged sexual harassment in the workplace based on his sexual orientation. The parties agreed that the facility would provide workplace programs and services to address discrimination against vulnerable groups, including homosexual youth.

In June a gay man withdrew his complaint before the Ontario Human Rights Tribunal that his parish priest had removed him from his volunteer position as a church altar server in 2009 because of his sexual orientation. The complainant reconciled with church officials.

There were no developments in a 2009 lesbian couple's complaint filed 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.

In May a provincial court heard an appeal of a lower court ruling that upheld a fine imposed by the Saskatchewan Human Rights Tribunal on a provincial marriage commissioner in 2008 for refusing to conduct a same-sex ceremony contrary to his religious beliefs. The appellant argued for a duty exemption on the basis of his constitutional right to freedom of religion. The case remained pending at year's end.

In April a British Columbia court sentenced an individual to 17 months in prison for a 2008 hate-motivated violent assault on a gay couple in Vancouver.

In November a British Columbia court sentenced an individual to six years in prison for a March 2009 aggravated sexual assault on a gay bar patron that left the victim permanently brain damaged. The judge found that the attack constituted a hate crime.

On December 21, the Alberta government deleted homosexuality from its official diagnostic guide to mental disorders for physicians practicing in the publicly-funded medical system, and ordered a review of the wording of the manual.

Chili

In April the IACHR had issued a report, which concluded that Atala's rights were violated and urged the government to make reparations to her and to adopt legislation, policy, and programs to prohibit discrimination based on sexual orientation.

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

Gay marches and rallies occurred in Santiago and elsewhere in the country without violence or other incidents. The events received appropriate government authorization. The Movement for Homosexual Integration and Liberation (MOVILH) reported 124 cases of discrimination due to sexual orientation in 2009, compared with 65 reported cases in 2008, an increase the MOVILH attributed to the open debate over the rights of sexual minorities during the 2009 presidential campaign, the publication of a manual on diversity and sexual orientation education, and a decision by the family court to grant a gay man custody of his two children.

In May 2009 a LGBT couple (former carabinieri) sued the state for 50 million pesos each (\$96,000), 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

harassment of human rights groups and activists, including unfounded prosecutions; violence against women, including rape; violence against Lesbian, Gay, Bisexual and Transgender (LGBT) persons based on sexual orientation

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

Colombia Diversa, an NGO focused on violence and discrimination due to sexual orientation, reported at least 50 killings during the year due to prejudice regarding sexual orientation. On October 2, two unknown male assailants shot and killed transgender Raiza Valencia Cuero in the "El Rodeo" neighborhood of Cali. 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 a pension; nevertheless, Colombia Diversa reported the law was frequently not applied due to lack of knowledge by government employees. In a 5-to-4 vote on November 11, the Constitutional Court upheld Colombia's ban on same-sex marriage. The Court decided that the case before them did not contain a sufficient legal argument and additional information was needed. At year's end the Constitutional Court was reviewing a case regarding adoptions by same-sex couples but had not released a decision. The city of Bogota implemented an outreach campaign regarding LGBT issues, and every administrative department in the municipal government has a specialist on LGBT issues. The mayor of Cartagena also called for increased outreach on LGBT issues. There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. The city of Bogota's Department of Sexual Diversity released a study which reported 98 percent of the LGBT community faced discrimination, particularly in schools and workplaces. The report showed that 53 percent of the LGBT community has been physically attacked for their sexual orientation or gender identity identity, and in 61 percent of cases the attacker is closely related to the victim. Transgender individuals were victimized the most (64 percent of the community), followed by lesbians (57 percent of the community). This data aligned with reports from Colombia Diversa about 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. On May 17, in Bucaramanga police beat and pepper sprayed three LGBT youths while insulting them for their sexual orientation. According to LGBT NGOs these attacks frequently occurred, but victims did not pursue cases for fear of retaliation.

On February 24, the CNP issued Permanent Directive 004 to continue procedures within the CNP to ensure the LGBT community receives respect and protection of its rights. Colombia Diversa and Cali-based NGO Santamaria Foundation claimed that the directives were insufficient to measure the CNP's progress and that violations had not decreased.

Due to increased pressure not only from Colombian LGBT activists, but also the international community, the state government of Valle del Cauca included sexual diversity in its Human Rights Action and Development Plan. The state government worked with ten municipalities and developed an awareness and training program for government employees, along with victim assistance and health-related programs. The city of Cali created a consultative group regarding sexual diversity that includes representatives from NGOs like Santamaria. A report by the mayor's office cited high levels of discrimination, exclusion, and human rights violations in the transgender community. Programs about sexual diversity were included in schools, with the inclusion of transgender women, in an effort to shift cultural norms; in August the program was suspended. The city of Cali's Secretary of Education received complaints from parents and other community members that the program would promote homosexuality or transgender activities by students and decided to halt the program.

In recognition of World AIDS Day on December 1, the Ministry of Social Protection in collaboration with the United Nations Population Fund (UNFPA) launched a communications campaign to combat the stigmatization and discrimination of those living with HIV/AIDS. The campaign, "We Are Different, But Equal," featured transgender activist Valentina from the Santamaria Foundation. UNFPA explained the campaign intended to highlight the diverse population affected by the disease including some members of the transgender community.

The Office of the Inspector General launched a program, "Strengthening the Preventive Role of the Inspector General on LGBT Population Rights," to provide monitoring of public policies, ensure compliance with judicial decisions, and recommend international tribunals regarding LGBT cases. In addition, it implemented a civil servant training program that involved over 300 public employees on respecting the rights of LGBT individuals including updates to case law, providing differentiated services, and the development, and dissemination of a preventive action plan.

Despite these efforts, Colombia Diversa asserted that members of the Inspector General's Office continued to publicly oppose same sex marriage to the Constitutional Court. NGOs claimed that violence in prisons against persons due to their sexual orientation remained a problem, and they reported confinement and isolation of incarcerated lesbians resulted in the suicide of Dayana Perez on October 25, in the Jamundi Prison. In addition, there have been instances where medical services for transgender men have been denied.

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 26; there were no reports of insufficient security for the participants.

Costa Rica

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

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

Organizations for lesbian, gay, bisexual, and transgender persons operated freely and lobbied for legal reforms. On June 27, a gay pride march occurred in San Jose; police authorized the march and provided protection to marchers.

The Ombudsman's Office resolved one of four complaints of discrimination based on sexual orientation that it received during the year. In August the Supreme Court's Constitutional Chamber rejected a proposed referendum vote on civil unions between individuals of the same sex. The ruling annulled a TSE resolution that authorized the collection of signatures for a referendum vote to be held during the December municipal elections. The justices ruled that such a referendum would put the minority gay and lesbian population at a disadvantage, requiring government authorities to protect their rights. The court stated that the decision on homosexual civil union is a legislative, not an electoral issue.

In June the TSE issued new rules for national identification cards to respect sexual identity on photographs. The new rules must be applied in the TSE regional offices and consulates abroad.

Cuba

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

Officially, there was no discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, societal discrimination based on sexual orientation or gender identity persisted, and police occasionally conducted sweeps in areas where gay men congregated. In November gay rights activists reported that police conducted raids on several areas frequented by gay men in Santa Clara and detained a number of gay men. The men were taken to local police stations where they were fined and threatened with prosecution for social dangerousness.

In September during an interview with the foreign press, former president Fidel Castro acknowledged and accepted responsibility for the mistreatment of gays and lesbians during the 1960s and 70s, when they were considered "counter-revolutionaries" and many were sent to re-education camps. Mariela Castro, President Castro's daughter, headed the national Center for Sexual Education and continued to be outspoken in promoting gay rights. In January she acknowledged publicly that some discrimination continued to exist against lesbian, gay, bisexual, and transgender (LGBT) persons and called on the CP to take steps to eliminate it. Despite these efforts, several nongovernment gay rights activists asserted that the government had not done enough to stop harassment of LGBT persons.

Dominica

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

The law criminalizes consensual homosexual relations. Although no statistics were available, anecdotal evidence suggested that societal discrimination against gays and lesbians was common in the socially conservative society. There were very few openly gay men or lesbians. Family members of a September murder victim publicly claimed that the perpetrator attacked the victim because the attacker believed the victim was a member of the LGBT community.

Ecuador

The constitution prohibits discrimination based on race, gender, disability, language, or social status; however, women, persons with disabilities, indigenous persons, Afro-Ecuadorians, and gay, lesbian, bisexual, and transgender persons continued to face discrimination.

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

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

Lesbian, gay, bisexual, and transgender (LGBT) organizations reported no incidents of violence perpetrated by police or other government agents towards their organizations. Such groups organized multiple gay-pride marches in the preceding decade, including one in Quito on July 4, with the authorization of pertinent authorities and received police protection. An LGBT film festival was organized in six cities in September. However, LGBT groups claimed that police and prosecutors did not thoroughly investigate deaths of LGBT individuals, including when there is suspicion that the killing was because of sexual orientation.

Societal discrimination was present. Members of the LGBT community continued to report that their right of equal access to formal education was violated frequently. The LGBT population involved in the sex industry reported abusive situations, extortion, and mistreatment by security forces but did not file or press charges in the Office of the Public Prosecutor.

El Salvador

violence and discrimination against sexual minorities

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There was discrimination against women; persons with disabilities; lesbian, gay, bisexual, and transgender persons, and indigenous people. The Secretariat for Social Inclusion, created in June 2009 by President Funes, who named the first lady Vanda Pignato as secretary, made efforts to overcome traditional bias in all these areas.

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

Although the law prohibits discrimination on the basis of sexual orientation, in practice discrimination was widespread, especially against transgender persons. In January the new administration approved the legal registration application filed in August 2009 by the gay rights NGO Entre Amigos. This is the first NGO focused on sexual minorities registered by the government whose primary declared work was other than the prevention of HIV/AIDS.

There was widespread official and societal discrimination based on sexual orientation in employment and access to health care and identity documents. 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 stated that the PNC and OAG ridiculed them when they reported cases of violence against LGBT persons. The government responded to these abuses primarily through PDDH reports that publicized specific cases of violence and discrimination against sexual minorities.

On May 13, President Funes signed an order forbidding workplace discrimination in government offices based on sexual orientation. The order also created the Office of Sexual Diversity within the Secretariat of Social Inclusion. In general violence and discrimination against sexual minorities went unpunished.

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

Entre Amigos reported the killings of two persons from the LGBT community during the year, compared with 23 during 2009. Entre Amigos attributed the decline to the end of the debate over a proposed constitutional amendment to define marriage as only between a man and a woman.

Grenada

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

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. Members of sexual minorities generally did not acknowledge openly their sexual orientation. The Grenada Caribbean HIV AIDS Program (GrenCHAP) participated on the National AIDS Council and served as an advocate for sexual minorities and at-risk populations. There were no reports of violence linked to sexual orientation. There were no reports that sexual orientation affected employment and occupation, housing, statelessness, or access to education or health care.

Guatemala

discrimination on the basis of sexual orientation and gender identity

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

Lesbian, gay, bisexual, and transgender (LGBT) rights support groups alleged that members of the police sometimes 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 LGBT persons in access to education and health care, employment, statelessness, and housing. The government undertook minimal efforts to address this discrimination.

Guyana

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

Sodomy is punishable with a maximum sentence of life in prison. There are no laws concerning female-to-female sex.

In February 2009 police arrested several transgender persons and took them before the acting chief magistrate, who ordered levied a fine of 7,500 Guyanese dollars (\$37). The magistrate told them they were "confused" about their sexuality and gender, stating "it's a curse on the family." Following this incident the Society Against Sexual Orientation Discrimination and four of the individuals filed a motion in the High Court against the law criminalizing cross dressing; the case remained pending at year end.

Haiti

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

There was a minimal presence of lesbian, gay, 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

violence and discrimination against persons based on sexual orientation

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On November 22, the government swore in Ana Pineda as minister of the Secretariat of State for Human Rights and Justice, created by the legislature on September 28 to promote inter-institutional coordination of respect for human rights and to design policies and programs to strengthen rule of law, access to justice, and protection of vulnerable groups. On December 20, the National Congress allocated 35 million lempiras (\$1,842,100), of 50 million lempiras (\$2,632,500) requested for the operation of the secretariat.

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There were a number of reported hate crime killings by unknown actors of members of the lesbian, gay, bisexual, and transgender (LGBT) community, including the May and August fatal shootings respectively of Neraldys and Imperia Gamaniel, leaders of the NGO Colectivo TTT (see section 6).

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

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

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 January the NGOs Lesbian Gay Rainbow Association of Comayaguela (ARCOIRIS) and CIPRODEH released a report documenting killings and other serious human rights abuses reportedly perpetrated by member of the security forces and other individuals against members of the LGBT community. For example, on September 9, a court sentenced police officer Amado Rodriguez Borjas to between 10 and 13 years' imprisonment for a 2008 attack on Nohelia, a transgender person, who had resisted Rodriguez Borjas' advances. On September 8, a court found Rodriguez Borjas guilty of aggravated attempted homicide for attacking "Protected Witness E," who had witnessed the assault on Nohelia. As of October Rodriguez Borjas, in prison for the attack on Nohelia, was also awaiting sentencing in the "Protected Witness E" case.

On May 17, the LGBT community organized a demonstration in Tegucigalpa to raised awareness about homophobia. In July the NGO Gay Community of San Pedro Sula organized a gay pride event, which the government authorized. On December 13, the LGBT community organized a demonstration in front of the Public Ministry to commemorate the one-year anniversary of the killing of LGBT and HIV/AIDS activist Walter Trochez. It was not known if the police provided sufficient protection for participants at these events.

In May unknown persons fatally shot in San Pedro Sula transvestite Neraldys, vice president of Colectivo TTT. On August 31, two unknown persons on a motorcycle reportedly fatally shot in San Pedro Sula transvestite sex worker and president of the LGBT NGO Colectivo TTT, Imperia Gamaniel Parson. Human rights advocates asserted that these killings were hate crimes. LGBT activists submitted a complaint to the prosecutor in San Pedro Sula. At year's end there was no information regarding any investigation of these killings (see section 1.a.).

In October LGBT activists reported that authorities located the vehicle used by unknown assailants in the January 2009 fatal shooting of Cynthia Nicole, a transgender sex worker. LGBT rights defenders also reported that authorities were in the process of issuing an arrest warrant for a suspect.

At year's end, there was no information available regarding any investigation of the June 2009 fatal shooting by unknown assailants of transvestite sex worker Vicky Hernandez Castillo in San Pedro Sula during a curfew imposed by the de facto regime.

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

There was no information available, and none was expected, regarding any response by the Committee on Human Rights to an LGBT rights advocate's complaint that authorities reportedly denied transgender persons national identity cards because the applicants were wearing cosmetics and feminine accessories.

On June 9, a tribunal in Tegucigalpa sentenced police officer Nelson Daniel Gaytan to 39 months imprisonment and a fine of 50,000 lempiras (\$2,630) for the crime of illegal detention in relation to the 2007 police beating, detention, and gang rape while in detention, of LGBT activist Donny Reyes.

There was no information available, and none was expected, regarding the status of a police officer awaiting trial in 2009 for unlawful detention in 2007 of several members of ARCOIRIS.

Jamaica

violence against persons based on their suspected or known sexual orientation

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

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

The Jamaica Forum for Lesbians, All Sexuals, and Gays (J-FLAG) continued to report human rights abuses, including arbitrary detention, mob attacks, stabbings, harassment of gay and lesbian patients by hospital and prison staff, and targeted shootings of such persons. Police often did not investigate such incidents. During the year, J-FLAG received 43 reports of sexually motivated harassment or abuse, which included 26 cases of attempted or actual assault, including three murders and three cases of rape. This violence created a climate of fear that prompted many gay persons to emigrate, while the gross indecency laws left those who remained vulnerable to extortion from neighbors who threatened to report them to the police unless they were paid off.

In September six men brutally gang-raped a lesbian woman and cut her genitals after the assault ended. These men had previously taunted their victim, and this attack typified a phenomenon known as "corrective rape," whereby rapists justify their actions under the rationale that forcing their victim into sex will somehow convert the injured party to heterosexuality. Three days later a taxi driver raped another lesbian woman in an unrelated attack staged in the same northern parish of St. Ann's. J-FLAG

protested both rapes, stating that the women were attacked because of their sexual orientation. The organization believed that, as with heterosexual women, many homosexual rape victims were hesitant to report their abuse out of fear, shame, or for any number of personal reasons, suggesting that the actual incidence of sexual violence perpetrated against such persons could be notably higher.

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. Victims reported numerous cases of threats and intimidation to J-FLAG. In many instances family members expelled their own relatives from homes because of sexual orientation. In other cases neighbors drove gay and lesbian persons out of their communities, slashing tires and hurling insults. Many gays and lesbians faced death and arson threats, with some threats also directed at J-FLAG offices. As a result of such threats, J-FLAG elected not to publicize its location, and one of its officials reported feeling unsafe having meetings with clients at the organization's office.

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 in early 2011.

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. Human rights NGOs and government entities agreed that brutality against such persons, primarily by private citizens, was widespread in the community.

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Laws banning homosexual acts and societal attitudes prevented distribution of condoms in prisons and similar institutions.

Mexico

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

While society increasingly accepted homosexual conduct, CNDH and 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 persons participated, was held in June in Mexico City. In December 2009 Mexico City legalized gay marriage and adoption, which took

effect in March. In August the Supreme Court ruled that all 31 states were required to recognize gay marriages conducted in states that permitted it and upheld a law that allows gay couples in the capital to adopt children.

Nicaragua

widespread societal discrimination and abuse of 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

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. LGBT persons continued to face widespread societal discrimination and abuse, particularly in employment, housing, and education. In 2009 the human rights ombudsman created the position of a special prosecutor for sexual diversity to champion LGBT issues; the LGBT community generally regarded this position as ineffective and deficient in resources. It was difficult to measure trends, because LGBT human rights violations were underreported and often mischaracterized.

Although not authorized by the government, during the year two gay pride events occurred in Managua. There were no reports of violence directed against these events.

Panama

societal discrimination based on sexual orientation and gender identity

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Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity
The law does not prohibit discrimination based on sexual orientation.

There was societal discrimination based on sexual orientation and gender identity, which often led to denial of employment opportunities. The PNP's regulations describe homosexual conduct as a "grave fault."

In July the advocacy group New Men and Women of Panama issued a report that documented incidents between April and June of discrimination against lesbians involved in child-custody cases and of PNP

agents who refused to aid a stabbed transsexual who was a minor or take him to the hospital. No known investigations were pending at year's end.

In June the advocacy group organized an annual gay pride parade that the government authorized. There was no police protection for parade participants, but no incidents were reported.

Paraguay

Violence against women continued, as did discrimination against women, persons with disabilities; indigenous persons; and 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 Public Ministry is responsible for investigating discrimination cases; however, government agents often condoned such discrimination. For example, on April 7, family members of 20-year-old Norma Beatriz Machado Rivarola forcibly took her from her partner's home, beat her, and locked her in her parent's house. The complaint she filed with the prosecutor's office on April 23 had not been acted upon by year's end.

Penalties for the crime of having sex with a minor between the ages of 14 and 16 vary, 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, which operated during the year without governmental interference, conducted two gay pride marches during the year. The government issued the required permits and provided sufficient security in both cases.

There were no developments regarding the 2008 attacks on and killings of transgender persons Lupita, Laura, and Gaby, and none were expected.

There are no laws explicitly prohibiting discrimination against LGBT individuals in employment, housing, access to nationality, access to education, or health care, but all types of discrimination occurred frequently. There was also societal discrimination based on sexual orientation.

In March the Interior Ministry signed a cooperation agreement with the NGO Somosgay to provide tolerance and antihomophobia training to police.

Peru

There was also some discrimination against racial- and ethnic-minority individuals; indigenous persons, lesbian, gay, bisexual, and transgender (LGBT) persons;

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

There are no laws specifically prohibiting discrimination against persons based on sexual orientation, and such discrimination occurred. Government authorities, including police, sometimes harassed and abused LGBT persons.

On March 29, a court handed down a four-year suspended sentence against two police members for not assisting a transsexual person who was beaten and injured by a gang.

The case of the January 2009 kidnap and alleged torture of a transgender woman, known as Techí, by members of a neighborhood-watch patrol remained at year's end in the Second Court of Tarapoto.

On July 10, a gay pride march occurred in Lima. By law organizers must inform the Interior Ministry of their intention to hold a public gathering. There were no impediments or incidents related to the march, and police provided sufficient protection.

There were some instances of official and societal discrimination based on sexual orientation in employment, housing, statelessness, and access to education or health care during the year.

The Constitutional Tribunal determined in December 2009 that homosexuality is not an impediment to entry into the armed forces or the police when it ordered the police academy to reinstate an expelled student. The Ministry of Interior Handbook of Human Rights Applied to the Civil Police stipulates that police must respect human rights, especially of the most vulnerable groups, and referred explicitly to the rights of lesbian, gay, and transvestite individuals.

Saint Kitts and Nevis

Human rights problems included use of excessive force by police, poor prison conditions, violence against women, and discrimination against homosexuality.

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

2010 State Department Human Rights Reports

There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Male homosexual acts are illegal and carry penalties up to 10 years in prison. Female homosexual acts are not barred by statute.

Societal attitudes towards homosexuality impede operation and free association of lesbian, gay, bisexual, and transgender (LGBT) organizations and the openness of LGBT persons. However, there were no reports of actual violence or discrimination based on sexual orientation.

Saint Vincent and the Grenadines

There were continued human rights problems in some areas, primarily impunity for police who used excessive force, poor prison conditions, an overburdened court system, violence against women, abuse of children, and discrimination against homosexual persons.

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

There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Homosexual acts for both sexes are illegal under indecency statutes, and some male homosexual acts are also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse carries a maximum penalty of 10 years in prison. Although no statistics were available, anecdotal evidence suggested there was social discrimination against lesbians, gays, bisexual, and transgender (LGBT) persons in the deeply conservative society. There were few openly LGBT persons in the country.

Surinam

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

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

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

Trinidad and Tobago

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

Although the law criminalizes consensual homosexual relations, providing penalties of up to 25 years' imprisonment, the government generally did not enforce such legislation, except when paired with more serious offenses such as rape. Immigration laws also bar the entry of homosexual persons into the country, but the legislation was not enforced.

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

Uruguay

The 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 investigated 70 claims from Afro-Uruguayans, persons with disabilities, and lesbian, gay, bisexual, and transgender (LGBT) persons. There were five cases brought to the commission's attention during the year, only one of which it referred for legal action.

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

No laws criminalize sexual orientation, and authorities widely protected the rights of the LGBT community. The LGBT community benefits from many rights, 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. However, the technical commission that reviews applicants who want to formally request a change of gender has not yet been formed; therefore, the right for transgender individuals to change their gender exists only in theory and not in practice.

In September the LGBT community joined with other civil rights and gender-rights groups in an annual "Diversity March," which drew nearly 10,000 participants. Police generally afforded protection to the LGBT community. Hate crimes were rare, but there were isolated reports of street violence against individuals leaving gay bars; the police did not intervene in these incidents. There were occasional reports of nonviolent societal discrimination based on sexual orientation and gender identity.

Venezuela

The law prohibits discrimination based on race, gender, sexual orientation, disability, language, or social status; however, discrimination against women, persons with disabilities, and indigenous persons and discrimination based on sexual orientation were problems.

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

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

Violence against lesbian, gay, transgender, and bisexual (LGBT) communities reportedly occurred during the year.

On October 29, the president of the NGO Diversity and Sexual Equality before the Law testified before the IACHR on the rights of LGBT persons. According to her testimony, based on a 2008 study involving more than 750 interviews, more than 50 percent of lesbians and gays reported suffering from societal violence or police abuse. In cases of transgender persons, 83 percent reported having been victims of such violence or abuse. She also claimed the government systematically denied legal recognition to transgender persons by preventing them from obtaining identity documents required for accessing education, employment, housing, and health care. She said the Supreme Court had not yet acted on her 2004 petition for legal recognition.

On July 14, the NGO Diverse Venezuela reported that six transgender persons were killed in Caracas in 2009. Nationwide statistics of violence against transgender persons were unavailable. Media frequently

reported on hate crimes against transgender persons, but NGOs reported difficulties in following individual cases.

The media and leading advocates for the rights of LGBT persons noted that victims of hate crimes based on sexual orientation frequently did not report the incidents and were often subjected to threats and/or extortion if they filed official complaints with local police or authorities.

On May 5-7, the Public Defender's Office hosted an international seminar on sexual diversity in Caracas in order to promote discussion on ways to eliminate discrimination against the LGBT sector. The public defender said the event was undertaken as a way to help public defenders develop the methodological and conceptual tools to process complaints by LGBT persons of human rights violations.

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On November 19, the Ministry of Interior and Justice published in the Official Gazette guidelines for the National Police and its officers relating to respect for gender identity and sexual orientation.