

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 rights conditions, in particular as these conditions affect the well-being of women, children, racial and

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

religious minorities, trafficking victims, members of indigenous groups and ethnic communities, persons with disabilities, sexual minorities, refugees, and members of other vulnerable groups.

Country Specific References

Africa

Angola

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

The law does not criminalize homosexuality or sodomy, although discussing homosexuality in society was highly taboo. The constitution defines marriage as between a man and a woman, but the law does not differentiate between male to male or female to female sex. NGOs have reported a small but underground lesbian, gay, bisexual, and transgender community in Luanda. On June 25, the television station TPA broadcasted a program where a member of the gay community discussed discrimination and intimidation based on sexual orientation.

Benin

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

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

Botswana

Some human rights problems remained, including abuse of detainees by security forces, poor prison conditions, and lengthy delays in the judicial process. There were reports of restrictions on press freedom. Societal problems included discrimination and violence against women; child abuse; trafficking in persons; and discrimination against persons with disabilities, gays and lesbians, persons with HIV/AIDS, and persons with albinism. There was societal discrimination against the San people, and the government's continued narrow interpretation of a 2006 high court ruling resulted in the majority of San who originally relocated from the Central Kalahari Game Reserve (CKGR) being prohibited from returning to or hunting in the CKGR. The right to strike was restricted, and child labor was a problem.

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

The country has no law criminalizing sexual orientation. However, what the law describes as "unnatural acts" are criminalized, and there is widespread belief this is directed toward gay, lesbian, bisexual, and transgender persons. The police do not target homosexual activity, and there were no reports of violence against persons based on their sexual orientation or gender identity during the year. However, there were reports of societal discrimination and harassment of gay, lesbian, bisexual, and transgender

persons. An independent organization LEGABIBO (Lesbians, Gays, and Bisexuals of Botswana) attempted to register as an NGO to advocate for the rights of gay, lesbian, transgender, and bisexual persons, but the government refused to allow it to do so.

Burkina Faso

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

The law does not discriminate on the basis of sexual orientation in employment and occupation, housing, statelessness, or access to education or health care. However, societal discrimination based on sexual orientation and gender identity remained a problem. Religious and traditional beliefs do not tolerate homosexual conduct, and lesbian, gay, bisexual, and transgender (LGBT) persons were reportedly occasional victims of verbal and physical abuse. There were no reports that the government responded to societal violence and discrimination against such persons.

LGBT organizations had no legal presence in the country but existed unofficially. There were no reports of government or societal violence against such organizations.

Burundi

Human rights abuses during the year included security force killings, torture, and mistreatment of civilians and detainees; official impunity; societal killings and vigilante justice; harsh, life-threatening prison and detention center conditions; prolonged pretrial detention and arbitrary arrest and detention; detention and imprisonment of political prisoners and political detainees; lack of judicial independence and efficiency; official corruption; restrictions on privacy and freedom of speech, assembly, and association; sexual violence and discrimination against women and children; discrimination against gays and lesbians and persons with albinism; and restrictions on labor rights.

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

The law criminalizes homosexual acts, and anyone who has sexual relations with a person of the same sex can be fined or sentenced to between three months' and two years' imprisonment. At year's end no one was prosecuted under this provision.

Although discrimination existed, it was not always overt or widespread. Families sometimes disowned children who refused to deny their homosexual identity, and gays and lesbians often entered opposite-sex marriages due to social pressure. The lesbian, gay, bisexual, and transgender (LGBT) rights organization Humure reported that 90 percent of the men they surveyed who engaged in male-to-male sex were married. Representatives of the LGBT community stated that after the 2009 passage of the revised penal code criminalizing same sex relations, they were subjected to more discrimination, but the number of cases remained small. The government took no steps to counter discrimination against gays and lesbians.

Cameroon

Human rights abuses included security force killings; security force torture, beatings, and other abuses, particularly of detainees and prisoners; harsh and life-threatening prison conditions; and arbitrary arrest and detention of citizens advocating secession, local human rights monitors and activists, persons not carrying government-issued identity cards, and others. There were incidents of prolonged and sometimes incommunicado pretrial detention and of infringement on privacy rights. The government harassed and imprisoned journalists, restricted freedoms of speech, press, assembly, and association, and impeded freedom of movement. Official corruption was pervasive at all levels. Societal violence and discrimination against women, female genital mutilation (FGM), trafficking in persons (primarily children), and discrimination against pygmies and gays and lesbians occurred. The government restricted worker rights and the activities of independent labor organizations. Child labor, hereditary servitude, and forced labor, including forced child labor, were problems.

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Violence and discrimination against women, trafficked persons, ethnic minorities, and gays and lesbians were problems.

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

Homosexual activity is illegal and punishable by a prison sentence of six months to five years and a fine ranging from 20,000 to 200,000 CFA francs (\$40 to \$400). During the year three persons in Douala and two in Yaounde were arrested for suspected homosexual activity. Authorities prosecuted at least four persons under this law during the year. Homosexual persons generally kept a low profile because of the pervasive societal stigma, discrimination, and harassment as well as the possibility of imprisonment. Gays and lesbians suffered from harassment and extortion by law enforcement officials. False allegations of homosexuality were used to harass enemies or to extort money.

On December 28, the Douala first instance court released from pretrial detention Alain Nje Penda, who was arrested for alleged homosexual acts in November 2009.

Several lesbian, gay, bisexual, and transgender organizations operated. There was a pattern of discrimination against members of such groups; however, no official cases were available for citation.

Cape Verde

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

Legal provisions helped provide protection for homosexual conduct; however, societal discrimination based on sexual orientation or gender identity continued to be a problem. There were no lesbian, gay, bisexual, or transgender persons' organizations active in the country.

Central African Republic

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

The penal code criminalizes homosexual behavior. The penalty for "public expression of love" between persons of the same sex is imprisonment for six months to two years or a fine of between 150,000 and 600,000 CFA francs (\$300 and \$1,200). When the relationships involve a child, the sentence is two to five years' imprisonment or a fine of 100,000 to 800,000 CFA francs (\$200 and \$1,600); however, there were no reports that police arrested or detained persons they believed to be involved in homosexual activity.

While there is official discrimination based on sexual orientation, there were no reports of the government targeting gays and lesbians. However, societal discrimination against homosexual conduct persisted during the year, and many citizens attributed the existence of homosexual conduct to undue Western influence.

Chad

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

There were no known lesbian, gay, bisexual, and transgender (LGBT) organizations. There were few reports of violence or discrimination against LGBT persons, in large part because most such persons were discreet about sexual orientation due to social and cultural strictures against homosexuality. The law prohibits but does not define "unnatural acts," and there was no evidence that the law was used against LGBT persons during the year.

Comoros

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

Homosexual acts are illegal. They can be punished by up to five years' imprisonment and a fine of 50,000 to 1,000,000 Comoran francs (\$139 to \$2,778). However, no case of this nature has come before the courts. No public debate on the issue has been held, and persons engaging in homosexual activity did not publicly discuss their sexual orientation due to societal pressure. There are no lesbian, gay, bisexual, and transgender organizations in the country.

Democratic Republic of the Congo

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

The constitution prohibits discrimination based on political, sexual, or religious orientation. There was not a large openly gay or lesbian community due to the social stigma associated with homosexuality. A law that was promulgated during the country's colonial era and still in force prohibits homosexual conduct as punishable by up to two years' imprisonment; however, the law was rarely enforced. The

most recent arrest under this law was in 1996, when several individuals were arrested in Pointe Noire and briefly detained for homosexual behavior.

There were no known cases of violence or discrimination against gays, lesbians, or transgendered individuals during the year. While discrimination may exist due to the social stigma surrounding homosexuality, no such cases were reported to the NGOs or covered by the media.

Republic of the Congo

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

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Cote d'Ivoire

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

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

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

Djibouti

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

There were no known reports of societal violence or discrimination based on sexual orientation. Societal norms did not allow for the public discussion of homosexuality, and persons did not openly acknowledge having a homosexual orientation.

Equatorial Guinea

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

There are no laws criminalizing sexual orientation; however, societal stigmatization and traditional discrimination against gay men and lesbians was strong, and the government made little effort to combat it.

Eritrea

Human rights abuses included abridgement of citizens' right to change their government through a democratic process; unlawful killings by security forces; torture and beating of prisoners, sometimes resulting in death; abuse and torture of national service evaders; harsh and life-threatening prison conditions; arbitrary arrest and detention, including of national service evaders and their family members; executive interference in the judiciary and the use of a special court system to limit due process; and infringement of privacy rights. National service obligations are effectively open-ended although the government does not acknowledge this circumstance. There is no due process and persons remain in jail for years. The government severely restricted freedoms of speech, press, assembly, association, and religion. The government also limited freedom of movement and travel for all citizens, foreign residents, the UN, humanitarian and development agencies; it harassed and tightly controlled the movements of foreign diplomats. Foreign diplomats are required to apply for travel permits in writing 10 days in advance, even for consular emergencies, and travel permit applications were often not answered or refused. Restrictions continued on the activities of national and international nongovernmental organizations (INGOs). Female genital mutilation (FGM), although prevalent in rural areas, declined significantly in urban areas, according to trusted sources. Societal abuse and discrimination against women, members of the Kunama ethnic group, gays and lesbians, members of certain religious groups, persons with disabilities, and persons with HIV/AIDS remained areas of concern. There were limitations on worker rights, and the government was party to forced labor on its citizenry. Children were engaged in forced labor.

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There were credible repeated reports of the following detention practices and outcomes: release after providing proof of completion of national service requirements, release after being threatened with death for continued religious activity, release after being threatened with death for continued homosexuality activity, release after recanting of religious faith or declaring allegiance to the Eritrean Orthodox Church, release after paying a fine equivalent of hundreds or thousands of dollars or having another Eritrean put up their house as collateral, release after unpaid forced labor such as picking vegetables for several months, release just before imminent death caused by torture during detention, unconditional release, indefinite detention, inadequate provision of food, torture and confinement in crowded unsanitary conditions subject to extreme temperatures (see section 1.c.).

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

Homosexuality is illegal, and individuals continue to be prosecuted under article 600 of the penal code. During the year there were unconfirmed reports that the government carried out periodic roundups of individuals considered gay and lesbian, and gays and lesbians faced severe societal discrimination. The government accused foreign governments of promoting the practice to undermine the government. There were uncorroborated reports that known gays and lesbians in the armed forces were subjected to severe abuse. There were no known lesbian, gay, bisexual, or transgender organizations in the country.

Ethiopia

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

Homosexuality is illegal and punishable by imprisonment under the criminal code. Instances of homosexual activity involving coercion or involving a minor (ages 13 to 16) are punishable by imprisonment prison term of anywhere from three months to five years. Where children under 13 years of age are involved, the law provides for imprisonment of five to 25 years. There were some reports of violence against lesbian, gay, bisexual, and transgender individuals; however, reporting was limited due to fears of retribution, discrimination, or stigmatization.

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

In 2008 nearly a dozen religious figures adopted a resolution against homosexuality, urging lawmakers to endorse a ban on homosexual activity in the constitution. The group also encouraged the government to place strict controls on the distribution of pornographic materials. At year's end no action had been taken on the resolution.

Gabon

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

Discrimination and violence against lesbian, gay, bisexual, and transgender (LGBT) persons was a problem, and LGBT individuals often kept their status secret from the community for fear of being harassed or discriminated against.

The Gambia

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

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

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

In a March 2009 speech before the National Assembly, President Jammeh called homosexual conduct "strange behavior that even God will not tolerate." The president previously described homosexual conduct as a criminal practice and told police to arrest persons practicing homosexual activity and to close motels and hotels that accommodated them. In 2008 the president ordered all LGBT persons to leave the country within 24 hours and threatened to cut off their heads. Despite this statement, there were no reported incidents of physical violence against LGBT individuals. There were no LGBT organizations in the country.

There is strong societal discrimination against LGBT individuals, but officially there are no laws that deny such individuals access to citizenship, employment, housing, education, or healthcare.

Ghana

Human rights problems included the following: use of excessive force by police, which resulted in deaths and injuries; ethnic killings and vigilante violence; harsh and life-threatening prison conditions; police impunity; prolonged pretrial detention; arbitrary arrest of journalists; corruption in all branches of government; violence against women and children, including female genital mutilation (FGM); societal discrimination against women, persons with disabilities, gays and lesbians, and persons with HIV/AIDS; trafficking in women and children; ethnic discrimination and politically motivated violence; and child labor, including forced child labor.

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

The law makes consenting homosexual acts a misdemeanor, and strong sociocultural beliefs discriminated against and stigmatized same-gender sex. There were no registered Lesbian, Gay, Bisexual, and Transgender (LGBT) organizations. LGBT persons faced widespread discrimination, as well as police harassment and extortion attempts. Gay men in prison often were subjected to sexual and other physical abuse.

On June 4, more than one thousand protesters in Takoradi, Western Region, participated in a peaceful rally against reports of gay and lesbian activities in their city. This was reportedly the first antigay protest in the country.

On December 22, the acting head of the CHRAJ spoke against discrimination during a radio interview on Accra-based CITI FM. She stressed that gays and lesbians should not be condemned based on societal attitudes and that the constitution provides for freedom from discrimination.

Guinea

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

There were no laws criminalizing sexual orientation, although there were deep social, religious, and cultural taboos against homosexual conduct. There were no official or NGO reports of discrimination against individuals based on their sexual orientation. However, during the opening of the UN Human Rights office in Conakry, the prime minister announced his belief that homosexuality is wrong and should be forbidden by law. He also said that sexual orientation should not be regarded as a basic human right. There were no lesbian, gay, bisexual, or transgender organizations active during the year, but there were no legal impediments to the operation of such groups.

Guinea-Bissau

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

There are no laws that criminalize sexual orientation; however, social taboos against homosexuality restricted freedom of sexual orientation. There were no reported violent incidents or human rights abuses targeting individuals based on their sexual orientation or identity. There was no official discrimination based on sexual orientation or gender identity in employment or access to education and health care. However, the law only recognized heterosexual married couples as entitled to larger government housing.

Kenya

The following human rights problems were reported: abridgement of citizens' right to change their government in the last national election; unlawful killings, torture, rape, and use of excessive force by security forces; mob violence; police corruption and impunity; harsh and life-threatening prison conditions; arbitrary arrest and detention; arbitrary interference with the home and infringement on citizens' privacy; prolonged pretrial detention; executive influence on the judiciary and judicial corruption; restrictions on freedom of speech, press, and assembly; forced return and abuse of refugees, including killing and rape; official corruption; violence and discrimination against women; violence against children, including female genital mutilation (FGM); child prostitution; trafficking in persons; interethnic violence; discrimination based on ethnicity, sexual orientation, and HIV/AIDS status; lack of enforcement of workers' rights; forced and bonded labor; and child labor, including forced child labor.

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There were numerous instances of mob violence and vigilante action resulting in serious injury. On February 12, near Mombasa, an armed mob of between 200 and 300 persons surrounded the Kenya Medical Research Institute (KEMRI), a government health center that provides HIV/AIDS services. Police arrived, took two KEMRI employees into custody for their protection but did not arrest members of the mob. On the same day the mob beat a man who had come to the health care center and were about to

set fire to him when the police took the beaten man into custody. The mob then gathered outside the police station. The following day, a mob severely beat a KEMRI volunteer, who was also taken into protective custody. Over the next week, mobs in the same area attacked and beat other persons suspected of being gay (see section 1.d. and 6).

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The constitution and law prohibit discrimination based on race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth. Government authorities did not enforce effectively many of these provisions. There was also evidence that some government and opposition officials tolerated, and in some instances instigated, ethnic violence. The law criminalizes homosexual activity.

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

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

Lesbian, gay, bisexual, and transgender (LGBT) advocacy organizations, such as the Gay and Lesbian Coalition of Kenya (GALCK), were permitted to register and conduct activities. There was frequent and widespread societal discrimination based on sexual orientation during the year.

For example, during the year persons put up "not wanted" posters of the GALCK president and other LGBT activists around Nairobi. The posters also had bible verses depicting homosexuality as a sin.

On February 12, near Mombasa, an armed mob of between 200 and 300 persons surrounded KEMRI. Police arrived, took two KEMRI employees into custody for their protection but did not arrest members of the mob (see section 1.c.). Over the next week, mobs in the same area attacked and beat other persons suspected of being gay.

Lesotho

The law does not address sexual orientation. It was unknown whether lesbian, gay, bisexual, and transgender (LGBT) persons faced discrimination in employment, housing, access to health care, access to education, or other areas. Homosexual conduct is taboo in society, and is not openly discussed. There were no reports of violence against LGBT persons during the year.

Liberia

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

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

Madagascar

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

The law does not prohibit discrimination against lesbian, gay, bisexual, and transgender (LGBT) activity, and there was general societal discrimination against the LGBT community.

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

The penal code provides for a prison sentence of two to five years and a fine of two to 10 million ariary (\$1,000 to \$5,000) for acts that are "indecent or against nature with an individual of the same sex under the age of 21." There are reports of official abuses occurring at the community level, such as administrative officials denying health services to transvestite men or breaking confidentiality agreements, although no cases have ever been pursued in court.

Malawi

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

Homosexual activity is illegal and is punishable by up to 14 years in prison in addition to corporal punishment.

On May 20, Tiwonge Chimbalanga and Steve Monjeza were found guilty of "carnal knowledge against the order of nature" and "gross indecency" and were sentenced to the maximum penalty of 14 years in prison with hard labor. On May 29, President Mutharika unconditionally pardoned them. Mutharika stated that he granted the pardon for humanitarian reasons only and stressed that homosexuality was still a crime in the country.

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

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

Mali

Principal human rights problems included arbitrary or unlawful deprivation of life, police abuse of civilians, poor prison conditions, arbitrary detention, lengthy pretrial detention, prolonged trial delays, executive influence over the judiciary, lack of enforcement of court orders, restrictions on freedom of speech and assembly, official corruption and impunity, domestic violence and discrimination against women, female genital mutilation (FGM), trafficking in persons, societal discrimination against black Tamasheqs, discrimination based on sexual orientation, societal discrimination against persons with HIV/AIDS, slavery-like practices and hereditary servitude relationships between ethnic groups, and child labor.

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

There were no publicly visible lesbian, gay, bisexual, and transgender (LGBT) organizations in the country. The free association of LGBT organizations was impeded by a law prohibiting association "for an immoral purpose"; in 2005 the then governor of the District of Bamako cited this law to refuse official recognition to a gay rights association. Although there was no official discrimination on the basis of sexual orientation, in practice, societal discrimination was widespread.

Mauritania

The following human rights problems were reported: security force abuse of suspects and detainees; prison overcrowding; restrictions on media freedom; official corruption; violence and societal discrimination against women; abuse and sexual exploitation of children; some abuse based on sexual orientation; discrimination against persons living with HIV/AIDS; restrictions on labor rights, antiunion discrimination, 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 criminalize homosexuality; however, it criminalizes the act of sodomy, and this prohibition is equally applied to gay, lesbian and heterosexual couples.

Lesbian, gay, bisexual, and transgender victims of verbal abuse or violence within the family reported such incidents to local NGO Collectif Arc en Ciel; however, victims refused to file complaints with police for fear of reprisal.

On September 14, the daily *L'Express* reported that a group of young men assaulted a gay man by throwing a rock at him. The victim, who suffered a leg fracture, filed a complaint against his assailants. A police investigation was ongoing at year's end.

At year's end there were no reports of governmental or societal discrimination based on sexual orientation in employment and occupation, housing, statelessness, or access to education or health care.

Mozambique

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

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

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

Namibia

Human rights problems included police use of excessive force; prison overcrowding and poor conditions in detention centers; arbitrary arrest, prolonged pretrial detention, and long delays in trials; criticism of nongovernmental organizations (NGOs); harassment and political intimidation of opposition members; and official corruption. Societal abuses included violence against women and children, including rape and child abuse; discrimination against women, ethnic minorities, and indigenous people; child trafficking; discrimination and violence based on sexual orientation and gender identity; 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 prohibit homosexual conduct; however, sodomy between males is illegal, and the practice of homosexual activity was discouraged.

Unlike in previous years, there were no reports that politicians made derogatory public comments about the lesbian, gay, bisexual, and transgender (LGBT) community.

In May the LGBT community held a march to protest the sentencing of a gay couple in Malawi; police provided an escort. However, Out-right Namibia, an organization that advocates for LGBT rights, reported that police generally did not take complaints of violence against LGBT persons seriously. Out-right Namibia claimed police often ridiculed LGBT persons when they reported cases of abuse.

Societal discrimination against the LGBT community continued. In July the company Cash Crusaders denied employment to Annanias "Tingy" Haufiku, a transvestite. The company manager allegedly told Haufiku the company did not employ "mofies" (gays). The LAC filed a case on Haufiku's behalf, and it continued at year's end.

Niger

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

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

Nigeria

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

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

Homosexual activity is illegal under federal law, and homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted Sharia law, adults convicted of engaging in homosexual activity may be subject to execution by stoning, although no such sentences have been imposed.

Because of widespread taboos against homosexual activity, very few persons openly demonstrated such conduct. There were no public gay pride marches. The NGOs Global Rights and The Independent Project provided lesbian, gay, bisexual, and transgender (LGBT) groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness. The government or its agents did not impede the work of these groups during the year.

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

As of year's end the trial of 18 men, originally charged in 2008 with sodomy and subsequently charged with vagrancy, had been postponed multiple times. All defendants were able to post bail, set at 20,000 naira (\$133), and were released. No resolution of the case was announced by year's end.

Rwanda

There were reports of abuse of suspects by security forces and local defense members, and prison and detention center conditions remained generally harsh. Security forces arbitrarily arrested and detained persons. Prolonged pretrial detention was a problem. There were restraints on judicial independence and limits on freedoms of speech, press, association, and religion, particularly in the preelection period. The government forcibly returned refugees. Official corruption and restrictions on civil society remained problems. Societal violence and discrimination against women, trafficking in persons, and discrimination against the Twa and the lesbian, gay, bisexual, and transgender (LGBT) community occurred. There were restrictions on labor rights, and child labor occurred.

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

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

Sao Tome and Principe

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

There is no law criminalizing sexual orientation; however, there was societal discrimination based on sexual orientation.

Senegal

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

Homosexual activity, which is indirectly referred to in the law as "unnatural sexual intercourse," is a criminal offense. In the recent past, gays, lesbians, bisexual, and transgender (LGBT) persons have often faced criminal prosecution and widespread discrimination, social intolerance, and acts of violence.

Unlike the previous year, the media did not report acts of hatred or violence against LGBT persons. On November 30, Human Rights Watch released a report entitled *Fear of Life: Violence against Gay Men and Men Perceived as Gay in Senegal*. The report discussed cases of violence against gay men and the legal and cultural milieu that fosters such violence. While the cases cited in the report were from 2009 and earlier, NGO observers speculated that the drop in cases during the year was due to several factors. First, past violence against gays and lesbians may have caused many gay men in the country to go underground. Second, increased international attention may have caused the government to curtail

prosecutions and other official discrimination. Finally, successful legal challenges to the law used to prosecute homosexuality may have helped curtail its use by prosecutors.

Seychelles

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

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

Sierra Leone

Major human rights problems included security force abuse and use of excessive force with detainees, including juveniles; harsh conditions in prisons and jails; official impunity; arbitrary arrest and detention; prolonged detention, excessive bail, and insufficient legal representation; interference with freedom of speech and press; forcible dispersion of demonstrators; widespread official corruption; societal discrimination and violence against women, discrimination based on sexual orientation; female genital mutilation (FGM); child abuse; trafficking in persons, including children; and forced and child labor.

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

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

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

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

frequently are shunned by their families, leading some to turn to prostitution to survive. Adults can lose their leases if their sexual orientation becomes public.

Somalia

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

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

South Africa

Principal human rights problems included police use of lethal and excessive force, including torture, against suspects and detainees, which resulted in deaths and injuries; vigilante and mob violence; prison overcrowding and abuse of prisoners, including beatings and rape by prison guards; arbitrary arrest; lengthy delays in trials and prolonged pretrial detention; forcible dispersal of demonstrations; pervasive violence against women and children; societal discrimination against women, persons with disabilities, and the lesbian, gay, bisexual, and transgender (LGBT) community; trafficking in persons; violence resulting from racial and ethnic tensions and conflicts with foreigners; and child labor, including forced child labor and child prostitution.

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

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

The post-apartheid constitution outlaws discrimination based on sexual orientation, and in 2006 the country legalized same-sex marriage. There were no reports of official mistreatment or discrimination. However, in its annual Social Attitudes Survey released in 2008, the Human Sciences Research Council found widespread public intolerance of homosexual activity, with 80 percent of respondents believing sex between two persons of the same gender to be "wrong" and "un-African."

Rights groups reported that the LGBT community was subject to societal abuses including hate crimes, gender violence targeting lesbians, and killings. The Triangle Project, the country's largest lesbian and gay rights organization, reported it received each week in Cape Town 10 new cases of lesbian women being targeted for "corrective" rape, in which men raped lesbians to punish them for being lesbian and to change their sexual orientation.

The trial of seven men accused of the 2006 murder of Zoliswa Nkonyana, a lesbian, in Cape Town, was postponed several times during the year. On September 15, the trial was again postponed because one of the defense attorneys had not arrived in court. While the court was waiting, four of the accused

escaped their holding cell at the court, but were rearrested four days later. A police sergeant at the jail was also arrested for allegedly helping the men escape. In December the trial was postponed to March 2011.

Sudan

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

The law prohibits sodomy, which is punishable by death. There were no reports of antisodomy laws being applied. There were no known lesbian, gay, bisexual, or transgender organizations.

Swaziland

Human rights problems included inability of citizens to change their government; extrajudicial killings by security forces; mob killings; police use of torture, beatings, and excessive force on detainees; police impunity; arbitrary arrests and lengthy pretrial detention; arbitrary interference with privacy and home; restrictions on freedoms of speech and press and harassment of journalists; restrictions on freedoms of assembly, association, and movement; prohibitions on political activity and harassment of political activists; discrimination and violence against women; child abuse; trafficking in persons; societal discrimination against members of the lesbian, gay, bisexual, and transgender (LGBT) community; discrimination against mixed-race and white citizens; harassment of labor leaders; restrictions on worker rights; and child labor.

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

Societal discrimination against the LGBT community was prevalent, and LGBT persons generally concealed their sexual preferences. Colonial-era legislation against sodomy remains on the books; however, it has not been used to arrest homosexual persons. Gays and lesbians who were open about their sexual orientation and relationships faced censure and exclusion from the chiefdom-based patronage system, which could result in eviction from one's home. Chiefs, pastors, and members of government criticized homosexual conduct as neither Swazi nor Christian. Some gay and lesbian Swazis told the UNAIDS executive director they were often turned away at HIV testing clinics because of their sexual orientation. Societal discrimination exists against gays and lesbians; however, there were no reported legal cases during the year. It is difficult to know the extent of employment discrimination based on sexual orientation because victims are not likely to come forward, and most gays and lesbians are not open about their sexual orientation.

Tanzania

Principal human rights problems in both Tanzania and Zanzibar included the following: use of excessive force by military personnel, police, and prison guards, as well as societal violence, which resulted in deaths and injuries; abuses by Sungusungu traditional citizens' anticrime units; harsh and life-threatening prison conditions; lengthy pretrial detention; judicial corruption and inefficiency, particularly in the lower courts; restrictions on freedoms of press and assembly; restrictions on the

movement of refugees; official corruption and impunity; societal violence against women and persons with albinism; child abuse, including female genital mutilation (FGM); and discrimination based on sexual orientation. Trafficking in persons and child labor remained problems.

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

Homosexuality is illegal on the mainland and in Zanzibar. On the mainland the offense is punishable by up to five years in prison. The law in Zanzibar establishes a penalty of up to 25 years' imprisonment for men who engage in homosexual relationships and seven years for women in lesbian relationships. Since the burden of proof in such cases is significant, the law is rarely applied, and there were no reports that anyone was punished under the law during the year. In the past individuals suspected of being gay or lesbian were instead charged with loitering or prostitution. Gays, lesbians, bisexual, and transgendered (LGBT) persons faced societal discrimination, which restricted their access to healthcare, housing, and employment.

During the year a coalition of NGOs worked together to advocate for the rights of LGBT persons, including the repeal of the penal code provision criminalizing homosexuality. However, societal discrimination forced organizations advocating for these rights to operate discreetly, often impeding the efficacy of their outreach and advocacy.

Togo

Human rights problems in the country included: security force use of excessive force, including torture, which resulted in deaths and injuries; official impunity; harsh and life-threatening prison conditions; arbitrary arrests and detention; lengthy pretrial detention; executive influence over the judiciary; infringement of citizens' privacy rights; restrictions on freedoms of press, assembly, and movement; official corruption; discrimination and violence against women; child abuse, including female genital mutilation (FGM), and sexual exploitation of children; regional and ethnic discrimination; trafficking in persons, especially women and children; societal discrimination against persons with disabilities; official and societal discrimination against homosexual persons; societal discrimination against persons with HIV; and forced labor, including by children.

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Only heterosexual men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV, but women were more likely than men to seek treatment and refer their partners.

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

The law provides that a person who engages in a homosexual act may be punished by one to three years' imprisonment and fined 100,000 to 500,000 CFA francs (\$208 to \$1,041). Eight persons were arrested for "indecent assault" and were in prison awaiting trial at year's end.

There was societal discrimination based on sexual orientation.

Uganda

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

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On December 13, Ethics and Integrity Minister Nsaba James Buturo prevented the UHRC and OHCHR from screening a documentary on Ugandan human rights defenders. Buturo alleged that the film promoted homosexuality. In the film, one human rights defender criticized Uganda's draft "antihomosexuality bill" for violating the rights of Ugandan citizens by forcing health care workers to report individuals believed to be gay or lesbian to authorities. In a December 15 press conference, the UHRC defended the documentary and criticized Buturo for violating the UHRC's constitutional independence.

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In its 2009 annual report, released in October 2010, the UHRC reported registering 785 human rights complaints against 858 individuals, including 106 UPDF members, 285 police officers, 86 other security agencies, 29 prison warders, and 343 private citizens. Of the 785 complaints, 31 percent involved allegations of torture or cruel, inhuman, or degrading treatment and punishment. The UHRC also examined the country's draft antihomosexuality bill and determined that the proposed legislation violates the Ugandan constitution and international law. The report called on the government to pass pending antitorture legislation; improve prison conditions, particularly for women and children; eliminate illegal detention and prolonged pretrial detention practices; use murder statutes to prosecute cases of child sacrifice; and provide security forces with increased human rights education programming.

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

Lesbian, gay, bisexual, and transgender (LGBT) persons faced discrimination and legal restrictions. It is illegal to engage in homosexual acts, based on a 1950 legal provision from the colonial era criminalizing "carnal acts against the order of nature" and prescribing a penalty of life imprisonment. No persons had been convicted under the law. On October 12, police in Kampala arrested one individual for alleged homosexuality, and on October 15 a court in Kampala charged the individual with homosexuality and released him on bail. Hearing of the case was pending at year's end.

In September 2009 parliamentarian David Bahati introduced a draft "antihomosexuality bill" that would impose punishments ranging from imprisonment to the death penalty on individuals twice convicted of

"homosexuality" or "related offenses" to include "aiding and abetting" homosexuality, "conspiracy to engage" in homosexuality, the "promotion of homosexuality," or "failure to disclose the offense" of homosexuality to authorities within 24 hours. This draft legislation remained in the committee stage during the year but resulted in increased harassment and intimidation of LGBT persons. Although the government did not endorse the draft legislation, several senior members of government and President Museveni's Cabinet openly expressed homophobic sentiment despite the High Court's December 2008 ruling that constitutional rights apply to all persons, regardless of sexual orientation.

LGBT persons were subject to societal harassment, discrimination, intimidation, and threats to their wellbeing during the year. Individuals openly threatened members of the LGBT community and their constitutional rights during several public events. For example, on April 15 in Jinja, Pastor Martin Ssempe led a march against homosexuality, and during an April 17 event against homosexuality at a church in Kampala, Ssempe showed a pornographic slideshow to audience members, which included several children. During these rallies participants openly threatened LGBT individuals.

In its annual report for 2009, released in October 2010, the UHRC determined that the draft antihomosexuality bill violates the Ugandan constitution and international law.

On October 10, an obscure local tabloid published the names, photographs, and, in some cases, residential locations of several LGBT activists under the headline "Hang Them." On November 1, the High Court issued an injunction blocking the tabloid from further publication of information pertaining to homosexuality pending resolution of a court case filed by three LGBT activists, including David Kato. The case was pending at year's end.

On December 13, Ethics and Integrity Minister Nsaba James Buturo prevented the UHRC and UN OHCHR from screening a documentary on Ugandan human rights defenders that Buturo alleged promoted homosexuality. In the film, one human rights defender criticized Uganda's draft antihomosexuality bill for violating the rights of Ugandan citizens by forcing health care workers to report alleged gay and lesbian individuals to authorities. In a December 15 press conference, the UHRC defended the documentary and criticized Buturo for violating the UHRC's constitutional independence.

The April 2009 case against activists Fred Wasukira and Brian Mpadde, accused of involvement in homosexual acts, was pending. In September, police dismissed the June 2009 case in which Charles Ayeikoh was accused of homosexual acts.

Zambia

Human rights problems included unlawful killings; torture, beatings, and abuse of suspects and detainees by security forces; official impunity; life-threatening prison conditions; arbitrary arrests and prolonged pretrial detention; long trial delays; arbitrary interference with privacy; restrictions on freedom of speech, press, assembly, and association; government corruption; violence and discrimination against women; child abuse; trafficking in persons; discrimination based on sexual orientation and against persons with disabilities; restrictions on labor rights; forced labor; and child labor.

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The constitution and law prohibit discrimination based on race, ethnic group (tribe), gender, place of origin, marital status, political opinion, color, disability, language, social status, or creed. However, the government did not effectively enforce the law, and violence and discrimination against women and children, discrimination based on sexual orientation, trafficking in persons, and discrimination against persons with disabilities remained problems.

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

The law criminalizes homosexual behavior and provides penalties of 15 years' to life imprisonment for individuals who engage in "unnatural" (homosexual) acts. A lesser charge of "gross indecency" carries penalties of up to 14 years' imprisonment. The government enforced the law that criminalizes homosexual conduct and did not respond to societal discrimination. Societal violence against homosexual persons occurred, as did societal discrimination in employment, housing, and access to education or health care. There were active groups promoting rights of such persons, but the MoHA Registrar of Societies continued to refuse to register them. Groups held social gatherings but did not participate in open demonstrations or marches. There were also social impediments to the operation and free association of organizations for LGBT persons.

On September 20, five male students from Kabulonga Boys High School in Lusaka appeared in court on charges of gross indecent practices between persons of the same sex for allegedly having performed sexual acts on other male students. If convicted they face minimum of seven years' and maximum of 14 years' imprisonment. The case remained pending at year's end.

Zimbabwe

The following human rights violations also continued: government restrictions on domestic and international human rights NGOs; violence and discrimination against women; trafficking of women and children; discrimination against persons with disabilities, ethnic minorities, the lesbian, gay, bisexual, and transgender (LGBT) community, and persons with HIV/AIDS; harassment and interference with labor organizations critical of government policies; child labor; and forced labor, including by children.

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

Leadership in both ZANU-PF and MDC, including President Mugabe and Prime Minister Tsvangirai, publically denounced the LGBT community and warned against the inclusion of LGBT rights in the constitution. Over a period of years, Mugabe publicly denounced the LGBT community, blaming it for Africa's ills and declaring its members to be worse than "pigs and dogs." Although there was no statutory law proscribing homosexual conduct, common law prevents gay men, and to a lesser extent, lesbians, from fully expressing their sexual orientation and, in some cases, criminalizes the display of affection between men. The criminal code definition of sodomy includes "any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act." Sodomy

carries a penalty of up to one year in prison or a fine up to \$5,000. There were no known cases of sodomy charges being used to prosecute consensual homosexual activity.

Gays and Lesbians of Zimbabwe (GALZ), the sole organization dedicated to advancing the rights of the LGBT community in the country, experienced discrimination and harassment. On May 21, police, armed with a search warrant, raided the GALZ office to search for dangerous drugs and pornographic materials, citing contravention of Censorship and Entertainment Control Act. The police forced GALZ employees Ellen Chademana and Ignatius Muhambi to provide passwords to their personal e-mail accounts and arrested them for possession of pornographic materials. In a second raid police charged the employees with contravening the Criminal Law (Codification and Reform) Act for undermining the authority of President Mugabe after finding a picture of the president along with the plaque of a foreign gay and lesbian activist. Police also raided the house of the director of GALZ on May 25. Police denied ZLHR lawyers access to the employees from May 21 to May 23 and granted the first initial visit on May 24. Four self-identified police officers removed the two employees from their cell on the evening of May 25 and beat them in the face and knees during the course of an interrogation. ZLHR lawyers observed that the two had swollen faces, had plastic bags tied to their feet, and struggled to speak during a consultation following the beating. On May 25, ZLHR lawyers filed an urgent application at the High Court appealing the legality of the arrest and detention. On May 26, the two appeared before the magistrate court and were remanded from custody on \$200 bail. Chademana's hearing, postponed six times from July 1 as the government's witnesses failed to turn up, finally commenced on August 2 and ended on November 18. On December 16, Chademana was acquitted on the charge of possessing pornographic materials. Muhambi's trial started on June 30, and after multiple hearings he was acquitted of the charge of possessing pornographic materials on July 23. Both still faced charge of undermining the president at year's end.

The government censorship board continued to confiscate materials sent to GALZ from outside the country and refused to release the material, claiming that it was "indecent." In 2008 GALZ filed three lawsuits against the censorship board, seeking the release of the materials. Due to the courts' refusal to act, three cases from 2008 were pending at year's end.

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

On December 1, approximately 30 members of an LGBT NGO participated in a march in Bulawayo to celebrate "16 days of activism on violence against women." Police ordered the members to leave the venue of commemoration, citing as their reason the illegality of homosexuality.

Members of the LGBT community reported widespread societal discrimination based on sexual orientation. Many persons who identified with the LGBT community did not seek medical care for sexually transmitted diseases or other health issues due to fear that health providers would shun them. In the 2006-07 Presidential HIV/AIDS Strategic Plan, the government agreed to address HIV/AIDS among gay men. However, as of year's end, the government had not made any effort to address the health

needs of this population. Many LGBT persons reported leaving school at an early age, decreasing their capacity for economic gain. Coupled with socioeconomic discrimination, higher rates of unemployment and homelessness among members of the LGBT community were reported.

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.

Europe and Eurasia

Albania

Discrimination against women, children, homosexual persons, and minorities were problems.

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According to the Albanian Human Rights Group (AHRG), police more often mistreated suspects at the time of arrest or initial detention. Roma, Balkan-Egyptians, and persons engaging in homosexual conduct were particularly vulnerable to police abuse.

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

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

NGOs claimed that police routinely harassed LGBT persons and transgender sex workers.

Andorra

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

On the basis of constitutional provisions for the right to freedom of ideas, religion, and ideology, the government acts against any discrimination that may occur in the country. There were no reports of official or societal discrimination based on sexual orientation in employment or occupation, housing, or access to education or health care.

Armenia

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

Societal attitudes towards homosexuality remained highly unfavorable, with society generally viewing homosexuality as an affliction.

Persons who were openly gay were exempted from military service, purportedly because of concern they would be abused by fellow servicemen. However, the actual exemption required a medical finding via psychological examination that gays possessed a mental disorder, which was stamped in their documents and could affect their future.

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

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

In an interview with the *Iravunk* biweekly that appeared in the newspaper's December 24 to 27 edition, Artur Baghdasarian, secretary of the National Security Council that advises the president on national security matters, answered a question on homosexuality stating that, "Such conduct does not fit in with our society. Family and Armenian traditions prevail for people who were the first to adopt Christianity. Those unnatural things are unacceptable to us. I am against limitations of human rights in general. However, I consider homosexuality is extremely dangerous for Armenia."

In an interview in the *Hraparak* daily on December 6, National Police Chief Alik Sargsyan answered a question on the gathering of homosexuals in one of Yerevan's central parks, stating that, "We try to take them to such a place where they won't be seen, but they like to appear in public. We do not practice any violent measures, do not violate human rights, it is their business, but in our city, it is not appropriate for people...I cannot bear them physically."

Austria

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

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

Azerbaijan

During the year a local nongovernmental organization (NGO) reported numerous police beatings of persons based on sexual orientation

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

Numerous incidents of police brutality against individuals based on sexual orientation occurred, according to a local NGO. Authorities did not investigate or punish those responsible for such acts, largely because victims were unwilling to file complaints due to fear of social stigma.

During the year, members of the lesbian, gay, bisexual, and transgender (LGBT) community continued to refuse to lodge formal complaints with law enforcement bodies out of fear of reprisal or retaliatory persecution. Also during the year, the LGBT community held almost monthly gatherings; these were routinely raided.

During 2009 police raided gay bars on four occasions and arrested almost 50 persons. Police reportedly held the individuals and threatened to expose their sexuality publicly unless they paid a bribe. The human rights Ombudsman's Office intervened to resolve the incidents.

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

On August 11, police found the bodies of two transgendered individuals, Zamiq Gasimov and Yadigar Kuzmin, in Baku. The police arrested three perpetrators who admitted to killing the two on the basis of hatred toward sexual minorities. A local NGO reported that it was unable to obtain updates on the case, for which the investigation had been closed.

In December the Prosecutor General's office issued a statement regarding a murder investigation that could be interpreted as linking "nontraditional" sexual orientation to criminal behavior.

There was societal prejudice against LGBT persons. While being fired from a job for sexual orientation remained illegal, LGBT individuals reported that employers found other reasons to fire them. Discrimination in access to healthcare was also a problem.

Belarus

There was discrimination against persons with disabilities, Roma, ethnic and sexual minorities, persons with HIV/AIDS, and those who sought to use the Belarusian language.

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

Homosexuality is not illegal, but discrimination against members of the LGBT community was widespread, and harassment occurred.

In early May authorities denied the LGBT community permission to hold a pride parade in downtown Minsk on May 15, the International Day against Homophobia and Transphobia. Authorities claimed that the parade would disrupt traffic. According parliament member Nina Mazay, the most effective way to ensure the safety of participants in this instance given "negative sentiments toward gays and lesbians" was to ban the assembly. The activists defied the ban, and riot police violently dispersed approximately 30 demonstrators on May 15. Seven activists, including Alyaksandr Fyodarau, Syarhey Yenin, Aleh Hruvich, and two Russian citizens, were detained, placed in pretrial detention, and each sentenced to 17,500 ruble (\$6) fines on May 17.

On June 21, LGBT activists Syarhey Androsenka and Syarhey Pradzed filed individual communications to the UN Human Rights Committee complaining about earlier fines. In December 2009 a court in Minsk fined LGBT community activist Alyaksandr Haharyn 105,000 rubles (\$35), Androsenka 875,000 rubles (\$290), and Pradzed 350,000 rubles (\$115) for participating in an unsanctioned protest in front of the Iranian embassy. The activists demonstrated to protest the use of capital punishment of LGBT persons in Iran. The Minsk City Court and the Supreme Court subsequently upheld these fines.

On October 11, police in Minsk arrested Pradzed for staging a one-man protest to mark International Coming-Out Day. He was held in custody overnight and fined 700,000 rubles (\$235) the next day.

In September 2009 the KGB in Homyel informed local gay rights activist Svyataslau Semyantsou that it had opened a criminal case against him for participating in activities of an unregistered group. The KGB also threatened Semyantsou with charges of providing defamatory and discrediting information to a foreign source. No further information on the status of this case was available during the year.

Problems included violence against women and children; trafficking in persons; and discrimination against persons with disabilities, Roma, ethnic minorities, and members of the lesbian, gay, bisexual and transgender (LGBT) community.

Belgium

The government-sponsored Center for Equal Opportunity and the Combat Against Racism (CEOCR) is tasked with promoting equal opportunity and with combating all forms of discrimination, exclusion, or preferential treatment based on race, color of the skin, descent, national or ethnic origin, sexual

orientation, marital status, birth, wealth, age, religion or ideology, physical condition, disability, or physical characteristics.

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The law identifies 18 grounds of possible discrimination subject to legal penalty: age, sexual orientation, civil status, birth, financial situation, religious belief, philosophical orientation, physical condition, disability, physical characteristics, genetic characteristics, social status, nationality, race, color of skin, descent, national origin, and ethnic origin.

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

According to the CEOCR, 6 percent of the complaints received in 2009 concerned discrimination based on sexual orientation. Most were work-related, with the center receiving several reports on violence against gays and lesbians. On May 15, 35,000 persons attended the Belgian Pride (equivalent of Gay Pride) without reported incidents of violence.

Bosnia and Herzegovina

The following human rights problems were reported: deaths from landmines; mistreatment of prisoners; poor and overcrowded prison conditions with violence among prisoners; police failure to inform detainees of their rights or allow effective access to legal counsel prior to questioning; harassment and intimidation of journalists and civil society; obstruction of the return of internally displaced persons and refugees; government corruption; discrimination and violence against women and ethnic, sexual, and religious minorities;

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Many media outlets used language, often nationalistic, considered incendiary on matters related to ethnicity, religion, sexual orientation, and political affiliation.

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

While the law prohibits discrimination on the basis of sexual orientation, it was not fully enforced in practice, and there was frequent societal discrimination against gay, lesbian, bisexual, and transgender (LGBT) persons.

Gays and lesbians faced frequent harassment and discrimination, including termination from employment. In some cases, dismissal letters explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for them to find another job. The European Commission

Progress Report for the year found that physical attacks and harassment of LGBT persons continued and that no government official condemned such acts.

The Q Association, an umbrella organization for the country's LGBT population, operated semipublicly, and the employees of the organization did not openly display their address and contact information, as they were afraid of intimidation and threats. For the same reason, the association did not organize any high-profile public events to promote LGBT rights during the year. In 2008 the association's Queer Sarajevo Festival was harshly criticized by Muslim community leaders and was the scene of threats and physical violence against festival organizers and participants.

Bulgaria

Other problems included violence against women and children; substandard education for Romani children; harsh conditions in state-run institutions for children; trafficking in persons; and discrimination against persons with disabilities, Roma, other members of minority groups, and lesbian, gay, bisexual, and transgender (LGBT) persons.

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The law prohibits discrimination on the grounds of race, gender, disability, social status, and sexual orientation; however, the law does not prohibit discrimination on the basis of language. Societal discrimination continued, particularly against ethnic minorities, sexual minorities, and persons with disabilities.

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

The law prohibits discrimination on the basis of sexual orientation, but the government did not effectively enforce this prohibition. While reports of violence against LGBT persons were rare, societal discrimination, particularly discrimination in employment, remained a problem. The gay-rights organization Gemini reported that individuals continued to be reluctant to pursue legal remedies for discrimination due to the stigma of being openly identified as gay.

In May the Antidiscrimination Commission ruled that a November 2009 regulation by the city of Pazardjik prohibiting public expression of sexual orientation violated the country's antidiscrimination laws. In early August in response to a complaint that the commission's ruling was not being enforced, Pazardjik prosecutor Stefan Yanev asserted that the regulation was not discriminatory because homosexuality is a disease. He said also that the regulation would prevent prostitutes from parading their orientation and seeking clients in front of the city hall. On the following day, the Supreme Administrative Prosecution Service abolished the Pazardjik ordinance. At year's end, the Pazardjik city council was challenging the Antidiscrimination Commission's decision in the Supreme Administrative Court.

On June 26, the third annual gay pride parade in downtown Sofia attracted an estimated 300 participants. The parade was held without disruption but under heightened security. Earlier that day, 10 nationalist organizations gathered about 100 protesters to demonstrate against the gay pride parade. The Holy Synod of the Christian Orthodox Church condemned the parade, calling it a glaring, shameful, and sinful demonstration and appealing to the local authorities to prohibit the event. For the first time, the gay pride parade received support from a political party in the National Assembly, the right-wing conservative Democrats for Strong Bulgaria.

Croatia

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

There was some societal violence and discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons.

On June 19, for the second year in a row, an antigay protest was staged during the annual Gay Pride Parade. Members of the protest carried banners with abusive language such as "kill the faggots" and raised their arms in Nazi salutes. Organizers of the parade considered the protest a hate crime and criticized authorities for allowing it to take place. Police arrested three persons who tried to break through police lines and attack parade participants. Police were later criticized for using excessive force against one of the attackers. Two parade participants were attacked after the parade, but the attackers remain unidentified.

During the year LGBT NGOs requested the removal of a public school catechism textbook containing homophobic language. In July the Ministry of Science, Education, and Sports replied in a letter that the book had been approved by a commission of experts in line with the law and refused to remove the book.

In the spring, newspapers reported that a primary school teacher had referred in class to homosexuality as a disease. The mothers of two children in the class reported the case to the Ministry of Science, Education, and Sports, and a group of human rights NGOs later charged the teacher with a breach of the Antidiscrimination Act. The Zagreb Municipal Court held three hearings on the matter; the NGOs involved requested a new judge on the grounds that the old judge was biased and verbally abusive towards witnesses. In November a Zagreb court refused to dismiss the current judge. No new hearings were scheduled at year's end.

LGBT organizations reported several incidents against LGBT persons during the year and criticized police for failure to provide adequate protection.

- On January 3, a transsexual woman was physically attacked in a town in eastern Croatia by three men who threatened to kill her. When the victim tried to report the case, the police officer in charge used offensive language and ridiculed her during questioning.
- On April 4, a group of young men stalked and beat a young gay man in Zagreb. The victim sustained light injuries. Police were unable to identify the perpetrators.
- On November 2, two gay men were attacked with wooden bats, tear gas, and broken glass outside a Zagreb nightclub. Police identified and detained two suspects. The Minister of Interior condemned the incident proclaiming zero tolerance for hate crimes and crimes motivated by homophobia. Local LGBT NGOs issued a statement requesting tougher sanctions for such attacks and permanent training for police officers dealing with similar hate crime cases. Prosecutors charged the two perpetrators under criminal law with an act intended to degrade a person in a public place. The first hearing took place on December 28, when the two suspects were released from detention. The next hearing was scheduled for mid-January 2011.
- On November 6, a gay man was beaten and his nose broken in Zagreb. Police were still searching for the perpetrators at year's end.

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

Cyprus

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

Despite legal protections, gays and lesbians faced significant societal discrimination, and few lesbian, gay, bisexual, or transgender (LGBT) persons were open about their sexual orientation. On May 19, the first LGBT movement, Accept LGBT Cyprus, announced its operation and organized a series of events. The events were covered by the media and there was no negative public reaction.

A 2009 report by the Gay Liberation Movement of Cyprus (AKOK) and the International Lesbian, Gay, Bisexual, Trans- and Intersex Association (ILGA) noted that there was no significant LGBT movement in the country, and a general stigma against homosexuality was present in society. The organization reported that some local religious figures and politicians frequently stated in public that gays and lesbians were "immoral persons, bodily and mentally perverted." The groups also noted that there was no specific LGBT antidiscrimination law and that the lack of awareness-raising efforts and education about LGBT issues significantly contributed to the stigmatization of LGBT persons.

On June 17, a spokesperson for Accept LGBT Cyprus criticized a decision of the state-controlled Cyprus Broadcasting Corporation (CyBC) management to ban a radio advertisement featuring a lesbian woman discussing her relationship with another woman. The advertisement was part of a European

Commission-funded tolerance campaign run by the ombudsman's office. The campaign was aired by private stations and did not prompt a negative public reaction.

In January 2009 the ombudsman publicly claimed that authorities at passport control at Larnaca Airport asked some foreign nationals about their sexual orientation.

Many local human rights groups were concerned with improving human rights conditions in the area administered by Turkish Cypriots. NGOs included groups promoting awareness of domestic violence; women's rights; rights of asylum seekers, refugees, and immigrants; trafficking in persons; torture; and lesbian, gay, bisexual, and transgender persons' rights.

Czech Republic

On February 17, a Supreme Administrative Court ruling dissolved the far-right Workers Party (DS), which had mostly neo-Nazi membership. The court ruled that party's program contained xenophobia, chauvinism, homophobia, as well as a racist subtext.

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The Ministry of the Interior requires medical proof of homosexuality from individuals seeking asylum for reasons of fear of persecution in their home country due to their sexual orientation. The Ministry of Health, which oversees the process, conducts a "phallographic test" on these asylum seekers. Asylees are connected to a machine that monitors blood flow to sexual organs while viewing heterosexual pornographic images. If the machine detects a response to the images, the Ministry of the Interior denies the application for asylum. The European Union Fundamental Rights Agency has criticized the use of the test as a violation of the European Convention on Human Rights. The Ministry of the Interior contended that the test has been conducted in fewer than 10 cases and with the full written consent of the individual.

....

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

The law prohibits discrimination based on gender, age, disability, race, ethnic origin, nationality, sexual orientation, religious faith, or personal belief.

Lesbian, gay, bisexual, and transgender (LGBT) organizations operated freely in the country.

On June 26, gay rights advocates held the third annual gay pride march in Brno. Members of the National Resistance protested the event but were kept away from the marchers by police. In June 2009

when the parade was held in Tabor, members of the Workers Party attempted to disrupt the march, but a police anticonflict team mostly separated them from marchers.

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

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

Denmark

The right of appeal is automatic and encompasses both procedural matters and sentences imposed. The law provides that courts may increase criminal sentences through additional charges when bias is proved as a motive. Bias can be based on race, ethnicity, gender, sexual orientation, or religion. The law extends the above rights to all citizens.

....

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

....

In December 2009 PET reported 175 recorded hate crimes for 2008, the most recent year for which figures were available. This represented roughly a five-fold increase compared to 2007. Police attributed the increase to a new definition used by PET of what constitutes a hate crime broadened to include crimes motivated by political issues, skin color, nationality, ethnic origin, religious beliefs, and sexual orientation.

....

During the year a steering group of experts from the Copenhagen police department, the City of Copenhagen, the Danish Institute for Human Rights, and the City of Frederiksberg initiated a campaign to discourage hate crimes, including those motivated by ethnic and racial hostility (see Section 6, Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity).

....

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

The annual Copenhagen Pride parade was held August 18-22 and was followed by a "pride show" in Copenhagen's main town square.

During the year the Danish Institute for Human Rights joined with local governments and the Copenhagen police department to launch a campaign to discourage hate crimes. The stated goals of the campaign were to persuade victims and witnesses of hate crimes to report them to the police; prevent and combat hate crime; create a safe public environment in Copenhagen and Frederiksberg, especially for minority groups at risk of being victimized by hate crime; increase the general public's understanding of hate crime; and inform the public on places where victims of hate crimes can get help. It was too early to assess the effectiveness of the campaign.

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

Estonia

The legal chancellor also helps resolve accusations of discrimination based on gender, race, nationality (ethnic origin), color, language, religion, social status, age, disability, and sexual orientation.

....

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

By law no person may be discriminated against on the basis of gender, sexual orientation, or other personal characteristics, and the government generally respected these rights. There were no reports of official discrimination based on sexual orientation in employment and occupation, housing, statelessness, or access to education or health care. Human rights NGOs and lesbian, gay, bisexual, and transgender groups, as well as private individuals, actively participated in public discussions dealing with issues connected to the rights of the LGBT community, but some activists expressed concern with the authorities' unwillingness to pursue more aggressively possible misdemeanors under the penal code involving incitement to hatred. While there were no reports of violence or human rights abuses specifically targeting individuals based on their sexual orientation or gender identity during the year, activists contended that the society was not very accepting of LGBT persons. Most LGBT persons do not reveal their sexual identities and would avoid reporting incidents to police. Anti-LGBT messages do not appear in mainstream media, but there were instances of performances in private clubs with anti-LGBT themes and recordings of music videos posted to social networking sites with lyrics and actions that encourage violence against gays and lesbians.

Finland

Human rights problems included police failure to provide detainees timely access to legal counsel, questionable contributions to political campaigns, violence against women, trafficking in persons, societal discrimination against foreign-born residents and Roma, and violence against lesbian, gay, bisexual, and transgender (LGBT) persons and property.

....

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

No person may be discriminated against on the basis of gender, sexual orientation, or other personal characteristics. The government generally respected these rights, and law enforcement authorities investigated and punished violations of these rights. Gays in legal partnerships were not allowed to donate blood or organs for use in the country.

On July 2, three men between the ages of 19 and 21 were accused of staging a preplanned attack on Helsinki's annual gay pride parade. After throwing smoke bombs to cause confusion, they assaulted more than 30 persons, including children, with pepper spray. No one was seriously injured. Some 3,000 to 5,000 persons took part in the parade. The country's political leadership, including the president, condemned the attack. At year's end, police continued the pretrial investigation.

On July 10, the media reported that the Helsinki office of the Association for Sexual Equality (Seta) was vandalized. The police stated that windows had been broken and a swastika painted on the Seta office door. The office was empty at the time. The police could not say whether the incident was linked to the attack on the Helsinki Pride parade. On the night of December 25-26, a similar attack occurred in Jyvaskyla in which windows of the local Seta office were broken, but no other vandalism occurred. Police and the landlords considered these incidents to be vandalism.

On March 18, the Helsinki regional court of appeals awarded Johanna Korhonen 80,500 euros (\$107,870) in damages and legal expenses in a case of wrongful dismissal. She was fired as editor in chief of the newspaper *Lapin Kansa* in 2008 prior to taking up her post. She alleged her new employers, Alma Media Group, abruptly fired her when they discovered her life partner was a woman. The award included compensation for violating the equality laws, as well as for wrongful dismissal. Alma Media Group CEO Kai Telanne also faced a criminal charge over the dismissal, and the Occupational Safety and Health Administration considered the company's action a case of illegal discrimination.

On October 12, Tampere Bishop Matti Repo and Member of Parliament Paivi Rasanen from the Christian-Democratic Party questioned the need to protect the rights of LGBT persons in a televised

program. In reaction to some of Repo's comments against LGBT persons, the media reported over 40,000 persons formally left the Evangelical Lutheran Church by November 3. This compared to the normal number of 44,000 persons in an entire year. In contrast the Christian Democratic Party, which had some 12,000 registered members before the incident, reportedly gained 1,000 new members during the same period.

France

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

The law prohibits discrimination on the basis of sexual orientation. Authorities pursued and punished perpetrators of violence against lesbians, gays, bisexuals, and transgender persons (LGBT). The NGO SOS Homophobia reported 1,259 homophobic acts in 2009. It reported that there were 88 instances of physical assault, a 33 percent decrease compared with 2008. After the NGO Inter-LGBT claimed that gay and lesbian minors were frequently targeted for violence, the Ministry of National Education, Youth, and Community Life responded by asking schools to introduce lessons on tolerance and diversity.

During the year LGBT organizations held at least eight gay pride marches. The government authorized them and provided sufficient protection to marchers.

Georgia

Harassment of opposition and NGO members, prejudice against persons based on their sexual orientation and government interference with labor associations also were reported.

....

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

There are no laws that criminalize sexual orientation, male-to-male sex, or female-to-female sex. However, social prejudices against lesbian, gay, bisexual, and transgender (LGBT) behavior were strong. The Georgian Orthodox Church strongly denounced such behavior. Cases during the year included death threats against an LGBT activist and the use of antihomosexual slogans by a candidate in the municipal elections.

There were a few LGBT organizations. However, they could not work exclusively on LGBT issues or work openly as LGBT organizations because of the extensive societal stigma against homosexuality; instead they promoted tolerance more broadly.

On April 8, threats were made against an LGBT activist by an anonymous administrator of a Georgian language Facebook Web page entitled "Death to Homosexuals." The threats were of sufficient concern that the Ministry of Internal Affairs and the Prosecutor's Office opened an investigation. According to the Ministry of Justice, the investigation continued at year's end. Facebook closed the Web page of its own volition.

On May 25, the GYLA filed suit to suspend the candidacy of an opposition candidate in the municipal elections for posting antihomosexual messages on his Facebook Web pages. The NGO claimed that the messages violated the election code which prohibits fostering hatred and enmity. The Tbilisi City Court ruled against GYLA.

In August false rumors of a gay pride parade in Batumi sparked the condemnation of the Georgian Orthodox Church, including a statement from the patriarch on August 20, and led to protests in front of a hotel where organizers were reportedly staying on August 25 and 26.

In December 2009 police searched the office of an NGO that promotes LGBT equality. Reportedly, they used antihomosexual slurs, made unnecessary strip searches, unnecessarily damaged organizational posters, and unnecessarily ransacked offices. The Ministry of Internal Affairs denied that any procedural violations took place and maintained that the profile of the organization was irrelevant in terms of the law. The ministry reported that its General Inspection Office gave one officer a reprimand at the "severe" level in accordance with the police code of ethics, as his actions were determined to be unethical and inappropriate for police officers. Two other officers were also given a reprimand at the "severe" level for not preventing the above-mentioned officer from making the unethical statements.

The public defender stated his priorities included protection of LGBT groups and individuals.

Germany

There were instances of anti-Semitic attacks and vandalism; violence against women; trafficking in women, men, and children for sexual exploitation and forced labor; and right-wing extremist violence against and harassment of racial minorities, foreigners, and sexual minorities.

....

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

....

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

....

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

The Federal Criminal Investigation Office defines politically motivated crimes as offenses related to the victims' ideology, nationality, ethnicity, race, skin color, religion, worldview, ancestry, sexual orientation, disability status, parents, or social status.

Many lesbian, gay, bisexual, and transvestite (LGBT) rights groups reported no impediments to their operation or free association. During the year several gay pride marches occurred around the country without hindrance. However, the government reported 164 crimes motivated by a bias against sexual orientation, of which 45 were violent crimes, in 2009 in the OSCE's report, *Hate Crimes in the OSCE Region*, and media and other reports indicated that societal and job-related discrimination against LGBT persons occurred but was rare.

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

The number of reported attacks against LGBT persons in Berlin decreased during the year to 80, compared with 98 in 2009, although the number of violent attacks increased from 33 to 35. Police assumed, and other evidence indicated that many other cases went unreported. The Berlin antiviolence project MANEO maintained an emergency hotline for victims, which was used by 186 persons in 2008 and by 225 persons in 2009.

On June 27, a group of four young men committed separate attacks against four LGBT persons in a park in Berlin-Friedrichshain. The four LGBT persons were asked whether they were gay, and before they could answer, they were slapped and kicked. All victims were slightly injured, but none required hospital treatment. A police investigation was initiated.

Greece

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

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

The police provided adequate security for the annual Pride parade in central Athens in June; there were no reports of impediments to the march.

During the year OLKE alleged that police often abused and harassed LGBTpersons and subjected them to arbitrary identity checks and body searches in public places.

NGOs reported that societal discrimination based on sexual orientation was widespread but focused on gay male relationships. Transgender persons were exempt from military service on disability grounds.
Other Societal Discrimination

Observers indicated that individuals with HIV/AIDS suffered from high social exclusion and a loss of employment if they revealed their status.

In February 2009 the Supreme Court ruled against an HIV-positive individual and in favor of his employer in a landmark HIV/AIDS discrimination case. The individual revealed his HIV-positive status in 2005 and was subsequently fired. The Supreme Court ruled that the dismissal was legal because his HIV-positive status caused negative reactions from his coworkers and created a negative work environment. The General Confederation of Greek Workers protested the Supreme Court's decision, but there were no further developments. No such cases were reported during the year.

Hungary

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

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

On July 4, two teenagers wearing far-right party badges struck a man on his way home from the opening ceremony of the Rainbow Mission Foundation's (RMF) annual Budapest Pride festival, a week of lesbian, gay, bisexual ,and transgender programs.

On July 10, the RMF organized the 15th annual Budapest Pride March, in which an estimated 1,000 persons participated. Organizers were successful in registering the march, which occurred on a

shortened parade route with increased police protection. Authorities shortened the route further on the day of the march because counterdemonstrators along the route shouted antihomosexual slurs as well as the campaign slogan of the openly antigay political party Jobbik. Police prevented several protestors from approaching the route, but made no arrests. Two men followed one volunteer into the metro and attacked him following the march. A metro security guard briefly detained the attackers but then let them go.

On July 26, the RMF reported to the police that a neo-Nazi group calling itself the "Budapest Hungaristas" desecrated one of the Hungarian Lesbian, Gay, Bisexual, and Transgender community's unique symbolic sites, the tombstone of Karoly Kertbeny, originator of the terms "heterosexual" and "homosexual." The Hungaristas reportedly covered the gravestone with a black veil and attached a quotation from the Old Testament Book of Leviticus. Police declined to pursue the case on December 4, stating that no crime had been committed.

On September 4, approximately 100 participants marched in a legally registered Hetero Pride Parade, following the same route as the Budapest Pride March. The organizer stated that the organizers intended the march to be a "protest against the open practice and popularization of homosexuality."

There were no reported developments in connection with two attacks on a gay bar and a gay bathhouse in Budapest in 2008. In April 2009 police detained two persons in connection with these incidents.

Iceland

The law also establishes fines and imprisonment for up to two years for anyone who publicly ridicules, slanders, insults, threatens, or in any other manner publicly assaults a person or a group on the basis of their nationality, skin color, race, religion, or sexual orientation.

....

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

In August an estimated 80,000 to 100,000 persons attended the annual gay pride march in Reykjavik. The government authorized the march and police provided sufficient protection to marchers.

There were no reports of societal violence or discrimination based on sexual orientation in employment and occupation, housing, statelessness, or access to education or health care.

Ireland

The law proscribes words or behaviors that are likely to generate hatred against persons in the country or elsewhere because of their race, nationality, religion, national origins, or sexual orientation.

....

The law provides that a social group can include membership of a trade union or a group of people whose defining characteristic is sexual orientation.

....

The law prohibits discrimination in employment on the basis of gender, marital status, family status, sexual orientation, religion, age, disability, race, and membership in the Traveller community, and the government sought to enforce the law

....

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

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

Italy

Principal human rights problems were lengthy pretrial detention; excessively long court proceedings; violence against women; trafficking in persons; and reports of negative attitudes and harassment of gays, lesbians, Roma, and other minorities.

....

In December an officer from the Via Corelli Identification Center was sentenced to seven years and two months in prison for the 2009 rape of a Brazilian transsexual inmate.

....

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

There are no laws criminalizing homosexuality. The press reported several cases of violence against gay and lesbian couples during the year. On May 24, several persons assaulted a gay man in Rome in a neighborhood where members of the gay community often met in bars and restaurants.

On January 24, a court sentenced Alessandro Sardelli to seven years in prison for assaulting a gay couple during a gay festival in Rome in August 2009.

The Rome police department has created a special unit to investigate reports of crimes based on sexual orientation.

The Arcigay reported two killings and 29 nonlethal attacks against lesbian, gay, bisexual, or transgender (LGBT) persons between January and August, compared with eight killings and 52 other attacks in 2009. Several of the crimes were described as domestic disputes. Some acts of vandalism were committed against bars and discos catering mainly to LGBT clientele.

On November 4, the LGBT-rights group Arcigay criticized Prime Minister Berlusconi's comment that "It's better to look at nice girls than to be gay," which was his response to allegations of improper involvement with a female minor. In the midst of the controversy over the remark, Minister for Equal Opportunity Carfagna noted that the government had promoted a number of initiatives to fight discrimination against gays and lesbians.

Kosovo

societal discrimination against persons with disabilities; abuse and discrimination against persons based on their sexual orientation; and child labor in the informal sector.

....

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

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

The Center for Social Group Development (CSGD), a local NGO focused on LGBT health issues, reported that traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. LGBT individuals generally felt insecure, with many reporting threats to their personal safety. A 2008 study by the Youth Initiative for Human Rights, funded by the Swedish Helsinki Committee for Human Rights, found that 57 percent of LGBT persons surveyed were afraid for their safety.

The print media at times reinforced negative attitudes by publishing articles about homosexuality that characterized LGBT persons as mentally ill. At least one political party, the Islamic-oriented Justice Party, included a condemnation of homosexuality in its political platform.

The CSGD reported that, while there was little official discrimination against LGBT persons, there were a number of cases of societal discrimination against LGBT individuals during the year. Victims generally

refused to allow the center to present their cases publicly out of fear of discrimination. There were no overt impediments to the center's operation; however, social pressure and traditional attitudes had the effect of limiting its activities. The CSGD reported that the Ministry of Internal Affairs delayed without explanation the renewal of a memorandum of understanding with the KP for awareness-raising on LGBT issues.

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

Latvia

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

No gay pride parades or marches were held in the country during the year, although a Baltic regional pride march took place in Vilnius, Lithuania, in March. Latvian lesbian, gay, bisexual, and transgender (LGBT) activists reported they received good cooperation from Latvian police who traveled to Vilnius to assist Lithuanian police in providing appropriate security for the march. LGBT representatives stated the attitude of the country's police toward their organizations has improved in recent years.

There were no official reports of societal violence based on sexual orientation or gender identity; however, leaders of LGBT organizations complained of widespread intolerance and underreporting of physical attacks. As of July the ombudsman's office had received one report of discrimination based on sexual orientation.

LGBT representatives also reported that the ombudsman expressed reluctance to assist the LGBT community in securing its rights, particularly LGBT persons' right of assembly.

LGBT groups complained about the use of anti-LGBT rhetoric and images in the campaign of the For a Good Latvia party during the national parliamentary election campaign during the year.

Liechtenstein

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

A government-contracted study published in 2007 found evidence of discrimination based on sexual orientation. During the year, however, there were no formal complaints issued by the country's gay community, nor were there any gay pride marches. The government was in the process of elaborating a registered partnership law aimed at eliminating legal discrimination against same sex couples; the process was not completed by the end of the year.

In October 2009 the Office of Equal Opportunity launched an awareness campaign using posters to reduce discrimination and stigmatization of homosexual activity. In early November 2009, unknown people sprayed homophobic slogans on some posters of the awareness campaign. Investigations were abandoned due to lack of evidence.

Lithuania

There were reports of corruption in the police and government. Domestic violence and child abuse, intolerance of sexual and ethnic minorities, and trafficking in women and children continued to be problems.

....

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

....

In March legislation protecting minors took effect that prohibited the dissemination of information promoting a broad range of activities. The version of the law that came into effect in March had been amended from an earlier version (passed but not implemented) that would have banned all public information that agitates for homosexual, bisexual and polygamous relations; the implemented legislation refers to sexual intercourse in general.

....

On May 8, a long-planned Baltic Pride parade by members of the lesbian, gay, bisexual, and transgender community took place. A court briefly prohibited the parade at the request of the Office of the Prosecutor, which claimed that it might be impossible to maintain order. However, police maintained that they were prepared to protect the gay participants and a higher court overturned the prohibition just one day before the parade was scheduled to begin

....

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

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

While homosexual acts are not illegal and there was no official discrimination against lesbian, gay, bisexual or transgender (LGBT) persons, society's attitude towards homosexuality remained negative. NGOs focusing on LGBT problems faced no legal impediments, but the few that functioned kept a low

profile because of public hostility to their aims. The Lithuanian Gay League (LGL) continued to promote an inclusive social environment for LGBT persons.

During the year the Prosecutor's Office opened 148 investigations of incitement to hatred, most of them over the Internet, against gays and lesbians.

Domestic human rights organizations and members of the LGBT community reported that discrimination and the persistent social exclusion of LGBT persons were problems. The first Gay Pride march to be held in Vilnius took place on May 8, with participants from all of the Baltic countries. It attracted approximately 600 participants. The event took place only after the Supreme Administrative Court overturned at the last minute a lower court decision to suspend the parade's license. In 2009 the Vilnius municipality refused NGOs that supported gay rights and other human rights the permission to organize a tolerance march on Independence Day. The NGOs appealed to a court, which upheld the refusal in November 2009.

Approximately 500 police were stationed along the parade route to protect the marchers from a crowd of around 1,000 persons protesting the parade. The protesters, led by two parliamentarians, were kept at a distance by a wall of barriers that had been erected around the parade route, but that did not prevent them from shouting antigay epithets. Police reportedly fired teargas into protesters who attempted to jump the barriers; the protesters retaliated by throwing stones and improvised smoke bombs as well as broken street signs. Authorities temporarily detained 18 persons. Prosecutors sought the lifting of immunity from the two parliamentarians involved in the protest, but the parliament later voted against lifting their immunity.

In July 2009 the Seimas adopted, over the president's veto, legal provisions "protecting" minors from exposure to certain public information; many human rights proponents criticized the legislation on the grounds that it discriminated against gays and lesbians. In December 2009 the law was further amended in response to those objections, and the amended law took effect in March 2010. However, some human rights activists remained skeptical of its possible use (see section 2.a.). Antigay activists cited the law to justify their (unsuccessful) effort to prevent the May 8 Baltic Pride march in Vilnius.

Luxemburg

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

There was one organization for lesbian, gay, bisexual, and transgender persons that operated without any impediment. An annual gay pride event took place in May. The government authorized the event and police provided sufficient protection.

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

Macedonia

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

There were two registered NGOs addressing lesbian, gay, bisexual, and transgender (LGBT) issues. Activists representing the rights of LGBT individuals reported incidents of societal prejudice, including harassment and use of derogatory language, including in the media.

The government removed sexual orientation as a protected category from the antidiscrimination law just before it was submitted to parliament for a vote. NGOs, the media, and the international community criticized the government for the law's exclusion of sexual orientation--a provision required for membership into the EU.

NGOs condemned the use of text books at the university and high school levels that treated homosexuality as a disease and sexual disorder. They complained that this increased societal discrimination against members of the LGBT community.

On November 16, LGBT activists participated in a march in central Skopje to mark the International Day for Tolerance. Two representatives of the LGBT community addressed the crowd and reporters.

Malta

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

In June the Malta Gay Rights Movement staged a weeklong series of events during Gay Pride Week with no reported interference or harassment. The events culminated in a gay pride march supporting the adoption of antidiscrimination measures, including better access to goods and services and extending to lesbian, gay, bisexual and transgender (LGBT) couples the same rights as other family units. The country's antidiscrimination laws regarding sexual orientation only extend to the area of employment. Same sex couples do not have legal recognition or parenting or adoption rights.

In October 2009 the Malta Gay Rights Movement hosted the International Lesbian and Gay Association-Europe Conference with an estimated 300 participants from 48 countries. It also freely carried out other public activities.

Moldova

There were also reports of persistent societal violence; discrimination against women; trafficking in persons; discrimination against Roma; harassment and abuse of lesbian, gay, bisexual, and transgendered (LGBT) individuals

....

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

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

In recent years, public officials made a series of negative comments regarding homosexuality. In 2007, in response to an inquiry on the treatment of LGBT individuals by a member of the European Parliament, Nicholae Esanu, who at the time was deputy minister of interior, responded, "I have more important issues to solve than your gays and lesbians...The situation of sexual minorities in our country is not a priority issue for the government."

In 2008, at a meeting with Balti students, Marian Lupu, speaker of parliament, expressed his opinion about public demonstrations of gays and lesbians, saying, "Everyone is free to do whatever they want in private, but public parades of homosexuals are inadmissible." Similarly, in a press conference on October 18, Acting President Mihai Ghimpu noted that his PL party's position on LGBT rights was that persons could invoke such rights in private, but that, as Christians, "we should not popularize these kinds of rights."

On April 28, the Court of Appeals ruled in favor of the Chisinau city government, which had denied a permit by organizers of an LGBT pride parade scheduled for May 2 in Chisinau's central square. The city mayor's office had denied the permit, noting its concern over counterdemonstrations planned by Christian groups and NGOs. Mayor Dorin Chirtoaca proposed an alternative location away from the center of the city, but parade organizers rejected that alternative. During the only previous pride parade, held in 2008, police failed to intervene as counterdemonstrators physically attacked parade participants.

On December 6, a 27-year-old gay man took his life following an incident of homophobic harassment by the Moldovan police during the day. The incident started when a police car arrived at a known "cruising area" in Chisinau. The police asked two men to go with them to the police car, where police officers proceeded to abuse verbally and intimidate the two men with homophobic and derogatory remarks. As a witness to the incident, a male staff member from the local LGBT rights organization Gender Doc-M,

attempted to intervene on their behalf. The outreach worker contacted the president of Gender-Doc-M whose intervention resulted in the men's release but not before the police had taken their personal details including their work addresses. Only one of the police officers, Sergiu Gaina, presented his identity; his anonymous colleague was armed. After the incident, the young man went home, called his mother and apologized to her for being gay. Later that night, the man hanged himself.

Gender Doc-M issued a press release, stating that while the exact reasons for the suicide may never be known, this incident, as witnessed by one of their outreach workers, was consistent with a pattern of police abuse of power towards the LGBT community, which included blackmailing or threatening and detaining LGBT individuals at police stations. Authorities failed to launch any investigation into this incident, and subsequent appeals by Gender Doc-M officials to the Interior Ministry and the police received no reply.

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

In recent years, over 30 citizens were forced to travel abroad to undertake gender-reassignment surgeries, since no such services were available in the country. While authorities allowed individuals to change their names (for example, from a male name to a female name), the government did not allow persons to change the gender listed on their identity cards or passports.

Monaco

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

No specific laws protect lesbians, gays, bisexual, or transgender persons from discrimination. The law imposes a punishment of five years' imprisonment "for those who harbor hatred or violence towards a person or group of persons ... based on their sexual orientation, real or supposed." However, under the law, a racial or sexual discrimination infraction is not seen as an aggravating circumstance, as it is in France. In July the first-ever case of gay discrimination was reported to the court.

Montenegro

intolerance based on sexual identity

....

The constitution and laws prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce these prohibitions in practice. On July 27,

the Assembly adopted an antidiscrimination statute containing comprehensive prohibitions of discrimination on the basis of race, religion, sexual orientation, gender identity, and other grounds.

....

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

The constitution calls for respect for human rights on all grounds and prohibits the instigation of hatred or intolerance on any grounds. Nevertheless, antipathy and stigmatization toward lesbian, gay, bisexual, and transgender (LGBT) persons existed.

A number of NGOs and human rights activists continued to sharply criticize and unsuccessfully demand the removal from office of the minority and Human Rights Minister Ferhat Dinosa for "his incompetent, intolerant and homophobic statements."

The Ombudsman's Office stated that since adoption of an antidiscrimination law in July, their office received two complaints against discrimination on sexual orientation.

NGOs Juventas and Safe Woman's House, along with individual members of the LGBT population, filed a complaint with ombudsman's office claiming a program aired on Atlas TV called "Glamour Noir" contained hate speech. The Slobodan Skerovic secondary school in Podgorica sanctioned a psychology teacher who was a guest on the program because of her statements about LGBT persons on that program. Following the ombudsman's recommendation, the Broadcasting Agency urged Atlas TV and other electronic media outlets "to avoid promoting or instigating intolerance or hate speech."

There were infrequent reports of violence and discrimination directed against gay men; there were no reports that the government condoned such actions. In July two cases of violence against gay men were reported to the NGO Juventas. Neither case was reported to the police, as the victims reportedly feared disclosure of their sexual orientation during the investigation and possible court trial. There were no reports that persons were denied equal opportunities in education and employment on the basis of sexual orientation. Societal antipathy towards gays and lesbians led most of them to conceal their orientation. No person publicly declared their gay or lesbian affinity during the year. Juventas reported two cases in which media carried insulting remarks against LGBT persons.

During the year the NGO Juventas and the Coalition for LGBT conducted an awareness campaign through the EU-funded project, "Montenegro Bright Spot on the Gay Map," a hopeful response to the Dutch NGO that had once labeled the country "the dark spot on the gay map."

In July, as part of efforts to provide protection to sexual minorities in the country, six Montenegrin police officers took part in training programs in Los Angeles and Toronto on the protection of LGBT rights.

Netherlands

It is a crime to engage in public speech that incites hatred, discrimination, or violence against persons because of their race, religion, convictions, gender, sexual orientation, or disability.

....

The law prohibits discrimination based on age, race, gender, disability, language, political preference, sexual orientation, and social status, and the government generally enforced these prohibitions.

....

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

In the Netherlands, there are no government impediments to the organization of gay events. The gay rights organization COC called for government policies to increase societal acceptance of homosexuality, for example, through mandatory information at schools on homosexuality and the transgender community. There were several gay pride marches during the year. During the year the Justice Ministry reported a rise in harassment due to homosexual activity. Most incidents consisted of verbal epithets and abuse. Police placed a high priority on combating antigay violence.

Caribbean society remained much less accepting of homosexuality and the transgender community; however, there were no known cases of abuse or violence against individuals in this community in Aruba or the former Netherlands Antilles during the year. There were no gay pride marches.

Norway

The law prohibits "discriminatory or hateful expressions," defined as "threatening or insulting anyone, or inciting hatred or persecution of or contempt for anyone because of his or her: a) skin color or national or ethnic origin, b) religion or life stance, or c) homosexuality, lifestyle, or orientation." Violators are subject to a fine or imprisonment not to exceed three years. There were no reported charges or convictions for violating the hate speech law during the year.

....

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

Gay pride marches were authorized and registered; police provided sufficient protection to marchers. On June 26, the main march of the year took place peacefully in Oslo through a neighborhood where gays and lesbians had previously been harassed.

In August 2009 an unknown assailant attacked two gay men who were holding hands while walking in a majority Muslim neighborhood of Oslo. Police were unable to identify a suspect during the year.

Poland

societal discrimination and violence against ethnic minorities, gays, and lesbians

....

In 2008 the prime minister appointed a senior government official as "equality minister" with a mandate to promote equal treatment. However, some women's rights groups complained that the position was neither sufficiently resourced nor sufficiently independent from government influence to fulfill its mandate. Women and lesbian, gay, bisexual, and transgender (LGBT) groups criticized the incumbent for making controversial statements about these issues and for not doing enough to combat discrimination against women as well as LGBT persons.

....

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

The constitution provides all persons the right to equal treatment and prohibits all forms of discrimination in the political, social, and economic spheres. There are no laws that criminalize sexual orientation or behavior.

Organizations representing LGBT persons reported that discrimination was common in schools, the workplace, hospitals, and clinics. For example, LGBT persons were sometimes prevented from donating blood due to the perception that HIV/AIDS is prevalent in the LGBT community. During the year there were some reports of skinhead violence and societal discrimination against LGBT persons. There are several LGBT organizations operating in the country, with a focus on preventing discrimination against LGBT persons and promoting tolerance.

The EU Fundamental Rights Agency's November report about the rights of LGBT persons in EU states recognized the country's progress in improving the situation of LGBT persons. The report also identified areas for further improvement, including the issuance of certificates that would allow LGBT persons to register their relationships in other EU member states and creation of an office to deal with issues regarding equal treatment on the basis of sexual orientation.

In May 2009 the NGO Campaign against Homophobia reported that the level of hate speech against persons based on their sexual orientation was still high.

On May 15, an estimated 500 persons took part in Krakow's sixth annual March for Tolerance to call for an end to prejudice against gays and lesbians. The event took place without major incident, due in part to the presence of more than 200 police officers and city guards. The All Poland Youth association organized a small counterdemonstration. Some counterdemonstrators threw eggs at police officers protecting the marchers.

On July 17, Warsaw hosted the EuroPride parade, an annual event drawing participants from around Europe to promote LGBT rights. Approximately 8,000 local and international activists participated in the parade without serious incident. A group of 300 counterdemonstrators from the National Radical Camp and All Poland Youth association attempted to interrupt the event by throwing eggs, bottles, and stones at the participants. Police stopped 236 persons and arrested nine.

Portugal

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

During the year a number of gay pride parades took place in the country with no reported incidents. There was no official or societal discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. On August 4, according to the NGO ILGA-Portugal, the state secretary for equality called on the Portuguese Blood Institute to remove questions about sexual orientation from questionnaires filled out by blood donors.

Romania

Societal discrimination against Roma; gay, lesbian, bisexual, and transgender persons;

....

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

The law prohibits discrimination based on sexual orientation; however, NGOs reported that police abuse and societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons was common and that open hostility prevented the reporting of some harassment and discrimination. Members of the gay and lesbian community continued to voice concerns about discrimination in public education and the health care system. During the year the NGO ACCEPT provided legal and health counseling dealing with transgender issues to 12 persons. The NGO reported that the number of complaints by members of its community about harassment of gay men by authorities increased during the year.

Several members reported that police and gendarmerie raids took place in public places known to be meeting areas for gay men, and that police behavior was abusive. These raids mostly occurred in public parks, with police or gendarmes asking all men to show their identification, questioning them about the reason for their presence, making offensive comments regarding homosexuality, and threatening to arrest them.

During the year several individuals complained to ACCEPT that police raided the Bucharest North Railway Station and the surrounding neighborhood and abused persons they suspected of being gay. Complainants stated police used offensive language regarding their sexual orientation, handcuffed them, threatened or used physical violence such as beatings, forced them to clean toilets, and fined them for disturbing public order. According to one individual who requested legal assistance from ACCEPT, police did not show their identification badges.

After a four-year-long lawsuit, a court ruled in November that the National Administration of Penitentiaries should pay moral compensation amounting to 50,000 euros (\$67,000) for discrimination based on sexual orientation. An individual represented by ACCEPT filed a lawsuit against the National Administration of Penitentiaries in 2006 complaining that the institution had failed to protect him from acts of sexual violence, harassment, threats, and discrimination committed by fellow prisoners while he was in jail in 2004-05.

No developments were reported in the February 2009 beating and assault on a transgender person in Bucharest or the reported verbal abuse of the same person by taxi drivers in March 2009.

There were two officially registered LGBT organizations, ACCEPT and LGBTeam. Other LGBT groups lacked legal status and generally kept a low public profile.

On May 22, between 200 and 300 persons participated in the annual "march of diversity" gay pride parade in Bucharest. Local authorities mobilized approximately 400 police to protect the participants, and the parade ended without violent incidents. There were some claims that individuals who wanted to participate in or watch the parade were discouraged from doing so because of the police barricades. The New Right, an extreme-right nationalistic group opposed to homosexuality and claiming a Christian orientation, sponsored a "march for normalcy" antigay rally on the same day as the march for diversity, but at a different time and location. They chanted virulently antigay slogans. Prior to May 22, a group of NGOs called for a ban on the gay parade. Some of these NGOs, including the Alliance of Families from Romania and the Christian Orthodox Forum, sponsored a "march for the family," which gathered approximately 150 participants. The Orthodox Church criticized both the gay parade and the New Right march, saying that both organizations sought publicity and did not have the church's blessing. A senator, Iulian Urban, called the gay pride parade a "direct threat to the Romanian family."

In February, EU Parliamentarian Gigi Becali, the owner of the Steaua soccer team, stated that he would not accept the transfer of a soccer player to Steaua because he was allegedly gay. ACCEPT filed a complaint with the CNCD. In April during a press conference, Becali tore up the notification received from the CNCD regarding this complaint and declared, "There will never be any homosexual player at Steaua." In December the CNCD admonished Becali for statements defaming the gay community.

Russia

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

Homosexuality was decriminalized in 1993; however, the gay and lesbian communities continued to suffer from societal stigma and discrimination. Gay rights activists asserted that the majority of gays hide their orientation due to fear of losing their jobs or their homes, as well as the threat of violence. However, there are active gay communities in Moscow and St. Petersburg. Medical practitioners reportedly continued to limit or deny gay and lesbian persons health services due to intolerance and prejudice. According to recent studies, gay men faced discrimination in workplace hiring practices. Openly gay men were targets for skinhead aggression; police often failed to respond out of indifference. A few gay rights organizations operated but did so out of public view.

In Moscow authorities banned permits for a gay pride parade for the fifth year. Moscow's then mayor Yury Luzhkov, described gay pride marches as "satanic." However, on May 29, rights activists in Moscow, employing stealth tactics, managed to hold a rally in the center of Moscow despite a ban imposed by the city's authorities. The protesters walked for approximately six-tenths of a mile and left when they saw police. There were no reports of attempts to stop the activists. A few hours later another march took place in northwest Moscow. On the same day, representatives of the Russian Orthodox, Protestant, Muslim, and Buddhist communities made statements in support of then mayor Luzhkov's position and against public actions by sexual minorities.

Five participants in a gay rights rally at the Hermitage Museum in St. Petersburg were arrested for taking part in an unauthorized event on June 26. The police also arrested 20 men who reportedly planned to attack the demonstrators. All were released the next day.

According to Nikolay Alekseyev, a leader of Moscow's gay community, in September he was kidnapped from an airport by persons he believed to be security personnel and held for two days outside Moscow where he was threatened and verbally abused by plainclothes officers. Alekseyev expressed the belief that this was an effort to get him to drop lawsuits against Russia filed with the ECHR (see section 1.b.).

Societal animosity toward gays remained strong. In 2008 two youths killed a man they perceived to be gay. Police arrested both individuals, and at year's end they remained under investigation. On October

30, an estimated 1,000 protesters staged a rally in Moscow against gay parades, the legalization of same-sex marriages, and immorality. According to press reports, the rally was organized by a number of Orthodox organizations; many participants carried signs, among them ones that read: "A gay parade will never be held in Moscow." The protest followed a ruling earlier in the month by the ECHR that found the city's ban on gay pride parades to be in violation of the European Convention on Human Rights.

The city of St. Petersburg gave permission to hold a gay rights parade/demonstration on November 20. According to the human rights Web site GayRussia.ru, this was the first legally sanctioned gay demonstration in the country's history. There was a large turnout by antigay demonstrators, who threw eggs and shouted insults, and the demonstration was broken off after 40 minutes due to violence.

San Marino

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

There were no reports of discrimination based on sexual orientation.

Serbia

societal violence and discrimination against minorities, particularly Roma and the lesbian, gay, bisexual, transgender (LGBT) population

....

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government made efforts to enforce these prohibitions effectively. However, discrimination against women and ethnic and sexual minorities, trafficking in persons, and violence against women and children were problems. On May 5, parliament elected the first commissioner for equality, Nevena Petrusic.

....

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

Violence and discrimination against members of the LGBT community were serious problems. While attacks happened frequently, few were reported publicly because victims feared further harassment. On August 12, police arrested Christian Zivanovic for stabbing and robbing two German citizens, Dominic Miller and a minor. Zivanovic told police he attacked them because they were "acting like members of the gay population."

During the October 10 Pride Parade in Belgrade, approximately 6,000 rioters (mostly soccer hooligans and nationalist extremists) attempted to attack and disrupt the parade, injuring 147 police and inflicting approximately \$1.4 million in property damage. When police prevented them from reaching the parade, they attacked several buildings, including foreign embassies and political party headquarters.

Societal perceptions of homosexual conduct and attitudes towards the LGBT population continued to be negative. According to a survey done in March by the Center for Free Elections and Democracy and the Gay Straight Alliance (GSA), 56 percent of the population believed homosexuality posed a threat to society, 67 percent believed it to be a disease, 20 percent supported or justified violence against LGBT persons, and 5 percent were ready to use violence to combat homosexuality. Several neo-Nazi Web sites, nationalist Web forums, and Facebook pages based in the country hosted anti-LGBT forums and groups.

Members of the LGBT community continued to be targets of attacks. LGBT organizations reported that many violent attacks against the LGBT community were not reported to police because the victims did not believe their case would be addressed properly and wanted to avoid further victimization from the police or publicity generated by their complaint.

In March 2009 a group of approximately five masked individuals broke windows and attempted to enter the Student Cultural Center in Kragujevac during a press conference held by the GSA to present its annual report on gay rights in the country. The GSA alleged that the attackers had been emboldened by the government's decision to withdraw a draft law against discrimination from parliamentary procedure in response to pressure from the Serbian Orthodox Church and right-wing groups. On March 14, police arrested three individuals in connection with the incident, but there was no additional information available at year's end.

In May 2009 the district prosecutor in Belgrade declined to file criminal charges in connection with the 2008 attack by a group of approximately 20 youths wearing surgical masks and hoods on participants in a gay rights festival in Belgrade. In July the NGO Labris initiated a civil suit on behalf of one of the victims; the case was pending at year's end.

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

Slovakia

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

According to gay rights advocates, prejudice and official and societal discrimination persisted, although no official cases were available for citation.

On May 22, there was a well-attended gay pride parade in Bratislava, which was in part supported by the international community. Shortly after the event began, a group of approximately 50 skinheads marched to within 20 feet of where introductory speeches were occurring. The neo-Nazis chanted slogans and tossed a smoke bomb into the crowd near a group of foreign dignitaries. In response, parade organizers altered the route. In the press scrutiny that followed, Interior Minister Robert Kalinak attributed the problems with the pride parade to its organizers, who "failed to provide appropriate protection against extremists, "such as by hiring their own private security guards." The only thing the organizers achieved, Kalinak asserted, was good advertising for neo-Nazis. The organizers refuted the assertion, noting they had discussed security with the police months in advance.

Officials at times expressed discriminatory views. In December 2009 Jan Slota, the chairman of the Slovak National Party and then governing coalition member, stated: "We're strictly against any promotion of these sick (referring to same-sex) relationships... when I see those transvestites having their parades, strutting down the street naked and presenting this as a fashion...I consider this to be outrageous and sick."

Lesbian, gay, bisexual, and transgender persons organizations existed and operated without impediments and lobbied for legal rights.

Slovenia

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

....

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

The law prohibits discrimination based on sexual orientation; however, societal discrimination was widespread, and isolated cases of violence against homosexual persons occurred. Recent data on the problem's scope was not available. The NGO Society for the Integration of Homosexuals also reported that the police did not specify whether crimes were directed at homosexual persons, so hate crime data was unavailable.

On July 3, the 10th annual gay pride parade in Ljubljana took place with the support of local government officials, although there were reports that bystanders shouted homophobic slurs at participants and

antigay graffiti and stickers were seen in various locations around the city. Organizers reported satisfactory police presence during the parade. One individual was assaulted prior to last year's gay pride parade, and in March three individuals were sentenced to 18 months in prison for the attack. At that sentencing, about 100 people in black masks gathered in front of the Ljubljana District Court to protest the "excessive punishment" of the attackers. The victim of the assault stated that the protesters were not friends of the accused, but rather associates of the extreme right.

Spain

The law provides that persons who provoke discrimination, hatred, or violence against groups or associations for racist, anti-Semitic, or other references to ideology, religion or belief, family status, membership within an ethnic group or race, national origin, sex, sexual orientation, illness, or disability, may be punished with imprisonment of one to three years.

....

The Asylum and Subsidiary Protection Law provides protection for up to three years for persons who do not meet the criteria for refugee status but face dangers such as torture or the death penalty if returned to their countries of origin. The law includes gender and sexual orientation as conditions for granting asylum

....

The Ministry of Foreign Affairs runs the Program for Assistance and Protection of Human Rights Defenders at Risk.... During the year the country accepted 22 persons from a variety of countries into the program; for the first time, two individuals gained entry into the program on account of defending lesbian, gay, bisexual, and transsexual (LGBT) rights.

....

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

The lesbian, gay, bisexual, and transgender (LGBT) community was widely accepted throughout the country. LGBT organizations were numerous, and there were no reported impediments to their operation.

From June 25 through July 4, Madrid celebrated Gay Pride, culminating in a July 3 parade in which more than one million persons participated in a secure celebration. The parade was authorized by authorities, and police provided sufficient protection to marchers.

Sweden

The law criminalizes expression considered to be hate speech and prohibits threats or expressions of contempt for a group or member of a group based on race, color, national or ethnic origin, religious belief, or sexual orientation. Penalties for hate speech range from fines to a maximum of four years in prison.

....

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

....

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

....

On September 30, after the government amended the country's antidiscrimination laws, the European Commission ended legal proceedings against the country for incorrectly implementing EU rules on equal treatment in employment on the basis of religion, belief, disability, age, and sexual orientation.

....

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

During the year there were isolated incidents of societal violence and discrimination against homosexual conduct. For 2009 the NCCP reported 1,090 hate crimes based on sexual orientation, 1,060 with a homophobic, biphobic, or heterophobic motive, and 30 with a transphobic motive.

In July the annual weeklong Gay Pride Festival took place in Stockholm. A government working group promotes equal rights for lesbian, gay, bisexual, and transgender persons.

Switzerland

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

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

On the occasion of International Day against Homophobia held on May 17, the Swiss gay organization, Pink Cross, reported that homosexual children from immigrant families, particularly from the Balkans, Turkey, and the Middle East, suffered heavy reprisals by their families.

Throughout the year, representatives of the Young Social Democratic Party and lesbian, gay, bisexual, and transgender (LGBT) organizations complained that gay men suffered discrimination, as they were not allowed to donate blood.

On March 2, the Swiss section of Amnesty International filed a petition to the parliament calling for the gender-based persecution of LGBT persons to be incorporated into federal law as a category of persecution qualifying an applicant for asylum in the country.

On June 9, Zurich Pride, a festival for LGBT persons, took place in Zurich with the same level of security and police presence as many other large public events in the country.

Turkey

Human rights groups reported that nearly 200 lesbian, gay, bisexual, or transgender (LGBT) refugees from Iran were living in the country at year's end. The group reported that these refugees faced numerous problems in the country in addition to their refugee status due to their sexual orientation or gender identity.

....

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

While the law does not explicitly discriminate against lesbian, gay, bisexual, or transgender (LGBT) individuals, organizations working with LGBT persons stated that references in the law relating to "the morals of society," "protection of the family," and "unnatural sexual behavior" were sometimes used as a basis for abuse by police and discrimination by employers. The law also states that "no association may be founded for purposes against law and morality." This article was applied in attempts to shut down or limit the activities of NGOs working on LGBT matters, a fact the EC criticized in its progress report in November.

In October 2009 the Directorate of Religious Affairs (Diyamet) under the authority of the Prime Ministry released a decision declaring that homosexuality is "a behavior disorder and has been spreading in a scary way within society. ...[H]omosexuality cannot be accepted." The decision went on to state that homosexuality "is against human nature, and it should be corrected without targeting homosexuals."

The state minister in charge of women and family affairs, Aliye Kavaf, stated on March 7 that she believed homosexuality was a "biological disorder, a disease...that needs to be treated." The EC said in its progress report in November that this sort of "negative stereotyping by political figures" could provoke further discrimination against LGBT individuals.

In December the RTUK issued a fine to Haberturk TV for broadcasting a discussion of homosexuality. The RTUK also issued a warning to ATV for a series that showed two men in bed together as a couple. The RTUK president said that because both programs presented homosexuality as "normal," the RTUK assessed that they harmed the Turkish family structure. He claimed the programs "constituted a breach of the society's national and moral values."

On May 16, nearly 300 persons marched in an antihomophobia parade in the heart of Ankara. On June 27, a LGBT pride parade and celebration in Istanbul drew more than 5,000 persons, with heavy participation and coverage by foreign observers. Smaller pride celebrations occurred in other cities. Police provided protection to some of the celebrations, and no incidents of violence were reported. According to human rights organizations, LGBT events with foreign participation generally occurred without incident while those without foreigners had much higher levels of police interference.

There were active LGBT organizations in at least seven cities in the country: Istanbul, Ankara, Izmir, Bursa, Adana, Eskisehir, and Diyarbakir. Other unofficial groups existed in smaller cities and on university campuses. All groups complained of harassment by police and government authorities. Most had problems registering as an official organization or maintaining their registration once granted. While some university LGBT clubs were granted permission to form during the year, many groups complained that they had tried to form but had been denied permission by the university's rector. In the fall, an LGBT group at the Middle East Technical University in Ankara applied to the university administration for status as a club. The university administration rejected their application, stating that "it is not sufficient reason to establish a club to raise consciousness and sensitivity." The group had been denied several times in the past as well.

On April 30, an Izmir court dismissed the closure case against Black Pink Triangle, an LGBT rights association in Izmir. The court declared in its ruling that LGBT persons have the same right to freedom of association as other citizens. The association was functioning normally at year's end.

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

had received. LGBT organizations reported thousands of fines against transgender individuals during the year.

The HRF and LGBT organizations reported that police in many cities, especially Istanbul, Izmir, and Ankara, continued to use a "point system" whereby officers were rewarded for fining transgender persons. Many observers noted that this practice had contributed to a substantial increase in the levels of abuse of transgender persons by security forces. There was no government response to these allegations by year's end.

On May 17, uniformed police officers pulled from a vehicle and beat and arrested five transgender activists while they were driving in Ankara; one of the women was beaten unconscious. Human rights groups witnessed the bruised and bloody activists when they were released the following day. Following the attack, the police and the activists filed complaints against each other in court, the activists for mistreatment, and the police for "resisting the police." An Ankara court dropped the charges against the five activists on October 20 for lack of evidence. The investigation against the police continued at year's end.

On June 19, police assaulted and arrested three transgender persons after stopping their car Ankara. The transgender persons were subsequently charged with "damaging public property, resisting police, and preventing police from performing their duty," but they denied the charges. On December 29, one police officer did not attend the first hearing, and the case continued at year's end. The three filed complaints against the police officers for mistreatment, but there had been no public investigation at year's end.

Halil Ibrahim Dinçdag, a soccer referee who lost his job in May 2009 because of his self-identification as a gay man, filed a complaint early in the year against the Turkish Soccer Federation for wrongful termination. The first hearing had not begun at year's end.

The criminal case against Birol Can Korkmaz for the March 2009 murder of transgender activist Ebru Soykan continued at year's end.

There was no movement on the October 2009 case against police in Istanbul for harassment of transgender individuals.

The trial of Yahya Yildiz, accused of killing his son, Ahmet Yildiz, in 2008 in Istanbul in a case described as a gay "honor killing," continued at year's end.

Openly gay men were not allowed to perform military service for "health reasons" due to their sexual orientation; those requesting military exemption for reasons of sexual orientation had to undergo an

invasive burden of proof and many times were denied even after proclaiming their sexual orientation and undergoing treatment and examination at several military medical facilities. LGBT groups complained that gay men were required to show photos of themselves in overtly sexual positions and to undergo thorough medical evaluations to prove their homosexuality to military officials. The groups further complained that military officials "outed" gay men to their families and communities.

Ukraine

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

The lesbian, gay, bisexual, and transgender (LGBT) community continued to suffer societal stigma and discrimination. Those who openly declared their sexual orientation experienced discrimination in education, the workplace, and access to medical treatment and to information on the prevention of HIV/AIDS.

According to the registered LGBT rights group Nash Mir (Our World), law-enforcement representatives were involved in 35 of 79 identified instances of discrimination against gays during the year. The group also maintained that police mistreated and collected personal data on gays, while the Ministry of Internal Affairs ignored homophobic attitudes among its personnel.

Among the incidents documented by Nash Mir was the illegal detention by police of a man in Chernivtsi who was accused of frequenting a gay meeting place. Police photographed the man and took his fingerprints.

In another incident police in Mykolayiv interrogated a gay man as part of an investigation into the killing of a gay man. The police insulted him and threatened to expose his sexual orientation if he did not provide contact information of other homosexual persons he knew.

On November 20, according to the LGBT group Insight, approximately 10 men broke into a movie screening organized by the group on the Transgender Day of Remembrance and attacked the audience with teargas. One of the organizers who attempted to block the attackers was beaten. Police investigated the incident as hooliganism, while members of the LGBT community urged the police to open a hate-crime investigation. The case remained open at year's end.

United Kingdom

Societal problems included discrimination against religious minorities and mistreatment of women, children, ethnic minorities, lesbian, gay, bisexual, and transgender persons, and persons with disabilities.

....

The constitution and the Human Rights Act of 1981, as amended, protect the human rights of inhabitants of Bermuda, with the exception of protection against discrimination based on sexual orientation.

....

The law prohibits discrimination based on race, nationality, gender, sexual orientation, or disability, and the government generally enforced the law effectively. The EHRC has a mandate to combat discrimination based on race, sex, religion and belief, sexual orientation, and age.

....

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

The law prohibits discrimination and harassment based on sexual orientation; however, sporadic incidents of homophobic violence were reported. The law encourages judges to impose a greater sentence in assault cases where the victim's sexual orientation is a motive for the hostility, and many local police forces demonstrated an increasing awareness of the problem and trained officers to identify and moderate these attacks. Dozens of gay pride marches and other activities took place in locations throughout the country legally and with no interference by the authorities. During the year 20 Bermudians took part in the London Pride parade, protesting Bermuda's failure to outlaw discrimination based on sexual orientation.

According to the Crown Prosecution Service, 1,373 homophobic crimes were referred to it in 2009-10, of which 66 percent resulted in charges being pressed. The service prosecuted 1,152 homophobic cases, 81 percent of which resulted in a conviction. In Northern Ireland, the PSNI noted a 2 percent decrease in homophobic incidents in the past year.

According to the BBC, the Forced Marriage Unit reported an increase in the number of cases of forced marriage among lesbian, gay, bisexual, and transgendered teenagers.

A report published during the year by the NGO Stonewall stated that lesbian, gay, and bisexual asylum seekers experienced "significant disadvantages" because of their sexual orientation. Stonewall claimed that, by "fast tracking" these more complex cases and denying them quickly, UKBA staff did not give applicants time to talk openly about their sexual orientation.

Near East and North Africa

Algeria

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

The penal code criminalizes public homosexual behavior for males and females, and there is no specific legal protection for lesbians, gays, bisexuals, and transgender (LGBT) persons. The law stipulates penalties that include imprisonment of two months to two years and fines of 500 to 2,000 dinars (approximately \$7 to \$27). If a minor is involved, the adult may face up to three years' imprisonment and a fine of 10,000 dinars (approximately \$135).

There was societal discrimination against homosexual conduct. While some LGBT persons lived openly, the vast majority did not, and most feared reprisal from their families or harassment from authorities

Bahrain

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

The law does not criminalize homosexual relationships between consenting adults at least 21 years of age; however, lesbian, gay, bisexual, and transgender activities were not socially accepted, and discrimination was common.

Egypt

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

Although the law does not explicitly criminalize homosexual acts, the law allows police to arrest gays on charges of debauchery. In January 2009 police arrested 10 men in Cairo on charges of debauchery. Authorities forced the men to undergo HIV tests and anal examinations in detention. Following a court order, police released the men in May 2009. Gays and lesbians faced significant social stigma in society and in the workplace.

Iran

Violence and legal and societal discrimination against women, children, ethnic and religious minorities, and lesbian, gay, bisexual, and transgender persons were extant.

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

The government censored all materials relating to lesbian, gay, bisexual, and transgender (LGBT) issues. In 2008 President Ahmadi-Nejad called homosexual activity an "unlikable and foreign act" that "shakes the foundations of society." The Special Protection Division, a volunteer unit of the judiciary, monitored and reported "moral crimes." The law prohibits and punishes homosexual conduct; sodomy between consenting adults is a capital crime. According to a December HRW report, security forces used discriminatory laws to harass, arrest, and detain individuals they suspected of being gay. In some cases security forces raided houses and monitored Internet sites for information on LGBT individuals. Those accused of sodomy often faced summary trials, and evidentiary standards were not always met. The punishment of a non-Muslim gay man or lesbian was harsher if the gay man or lesbian's partner was Muslim. Punishment for homosexual behavior between men was more severe than for such behavior between women.

The law defines transgender persons as mentally ill, encouraging them to seek medical help in the form of gender-reassignment surgery. The government provided grants of as much as 4.5 million toman (\$4,500) and loans of as much as 5.5 million toman (\$5,500) for transgender persons willing to undergo gender reassignment surgery. Human rights activists and NGOs reported that some members of the gay and bisexual community were pressured to undergo gender reassignment surgery to avoid legal and social persecutions in the country.

The size of the LGBT community was unknown, as many individuals feared identifying themselves. There were active LGBT NGOs in the country, but most activities to support the LGBT community took place outside the country.

On April 25, according to press reports, police found a 24-year-old transgender woman known as Mahsa strangled in her apartment. Mahsa had previously undergone male to female sex-change operations. Her two brothers confessed to killing her on moral grounds. Although the brothers were sentenced to prison time of eight years and three years, respectively, the sentences included suspended jail time, which reduced their actual sentence in prison to three years and one year, respectively.

In July according to HRW, a Tabriz court issued an execution order for Ebrahim Hamidi, who was originally charged at age 16 with raping a minor. After the victim retracted his accusation, the court acquitted three other defendants but convicted Hamidi of sodomy based on *elm-e ghazi*. According to his lawyer, Mohammed Mostafaei, officials tortured Hamidi into signing his confession. HRW reported four other men in the country were in danger of execution for sodomy.

According to the HRW report, family members threatened and abused many young gay men, who also faced harassment from religious scholars, schools, and community elders. Some LGBT persons were expelled from university for allegations of homosexual activities. The HRW report also alleged that Basij forces attempted to entrap for arrest persons engaged in homosexual behavior.

On July 10, officers raided a private party in Shirza and arrested 17 gay men. According to a local NGO the charges against the men were eventually dropped.

Iraq

During the year the following significant human rights problems were reported: arbitrary or unlawful deprivation of life; extremist and terrorist bombings and executions; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; poor conditions in pretrial detention and prison facilities; arbitrary arrest and detention; impunity; denial of fair public trials; delays in resolving property restitution claims; insufficient judicial institutional capacity; arbitrary interference with privacy and home; limits on freedoms of speech, press, and assembly and extremist threats and violence; limits on religious freedom due to extremist threats and violence; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; lack of transparency and significant, widespread corruption at all levels of government; constraints on international organizations and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women and ethnic, religious, and racial minorities; human trafficking; societal discrimination and violence against individuals based on sexual orientation; and limited exercise of labor rights.

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

There was no law specifically prohibiting homosexual relationships, although the penal code prohibits the act of "buggery," or sodomy, irrespective of gender. The law calls for imprisonment only if the "victim" is under the age of 18. There was no data on how often, if ever, persons were prosecuted for sodomy. Due to social conventions and retribution against both victim and perpetrator of nonconsensual homosexual acts and persecution against participants in consensual homosexual relations, this activity was unreported.

In light of the law, the authorities rely on public indecency charges or confessions of monetary exchange, (i.e., prostitution, which is illegal) to prosecute homosexual acts. Homosexual persons often faced persecution and violence from family and nongovernmental actors. The procedures used to arrest

such persons were also used to arrest indiscreet heterosexuals who may be in sexual relations with persons other than their spouses.

Due to social conventions and potential persecution, including violent attacks, lesbian, gay, bisexual, and transgender (LGBT) organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held. Societal discrimination based on sexual orientation and gender identity in employment, occupation, and housing was common. Information was not available regarding discrimination in access to education or health care due to sexual orientation or gender identity. There were no government efforts to address this discrimination.

While there were fewer reports of discrimination and violence against gay men and lesbians than in 2009, discrimination and violence against such persons continued. On June 23, the London newspaper the Guardian reported that police in Karbala attacked and detained six persons, of whom two were gay men, one lesbian, and two transgender persons. The article reported that one of the men went to a hospital two days later with a throat wound and allegations of police torture. On June 29, the newspaper Al-Bayyna Al-Jadidah reported the arrest of college-age, gay men who allegedly confessed to committing "unethical" acts. The article, which highlighted the legal steps taken to secure a judicial order prior to the search and arrest, ended with "greetings to those awake eyes (security/informant forces) that pursue all homosexuals." As of year's end, authorities had not announced any arrests or prosecutions of any persons for abusing, killing, torturing, or detaining any LGBT individuals.

Israel

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

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

Gay pride rallies occurred peacefully in Tel Aviv on June 11 and in Jerusalem on July 29. An estimated 2,000 persons participated in the Jerusalem rally. There were police authorization and protection for the participants. Three separate antigay rallies were held in conjunction with the Jerusalem rally, including one in Independence Park where protesters held up signs reading: "Sick perverts, get out of Jerusalem," according to media reports. There was also a demonstration against the march in the ultra-Orthodox Jerusalem neighborhood of Mea Shearim.

There were no reports of violence against the lesbian, gay, bisexual, and transgender (LGBT) community during the year; however, in August 2009 a masked gunman killed Nir Katz, 26, and Liz Trobishi, 16, and wounded 15 others in the offices of the NGO GLBT Israel in Tel Aviv. At year's end, a police investigation continued, but the perpetrator had not been found. High-level politicians, including the president and prime minister, condemned the attacks.

Authorities arrested settler Yaakov Teitel (see sections 1.a. and the annex) in October 2009 after he posted signs praising the attack, but police did not charge him with the killings. On August 30, in commemoration of the 2009 attack, the Tel Aviv municipality launched an educational program for Tel Aviv schools focusing on LGBT issues, including the prevention of discrimination.

There were cases of official and societal discrimination against the LGBT community during the year. On September 14, the Supreme Court ruled that the Jerusalem municipality discriminated against a LGBT community center by not providing similar funding that had been provided to similar community centers.

An article in Yediot Ahronot on September 19 stated that Jerusalem Family Court Judge Phillip Marcus called on the government to investigate whether LGBT petitioners are "pedophiles or serial killers."

Jordan

Legal and societal discrimination and harassment remained a problem for women, religious minorities, converts from Islam, members of the lesbian, gay, bisexual, and transgender (LGBT) community, and some persons of Palestinian origin.

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

Homosexuality is not illegal in Jordan; however, societal discrimination against LGBT persons existed. A number of citizens reported sporadic police mistreatment of suspected LGBT persons. There were reports of individuals who left the country due to fear their families would punish them for their sexual orientation.

In March 2009 the municipality of Amman reportedly denied an application to establish a gay rights organization.

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

Kuwait

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

Homosexuality and cross-dressing are illegal. The law punishes homosexual behavior between men older than 21 with imprisonment of up to seven years; those engaging in homosexual activity with men younger than 21 may be imprisoned for as long as 10 years. The law imposes a fine of 1,059 dinars (approximately \$3,700) and imprisonment for one to three years for those imitating the appearance of the opposite sex in public. No laws criminalize sexual behavior between women.

During the year there were more than a dozen reports of police arresting transgender persons at malls and markets, beating them in custody and shaving their heads, and then generally releasing them without charges. The government did not condone abuse by officials of transgender persons, but it also did not punish the abusers. For example, on December 31, police arrested two women for allegedly dressing and acting like men, according to the local press; the women were released the next day. In March 2009 Criminal Investigations Division officers raided a cafe, arresting five men for cross-dressing. By year's end there were no updates in this case.

There were no official NGOs focused on lesbian, gay, bisexual, or transgender matters, though unofficial ones existed. Societal discrimination based on sexual orientation was common; officials practiced to a lesser extent a de facto discrimination reflecting societal values and laws. There was no government response to either.

Lebanon

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

Discrimination against homosexual activity persisted during the year. The law prohibits "unnatural sexual intercourse," an offense punishable by up to one year in prison. The law was sometimes applied to men engaging in homosexual activity; it was rarely applied to women, although the domestic NGO Helem (from the Arabic acronym for Lebanese Protection for Lesbians, Gays, Bisexuals, and Transgender (LGBT) Persons) reported that police used the law to blackmail women. In December 2009 Helem reported that a judge in the Batroun District rendered the first decision determining that "unnatural sexual intercourse" does not apply to homosexual activity, which he ruled a part of nature. At year's end no updates were available for this case.

Meem, the first NGO in the country exclusively for nonheterosexual women, and Helem hosted regular meetings in a safe house, provided counseling services, and carried out advocacy projects for the LGBT community. On August 21, the health outreach unit of Helem organized a fundraising party to raise

awareness on sexual and reproductive health for the LGBT community.

In February 2009 Helem organized a demonstration in Beirut to protest an attack by security forces against two gays (see section 1.c.) and against homophobic provisions of the law. In May 2009 Helem, Meem, and the Gay-Straight Alliance organized gay rights demonstrations. The government permitted these demonstrations, and there was no violence from any source reported against the demonstrators.

Libya

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

There was societal and official abuse based on sexual orientation and sexual identity. Citizens tended to hold negative views of homosexual activity, and homosexuality is socially stigmatized. Homosexual acts are a criminal offense punishable by three to five years in prison. The law provides for punishment of both parties. In November a girl who announced on the Internet that she was gay sought asylum in France after she was allegedly arrested, raped, and nearly forced into a marriage.

No public information was available on societal discrimination on the basis of sexual orientation or identity. There were no reports of legal discrimination based on sexual orientation in employment, housing, or access to education or health care.

Morocco

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

The penal code criminalizes homosexual activity, but these provisions were infrequently enforced. Homosexual conduct was addressed in the media and in public with more openness than in previous years.

Consequent to the illegality of homosexual activity, there were no reports of societal discrimination, physical violence, or harassment based on sexual orientation, nor were there reports of official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Sexual orientation occasionally constituted the basis for societal

Oman

The law prohibits discrimination against citizens on the basis of gender, ethnic origin, race, language, religion, place of residence, and social class. The government generally enforced prohibitions on discrimination effectively, although gays faced discrimination under the law and in practice; there were reports of prosecution for homosexual conduct, although information was limited. Social norms also

enforced actual discrimination against lesbian, bisexual, and transgender persons.

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

The penal code criminalizes homosexuality with a jail term of six months to three years. There were no reports of prosecutions for homosexual conduct during the year. Nine prosecutions for sodomy occurred in 2009.

The discussion of sexual orientation in any context remained a social taboo, and authorities took steps to block lesbian, gay, bisexual or transgender (LGBT)- related Internet content. There was no official or overt societal discrimination based on sexual orientation in employment, housing, or access to education or health care.

Qatar

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

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

Saudi Arabia

In 2009 local human rights watchers reported that prisoners had been sexually abused in the Buraida Prison in Qassim but did not alert prison authorities due to the stigma and penalties associated with homosexual activities.

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

Under Sharia as interpreted in the country, sexual activity between two persons of the same gender is punishable by death or flogging. It is illegal for men "to behave like women" or to wear women's clothes and vice versa. Consequent to the illegality and severe punishment applicable, there were few reports of

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

On June 2, a Philippine news Web site reported that the government banned the recruitment of gay and lesbian workers. According to the report, the Saudi Arabian embassy in the Philippines had issued a memorandum to recruitment agencies to screen applicants "so that those belonging to the third sex are excluded."

On July 29, the daily newspaper Al-Riyadh reported the arrest of a man dressed in women's clothing near Qatif. He was sentenced to five months' imprisonment and 60 lashes for "imitating women."

On November 8, Okaz reported that a Jeddah court sentenced a man, already imprisoned, to 500 lashes, five additional years in jail, and a fine of 50,000 riyals (\$13,000) for "committing homosexual acts," imitating women, possessing pornographic video clips of himself, and publishing obscene photos of himself on the Internet.

In June 2009 Riyadh police arrested and later released 67 men from the Philippines for drinking alcohol and dressing in women's clothing at a private party. Charges pressed were not publicized.

Syria

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

The law criminalizing homosexual conduct states that each sexual act "contrary to nature" is punishable by as long as three years in prison. Because homosexual conduct was both unlawful and considered shameful, the law made gays, lesbians, and transgendered individuals vulnerable to honor crime retaliation. Penal code Article 192 permits judges to reduce legal penalties in cases when an individual's motive for murder is a sense of honor.

There were no reports of prosecutions under laws criminalizing homosexual conduct during the year nor evidence of honor crimes against gays and lesbians; however, reports indicated that dozens of gays and lesbians have been imprisoned over the past several years after being arrested on vague charges such as abusing social values, selling, buying or consuming illegal drugs, and organizing and promoting "obscene" parties. There were no reports of punishment for female homosexual behavior.

The size of the lesbian, gay, bisexual, and transgender (LGBT) community was unclear, as many individuals feared identifying themselves as such or forming LGBT associations due to societal discrimination and the potential for criminal charges. There were no NGOs focused on LGBT matters.

There were several online networking communities, including Facebook pages, that served the local LGBT community. However, increasing Internet connectivity in the country, albeit under the government's watchful eye, helped network the community.

Human rights activists believed there was overt societal discrimination based on sexual orientation in all aspects of society. There are no official discriminatory laws based on sexual orientation in employment, as homosexuality is a crime in the country. There were no reports during the year of specific employment or government service discrimination based on sexual orientation.

Tunisia

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

Homosexuality is illegal and the penal code (article 230) criminalizes homosexuality with sentences up to three years in prison. There was anecdotal evidence that gays faced discrimination, including allegations that police officers sometimes brutalized openly gay persons and accused them of being the source of AIDS. There were no reports of persons arrested for homosexual activity.

United Arab Emirates

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

Both civil law and Sharia criminalize homosexual activity. Under Sharia the death penalty is the punishment for individuals who engage in consensual homosexual activity. There were no prosecutions for homosexual activity during the year. In 2009 there were reports that the government deported and sentenced individuals to prison for openly homosexual activity.

Under the law, cross-dressing is a punishable offense. The government deported cross-dressing foreign residents and referred citizens to public prosecutors. At times the government subjected persons to psychological treatment and counseling for homosexual activity.

Western Sahara

No mention

Yemen

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

Homosexual activity is a crime punishable by death under the country's interpretation of Islamic law.

Due to the illegality and severe punishment applicable, there were no lesbian, gay, bisexual, or transgender (LGBT) persons' organizations. There were no reports of official or societal discrimination, physical violence, or harassment based on sexual orientation, and there was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care, largely because, since the activity was illegal, LGBT issues were not considered relevant. Few if any LGBT residents were open about their orientation or identity because of strong, hostile societal pressure.

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.

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 Liendo.

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 carabineros) 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).

....

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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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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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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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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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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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.