

AFRICA

Angola

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

The law criminalizes same-sex activity, although there were no reported cases of this law being enforced. A draft penal code to replace the existing code (which was adopted in 1886 and, with several amendments, was valid at year's end) was passed in 2011. The draft code, which is intermittently used by the justice system, recognizes the right to same-sex relationships. The constitution defines marriage as between a man and a woman. NGOs reported a small underground lesbian, gay, bisexual, and transgender (LGBT) community in Luanda. There were isolated reports of same-sex couples being harassed by their communities. There were no NGOs advocating for the rights of the LGBT community.

Benin

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

There are no laws explicitly criminalizing same-sex sexual activity. There are laws prohibiting discrimination against other groups but none that specifically reference lesbian, gay, bisexual, and transgender (LGBT) individuals. There were no reports of criminal or civil cases involving same-sex sexual conduct or reports of societal discrimination or violence based on a person's sexual orientation. Although homosexual behavior was socially discouraged, it was neither prosecuted nor persecuted. A growing number of citizens have openly declared gay sexual orientations, but the LGBT community remained largely disorganized and hidden.

Botswana

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law prohibit governmental discrimination based on ethnicity, race, nationality, creed, sex, or social status, and the government generally respected these provisions in practice. In addition, as long as a government job applicant is able to perform the duties of the position, he or she may not be discriminated against due to disability or language. However, the law does not prohibit discrimination by private persons or entities, and there was societal discrimination against women; persons with disabilities; minority ethnic groups, particularly the San; gays and lesbians; persons with HIV/AIDS; and persons with albinism.

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

The law does not explicitly criminalize consensual same-sex sexual activity. 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. Police did not target same-sex activity and there were no reports during the year of violence against persons based on their sexual orientation or gender identity. While gay rights activists claimed some societal harassment and discrimination, stigma or intimidation were not factors in preventing reports of incidents of abuse.

Public meetings of gays and lesbian advocacy groups and debates on the issue of rights for all sexual orientations occurred without disruption or interference. An independent organization LeGaBiBo (Lesbians, Gays, and Bisexuals of Botswana) attempted to register in 2009 as an NGO to advocate for the rights of gay, lesbian, transgender, and bisexual persons, but the government refused to register it on the basis that LeGaBiBo promoted an illegal activity. LeGaBiBo operated under the umbrella of the Botswana Network of Ethics on Law and HIV/AIDS (BONELA), which in February 2011 filed a lawsuit challenging the government’s decision not to register LeGaBiBo. In November 2011 BONELA withdrew its lawsuit against the government due to technical errors in its founding affidavit. During the year LeGaBiBo again applied for registration as a gay rights organization with the Registrar of Societies. It was again denied on the same basis as the first time. LeGaBiBo appealed the denial to the minister of home affairs, who also denied the application.

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 or gender identity in employment and occupation, housing, statelessness, or access to education or health care. Nevertheless, societal discrimination, exacerbated by religious and traditional beliefs against LGBT persons, was a problem. 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 LGBT 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, although incidents were sometimes not reported due to stigma or intimidation.

On March 18, hundreds of persons from Wemtenga, a neighborhood of Ouagadougou, demonstrated to demand the departure of a gay couple within

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seven days. The demonstrators claimed that the couple set a bad example for neighborhood children. The couple asked for an extra two weeks to prepare and subsequently left the neighborhood. No legal action was taken against the perpetrators.

Burundi

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution provides for equal status and protection for all citizens, without distinction based on race, language, religion, sex, or ethnic origin, but the law does not explicitly address distinctions based on sexual orientation or gender identity. The government did not enforce the law in many cases.

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

The law criminalizes same-sex sexual acts with penalties ranging from a fine to imprisonment of three months to two years, with or without a fine. During the year two lesbians were briefly arrested and subsequently released.

In May 2011 the Remuruka Center, which offers urgent services to the lesbian, gay, bisexual and transgender (LGBT) community, began operations in Bujumbura. The government neither supported nor hindered local LGBT organizations or the center during the year.

Cameroon

Respect for the Integrity of the Person, Including Freedom from: Prison and Detention Center Conditions:

In June Le Messenger newspaper reported that more than 1,000 detainees and prisoners slept on the ground or on pieces of cardboard in Douala's New Bell Prison. Guards and local nongovernmental organizations (NGOs) reported rapes among inmates. Individuals incarcerated in the New Bell Prison and Yaounde's Kondengui Central Prison for homosexual acts suffered discrimination by and violence from other inmates.

Discrimination, Societal Abuses, and Trafficking in Persons:

The law does not explicitly forbid discrimination based on race, language, or social status, but it prohibits discrimination based on gender and mandates that "everyone has equal rights and obligations." The government did not enforce these provisions effectively, and violence and discrimination against women and girls, trafficked persons, ethnic minorities, gays and lesbians, and suspected witches were problems.

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

Consensual same-sex sexual 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 at least five persons were arrested for suspected homosexual activity, although none were engaged in homosexual acts at the time of arrest.

Gay men and lesbians generally kept a low profile because of pervasive societal stigma, discrimination, and harassment as well as the possibility of imprisonment. Gay men and lesbians suffered from harassment and extortion by law enforcement officials. According to one human rights NGO, government officials and private citizens sometimes conspired to make false allegations of homosexuality to harass enemies or extort money.

In February police arrested three women in Ambam, South Region, on suspicions of engaging in same-sex conduct. Police charged two of the women with practicing homosexuality and with defaming a third woman, whose husband reported their relations to the authorities. Defense lawyers requested that the judge dismiss the case and submit a judgment of “No Case to Answer,” based on a number of violations of basic human rights and international agreements affecting the procedure. On March 29, the Ambam lower court rejected the defense’s arguments and ruled that it would hear the case. Defense lawyers appealed the ruling, and at year’s end the case was pending in the South Court of Appeal.

On July 16, the Yaounde First Instance Court released Jean-Claude Roger Mbede on bail. In March 2011 the Yaounde lower court had sentenced him to three years in jail for sending a sexually explicit text message to another man. On December 17, the Center Court of Appeal confirmed the initial verdict and sentenced Mbede to three years’ imprisonment. Mbede’s lawyers decided to appeal to the Supreme Court.

In July 2011 police detained three men returning from a bar in Yaounde because two of the men appeared effeminate, according to the Association for the Defense of Homosexuality and Human Rights Watch. The three were jailed for one week before being charged, and the two who allegedly appeared effeminate (Jonas Kumie and Frankie Djome) were beaten on the soles of their feet until they confessed to being gay, according to a civil society group working on their behalf; the third man was released. After repeated postponements, a trial was held in September 2011 at which the two men who confessed to being gay were sentenced to five years in prison and fined 200,000 CFA francs (\$400). An arrest warrant was issued for the third man, who was convicted and sentenced in absentia to the same punishment. A final ruling was expected in October but was rescheduled for January 2013.

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Several lesbian, gay, bisexual, and transgender organizations operated in the country. These organizations claimed there was a pattern of discrimination against members of such groups, although no official cases were available for citation.

Cape Verde

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

No antidiscrimination laws apply to lesbian, gay, bisexual, and transgender (LGBT) persons. There were no reported cases of official or private discrimination against LGBT individuals in employment, occupation, housing, statelessness, or access to education or health care, and there were no reported incidents of violence against LGBT persons.

In 2011 the Association of Cape Verdean Gays Against Discrimination , established in 2011 as the first Cape Verdean LGBT NGO, had 40 members.

Central African Republic

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

The penal code criminalizes consensual same-sex sexual activity. 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 one of the participants is a child, the adult may be sentenced to 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 under these provisions.

While there is official discrimination based on sexual orientation, there were no reports of the government targeting gays and lesbians. However, societal discrimination against lesbian, gay, bisexual and transgender persons was entrenched, and many citizens attributed the existence of homosexuality to undue Western influence. There were no known organizations advocating or working on behalf of the lesbian, gay, bisexual, or transgender persons.

Chad

Discrimination, Societal Abuses, and Trafficking in Persons:

Although the constitution and law prohibit discrimination based on origin, race, gender, religion, political opinion, or social status, the government did not effectively enforce these provisions. The law does not address discrimination based on sexual orientation or gender identity.

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

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

Comoros

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

Consensual same-sex sexual activity is illegal and can be punished by up to five years’ imprisonment and a fine of 50,000 to one million Comoran francs (\$140 to \$2,780). During the year, however, no case of this nature came before the judges. Lesbian, gay, bisexual, and transgender (LGBT) persons generally did not publicly manifest their sexual orientation, due to societal pressure. There were no LGBT organizations.

Congo, Democratic Republic of the

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

While there are no laws specifically prohibiting homosexuality or homosexual acts, individuals engaging in public displays of homosexuality were subject to prosecution under public decency provisions in the penal code and articles in the law on sexual violence. Homosexuality remained a cultural taboo, and harassment by SSF was believed to have continued. The Ministry of Health actively worked with LGBT groups in a nondiscriminatory fashion to reduce the stigma and prevent new HIV infections among men who have sex with men.

Congo, Republic of the

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

The constitution prohibits discrimination based on, sexual orientation. There was a small openly gay or lesbian community due to the social stigma associated with consensual same-sex sexual conduct. A law promulgated during the colonial era and still in force prohibits homosexual conduct and makes it punishable by up to

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two years' imprisonment; however, the law was rarely enforced. The most recent arrest under this law was in 1996.

There were no known cases of violence against gays, lesbians, or transgender individuals during the year. Although homosexual activity is generally stigmatized by society, overt intimidation was not believed to be a factor in preventing reports of incidents of abuse. There was no known advocacy group or organization representing the interests of gays, lesbians, or transgender individuals in the country, and homosexuality remained a private subject.

Cote d'Ivoire

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, ethnicity, national origin, gender, or religion; however, the government did not effectively enforce the law. The law does not address discrimination based on disability, language, sexual orientation, gender identity, or social status.

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

Although there is no explicit law prohibiting same-sex sexual activity, public indecency with a same-sex partner is illegal. There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. However, societal stigmatization of the LGBT community was widespread, and police, gendarmes, and members of the armed forces reportedly beat, imprisoned, verbally abused, extorted, and humiliated members of the LGBT community, particularly gays.

The few LGBT organizations in the country operated freely, but with caution.

Djibouti

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law prohibit discrimination on the basis of race, gender, or language; however, the government did not enforce the law effectively. The constitution does not directly address discrimination based on disability, social status, sexual orientation, or gender identity.

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

The law criminalizes consensual same-sex sexual conduct; however, the government took no actions against persons under the law, and there were no reported incidents of societal violence or discrimination based on gender identity.

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or sexual orientation. Societal norms does not allow for the public discussion of homosexuality, and persons generally did not openly acknowledge being gay. There were no known organizations for lesbian, gay, bisexual, and transgender persons.

Equatorial Guinea

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law prohibit discrimination based on race, gender, religion, language, or social status; neither the law nor the constitution addresses discrimination based on disability or sexual orientation. The government did not enforce the law effectively.

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 were problems, and the government made little effort to combat it. There was no official or legal discrimination against the lesbian, gay, bisexual and transgender (LGBT) community, and discussions of sexual orientation and homosexuality were not completely taboo. For example, during the year a national television station featured a call-in program on whether homosexuality was an inherent trait. Nevertheless, LGBT lifestyles were not accepted. There are no legal impediments to LGBT organizations; however, none was active during the year due mainly to societal stigma. Such stigma likely prevented incidents of abuse from being reported.

Eritrea

Discrimination, Societal Abuses, and Trafficking in Persons:

The law and unimplemented constitution prohibit discrimination against women and persons with disabilities, and discrimination based on race, language, and social status, but the government did not enforce these provisions. The constitution does not specifically address discrimination based on sexual orientation or gender identity.

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

The law criminalizes consensual same-sex activity. Antidiscrimination laws relating to lesbian, gay, bisexual, or transgender (LGBT) persons do not exist. In the past the government accused foreign governments of promoting homosexuality. In contrast with previous years, there were no reports that the government rounded up individuals considered gay or lesbian, or that gays or

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lesbians in the armed forces were subjected to severe abuse. There were no known LGBT organizations in the country. In general, society stigmatized discussion of LGBT issues.

Ethiopia

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

Consensual same-sex sexual activity is illegal and punishable by imprisonment under the law. There were some reports of violence against lesbian, gay, bisexual, and transgender (LGBT) individuals; reporting was limited due to fear of retribution, discrimination, or stigmatization. Persons did not identify themselves as LGBT persons due to severe societal stigma and the illegality of consensual same-sex sexual activity. Activists in the LGBT community stated they were followed and at times feared for their safety. There were periodic detentions of some in the LGBT community, combined with interrogation and alleged physical abuse.

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

Gabon

Discrimination, Societal Abuses, and Trafficking in Persons:

Although the constitution and law prohibit discrimination based on national origin, race, gender, disability, language, or social status, the government did not enforce these provisions consistently. The constitution and law do not prohibit discrimination based on sexual orientation or gender identity.

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

Although there were no reports of violence against lesbian, gay, bisexual, and transgender (LGBT) persons, discrimination was a problem, and most LGBT individuals chose to keep their status secret, except in trusted circles, due to fear of discrimination. Discrimination in employment, housing, and health care was a problem, particularly for LGBT persons open about their sexual identity. Such persons were often turned away by landlords or by health-care providers. Although there were no reported incidents of violence or abuse, stigma was a likely factor in preventing incidents of abuse from being reported.

Gambia, The

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 man who commits in public or private “any act of gross indecency,” engages a male sex worker, or has actual sexual contact with another man. There was no similar law applicable to women. There were antidiscrimination laws, but they did not apply to LGBT individuals.

On April 6, police arrested 18 men and two women for alleged same-sex sexual conduct at a dance ceremony for tourists at the village of Kololi. Members of the group were predominantly Gambian but also included one Nigerian and one Senegalese. The dance in question reportedly involved men dressing up as women, and police charged the group with “unnatural offences” and “conspiracy to commit a felony”; all pled not guilty. Authorities detained them for two weeks and later granted bail of 100, 000 dalasi (\$2,940) each. After a trial lasting several weeks, on August 1, the state withdrew the charges due to lack of evidence.

In a January 2011 speech to army officers, President Jammeh announced he wanted a professional army “free of gays and saboteurs.”

There was strong societal discrimination against LGBT individuals, further enhanced by statements by President Jammeh and the enforcement of a law, nicknamed Operation Bulldozer, designed to enforce harsh penalties for criminals but also directed at gay men. There were no LGBT organizations in the country.

Ghana

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

According to the criminal code, “unnatural carnal knowledge” is defined as “sexual intercourse with a person in an unnatural manner or with an animal.” It states that individuals who have unnatural carnal knowledge “of any person of 16 years or over with his consent” is guilty of a misdemeanor. There has been considerable debate over whether this legislation could be used to prosecute consenting gay adults, and there were no reports that it had ever been used.

The former and current commissioners of the CHRAJ spoke out against discrimination and advocated the need to protect the human rights of every citizen as provided for in the constitution. In November 2011 media accounts reported British Prime Minister Cameron was considering suspending direct aid to countries with poor records on LGBT rights. In response the late President

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Mills commented that Ghana was committed to upholding human rights as provided by the constitution, but he would not initiate a change to the law.

LGBT persons faced widespread discrimination, as well as police harassment and extortion attempts. Gay men in prison were often subjected to sexual and other physical abuse.

In March a gang of men assaulted nine people they believed to be LGBT individuals in Jamestown, a neighborhood of Accra, forcing them from their homes and attacking them with canes and sticks. The victims filed a complaint with a legal human rights organization. They said their homes were burgled while they were chased out. No arrests had been made in the case by year's end.

In May a peer educator employed by an NGO to instruct sexual health education workshops was assaulted by a group of boys at a school in the Volta Region. The assault occurred after they discovered he was carrying safe-sex presentation materials such as condoms, wooden sex organ replicas, lubricant, and pamphlets. The peer educator was detained by police but later released. The boys were not charged.

Guinea

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

The law penalizes sexual relations between persons of the same sex with a maximum sentence of three years in prison, although there have not been any prosecutions under this law. However, in the restructuring of OPROGEM in August, a unit for investigating morals violations, including homosexuality, was created. Antidiscrimination laws do not apply to lesbian, gay, transgender, or bisexual (LGBT) individuals. There were deep religious and cultural taboos against consensual same-sex sexual conduct. There were no official or NGO reports of discrimination against individuals based on their sexual orientation or gender identity, although societal stigma likely prevented victims from reporting abuse or harassment. There were no active LGBT organizations.

Guinea-Bissau

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

There are no laws that criminalize sexual orientation. Antidiscrimination laws do not apply to lesbian, gay, bisexual, and transgender individuals. There were no reported violent incidents or other 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, according to government guidelines for civil

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servants' housing allowances, only heterosexual married couples were entitled to family-size housing, while same-sex couples received the single person allotment. Social taboos against homosexuality sometimes restricted freedom to express sexual orientation, yet society was relatively tolerant of consensual same-sex conduct, according to a 2010 study by the Pew Research Center.

Kenya

Respect for the Integrity of the Person, Including Freedom from: Prison and Detention Center Conditions:

As of October the Legal Resources Foundation (LRF) reported a total prison population of approximately 52,000, including 2,756 women and 49,244 men. Of these, 18,720 were in pretrial detention. The country's 108 prisons had a designed capacity of 25,000 inmates. The LRF attributed poor prison conditions to lack of funding, overcrowding, inadequate staff training, and poor management. Prison officers, who received little applicable training, discriminated against prisoners with mental problems and transgender prisoners.

Discrimination, Societal Abuses, and Trafficking in Persons:

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, and discrimination against women, lesbian, gay, bisexual, and transgender (LGBT) persons, individuals with HIV/AIDS, persons with disabilities, ethnic groups, and persons suspected of witchcraft was a problem. There was also evidence that some national and local government officials tolerated, and in some instances instigated, ethnic violence. The law criminalizes homosexual activity.

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 consensual same-sex sexual activity and specifies a maximum penalty of 14 years' imprisonment. A separate statute specifically criminalizes sex between men and specifies a maximum penalty of 21 years' imprisonment. Police detained persons under these laws, particularly suspected sex workers, but released them shortly afterward. There were no reported prosecutions of individuals for same-sex sexual activity during the year. Police statistics for 2011 indicated 114 "unnatural offenses," down from 154 in 2010.

LGBT advocacy organizations, such as the Gay and Lesbian Coalition of Kenya, were permitted to register and conduct activities. However, societal discrimination based on sexual orientation was widespread and resulted in loss of

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employment and educational opportunities. Violence against the LGBT community also occurred, particularly in rural areas and among refugees. NGO groups reported that police intervened to stop attacks but generally were not sympathetic to LGBT individuals or concerns.

For example, on June 25, a transgender individual was beaten by her employer and other community members in Kisumu, who alleged that she intended to rape the children in the house where she was employed as a domestic servant. Police intervened but subsequently arrested her on charges of impersonation of character. A Kisumu-based LGBT rights group intervened in the case and succeeded in securing the individual's release and relocation to Nairobi.

During the year multiple political leaders made public statements critical of same-sex relationships and LGBT rights. For example, Prime Minister Odinga reportedly suggested during a political rally in Langata that gays should be put in prison. Eldoret MP and ICC indictee William Ruto, labeled by Gay Trust Kenya as "persistently homophobic," issued repeated statements criticizing same-sex relationships and accused the KNCHR of pushing a foreign agenda for its defense of the human rights of LGBT persons. LGBT advocacy organizations noted that stricter enforcement of hate speech laws by the NCIC, as well as strict guidelines against hate speech adopted by major media groups during the year, decreased instances of homophobic hate speech.

No anti-LGBT publicity campaigns were conducted during the year; however, sensational reporting often inflamed societal prejudices.

Lesotho

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

The law does not address sexual orientation. However, a law prohibiting consensual same-sex sexual relations exists but was not enforced. Lesbian, gay, bisexual, and transgender (LGBT) persons faced societal discrimination and official insensitivity to this discrimination. LGBT rights groups complained about discrimination in access to health care and participation in religious activities. Same-sex conduct was taboo in society and not openly discussed. Violence against LGBT persons occurred but often went unreported by victims due to their fear of being identified publicly as LGBT.

Matrix, an LGBT support group, operated freely and had members in all 10 districts. Matrix engaged in public outreach through film screenings, radio programs, and other social media. Matrix was reticent to promote LGBT legal rights due to fear of provoking societal backlash and preferred a modest, gradual approach of sensitizing the public to LGBT issues.

Liberia

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

The law prohibits consensual same-sex sexual relations, and the culture is strongly opposed to homosexuality. “Voluntary sodomy” is a misdemeanor with a penalty of up to one year’s imprisonment. LGBT persons were cautious about revealing their sexual identities, and groups that supported the rights of LGBT persons did so quietly due to fear of retaliation.

In February the House of Representatives passed a bill that would punish same-sex sexual relations as a second-degree felony. A similar bill passed in the Senate as a first-degree felony with a maximum sentence of death. Both bills remained pending further action at year’s end.

Although same-sex marriage is not recognized, in July the Senate passed a bill that would penalize same-sex marriage as a second-degree felony with a penalty of 10 years’ imprisonment. Further action was pending at year’

There were press and civil society reports of harassment of persons perceived to be LGBT, but none were officially documented. Societal stigma and fear of official reprisal may have prevented victims from reporting violence or discrimination based on sexual orientation or gender identity. In October a law enforcement officer refused to investigate allegations of the beating of a gay man. The police subsequently arrested one gay man. Activists alleged that the LNP or other law enforcement agencies targeted or harassed those they believe to be LGBT.

There were a few civil society groups promoting the rights of LGBT individuals, but they maintained a very low profile due to fear of persecution.

Madagascar

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

The penal code provides for a prison sentence of two to five years and a fine of two to 10 million ariary (\$882 to \$4,410) for acts that are “indecent or against nature with an individual of the same sex under the age of 21.” There were reports of official abuses occurring at the community level, such as administrative officials denying health services to transgender persons or breaking confidentiality agreements, although no cases were pursued in court.

There was general societal discrimination against the LGBT. Examples included reported incidents of violence. In his New Year speech on January 9, the de facto president mentioned gay marriage in reference to certain trends in other countries that he said run counter to the country’s culture.

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There are no legal antidiscrimination provisions that apply to LGBT persons. Moreover, marriage between persons of the same sex is prohibited. Sexual orientation and gender identity were not widely discussed in the country, with public attitudes ranging from tacit acceptance to violent rejection, particularly of transgender 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 frequently were targets of aggression, including verbal abuse, stone throwing, and even murder. In recent years awareness of “gay pride” increased through positive media exposure, but general attitudes did not change.

Malawi

Respect for the Integrity of the Person, Including Freedom from: Freedom of Speech and Press:

On May 26, journalist Clement Chinoko of the Sunday Times was arrested for writing a story about two girls from Blantyre who had become engaged (female homosexuality is illegal). Chinoko was detained beyond the legally permitted 48 hours after which the law requires a detainee be brought before a court of law. The report of the engagement was later found to be false, and Chinoko was charged with misconduct. The case was pending.

Discrimination, Societal Abuses, and Trafficking in Persons:

The law specifically provides for equal rights for women, forbids discrimination based on race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth or other status and provides for equality and recognition before the law for every citizen. The law does not specifically mention sexual orientation. However, the capacity of government institutions to ensure equal rights for all citizens was limited.

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

Consensual same-sex sexual activity is illegal and is punishable by up to 14 years in prison in addition to corporal punishment, including hard labor. The penal code outlaws “unnatural offenses” and “indecent practices between males.” Same-sex activity can also be prosecuted as “conduct likely to cause a breach of the peace.” A 2011 amendment to the penal code codifies the illegality of consensual same-sex sexual activity between women, setting a maximum prison term of five years for convicted offenders.

On May 18, in her first state of the union address, President Banda committed to work to repeal the “indecent and unnatural acts laws.” On November 5, Minister of Justice Ralph Kasambara stated publicly that the government would suspend

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enforcement of laws criminalizing consensual same-sex sexual conduct pending a decision on whether to repeal them. However, subsequently Banda slowed efforts to repeal the laws. On September 26, on the margins of the UN General Assembly, she stated that the country was not ready to repeal laws criminalizing homosexuality.

Public discussion of sexual minority rights increased during the year. For example, on September 15, The Weekend Nation newspaper started publishing a weekly column entitled "Sexual Minority Forum." The column was coauthored by human rights activists Undule Mwakasungura and Gift Trapence. On October 7 and 8, the Centre for Human Rights and Rehabilitation and the Centre for Development of People held a workshop for traditional chiefs that addressed human rights, HIV/AIDS, and homosexuality.

Mali

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law prohibit discrimination based on social origin and status, color, language, gender, or race but not disability, sexual orientation, or gender identity. Citizens were generally reluctant to file complaints or press charges of discrimination, based largely on cultural factors. Absent complaints or lawsuits, the government did not aggressively pursue violations of these laws.

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

There were no laws specifically prohibiting discrimination on the basis of sexual orientation or gender identity. There were no publicly visible lesbian, gay, bisexual, and transgender (LGBT) organizations in the country. The exercise of the right of free association by LGBT persons was impeded by a law prohibiting association "for an immoral purpose." Although there was no official discrimination on the basis of sexual orientation at the national level; in practice, societal discrimination was widespread. A family code enacted by the National Assembly in December 2011 would forbid "homosexuals" from adopting children. While the president signed the code, it is not in force.

Mauritania

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law provide for equality for all citizens regardless of race, national origin, sex, or social status and prohibits racial or ethnic propaganda, but the government often favored individuals on the basis of racial and tribal affiliation, social status, and political ties. Societal discrimination against women, trafficking in persons, and racial and ethnic discrimination were problems, as was the potential death penalty for male same-sex sexual activity.

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

Under Sharia, as applied in the country, consensual same-sex sexual activity between men is punishable by death if witnessed by four individuals, and such activity between women is punishable by three months to two years in prison and a fine of 5,000 to 60,000 ouguiya (\$17 to \$200). There were no criminal prosecutions during the year. There was no evidence of societal violence, societal discrimination, or systematic government discrimination based on sexual orientation. There were no organizations advocating for sexual orientation or gender-identity rights, but there were no legal impediments to the registration of such groups.

Mauritius

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law specifically prohibit discrimination on the basis of race, caste, place of origin, social status, political opinion, color, gender, disability, language, or sexual orientation. While the government generally enforced these provisions, some societal discrimination occurred.

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

The law does not specifically criminalize consensual same-sex sexual activity. It does criminalize the act of sodomy, and this prohibition is equally applied to same-sex and heterosexual couples.

Sodomy cases that reach the courts almost exclusively involve heterosexual persons, especially in divorce cases. The sodomy statute rarely is used against same-sex couples, unless one of the partners claims sexual assault, including sodomy.

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

During the year the EOC investigated a case of discrimination based on sexual orientation where it found that a questionnaire used by a local NGO for screening blood donors discriminates against LGBT persons. Both the NGO and the plaintiff agreed to review the questionnaire. Similarly, the Ministry of Health and Quality of Life agreed to review the wording used on its Web site to eliminate derogatory text towards LGBT persons. There was no other report of

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discrimination in employment, occupation, housing, statelessness, or access to education or health care.

Mozambique

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, but discrimination persisted against women and persons with HIV/AIDS. Discrimination based on sexual orientation is not cited except in labor law, which specifically prohibits discrimination in the workplace based on sexual orientation.

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

There are no laws criminalizing consensual same-sex sexual activity. However, there were reports of discrimination based on sexual orientation and gender identity. The Workers Law includes an article that prohibits discrimination in the workplace based on a number of factors, including sexual orientation. Since 2008 the government has declined to act on the application for registration as an NGO of Lambda, the Mozambican Association for the Defense of Sexual Minorities, although it had met with Lambda representatives several times.

The government does not track and report discrimination or crimes against individuals based on sexual orientation or gender identity. The media did not report such abuses.

Namibia

Discrimination, Societal Abuses, and Trafficking in Persons: Women:

LAC published a comprehensive survey of domestic violence in August, entitled *Seeking Safety--Domestic Violence in Namibia and the Combating of Domestic Violence Act 4 of 2003*. The report explained that it is difficult to collect statistics on this problem, since domestic violence cases have not been set apart from nondomestic crimes in police records, domestic violence against children has never been directly studied in the country, and very little is known about domestic violence against men, the elderly, or within gay or lesbian relationships. The report further indicated that, based on an earlier study, nearly one-third of reported rape cases occurred within a "domestic relationship." However, no official information was available on enforcement of the antidomestic violence law, except as it involved rape. In 2003 the law codified the issuance of protection orders in cases of domestic violence and provided that certain crimes of violence--including murder, rape, and assault--would be handled differently if the crimes

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took place within a domestic relationship. When reported, the Women and Child Protection Units of the Namibian Police intervened in domestic violence cases.

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

The country inherited criminalization of sodomy at independence, as part of its Roman-Dutch common law. There is no criminal statute. Sodomy is defined as consensual same-sex sexual activity between men; however, all same-sex sexual activity was considered taboo by many citizens. Politicians publicly stated their opposition to legislation specifically protecting the rights of lesbian, gay, bisexual, and transgender (LGBT) persons, but there were no reports that politicians made derogatory public comments about the LGBT community.

OutRight Namibia, an organization that advocates for LGBT rights, reported that police generally did not take complaints of violence against LGBT persons seriously. OutRight Namibia claimed police often ridiculed LGBT persons when they reported cases of abuse, and this secondary victimization often dissuaded victims from reporting. However, the organization reported that since 2011, at least, the Office of the Ombudsman and the Ministry of Health and Social Services had strengthened their relations with the LGBT community, which was included in the National Strategic Framework for HIV/AIDS 2010-16 as a group requiring a special focus.

Societal discrimination against the LGBT community remained an issue. OutRight Namibia recorded 15 cases of employment discrimination, violence, harassment, threats, or verbal abuse during the year. In one case in the northern town of Oshakati, a young gay man was beaten and kicked by a group of men who told him homosexuals had no place there. The victim opened a case against the attackers at the local police station, but months later he had still not received a response from police. In another case a transgender woman was threatened with castration by her mother's husband in the Windhoek neighborhood of Katutura if she continued to wear women's clothing.

In June 2011 the government rejected three UN Universal Periodic Review recommendations on LGBT rights. According to OutRight Namibia, the government asserted that its religious and moral position would be compromised by discussions of the subject.

Niger

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

There was a strong societal stigma against same-sex sexual activity. There are no laws criminalizing consensual same-sex sexual activity in general. However, the

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law states that an “unnatural act” with a person of the same sex who is under 21 is punishable by six months to three years in prison and a fine of between 10,000 and 100,000 CFA (\$20-\$200). Although there was no record of this law being applied, gay men and lesbians experienced societal discrimination and social resentment. There were no known organizations of lesbian, gay, bisexual, or transgender (LGBT) persons and no reports of violence against individuals based on their sexual orientation or gender identity. International organizations and NGOs continued their awareness-raising efforts in this regard, focusing on social stigma in general.

The constitution provides for equal access to employment for all citizens. On March 16, the minister of population, women’s promotion, and child protection launched a public awareness campaign on ILO conventions 100 (equal pay for men and women performing the same job), 111 (gender equality), and 183 (maternity protection as a working women’s right). While not specific to LGBT rights, the campaign was addressed to all the citizenry. There were no documented cases of discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation. Stigma or intimidation was a likely cause in preventing incidents of abuse from being reported.

Nigeria

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

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

Because of widespread societal taboos against homosexuality, very few persons openly revealed a homosexual orientation. 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. Organizations such as the Youths 2gether Network also worked under the Coalition for the Defense of Sexual Rights in Nigeria and provided access to information and services on sexual health and rights for LGBT persons, sponsored programs to help build skills useful in social outreach, and provided safe havens for LGBT individuals.

The government and its agents did not impede the work of these groups during the year.

In November 2011 the Senate passed the Same Sex Marriage (Prohibition) Bill, 2011, which would prohibit participating in or witnessing same-sex marriage ceremonies, criminalize public displays of affection between same-sex couples,

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and criminalize LGBT organizations. The bill includes penalties, including a 14-year prison sentence for individuals entering into a same-sex marriage; a 10-year sentence for public displays of same-sex affection; a 10-year sentence for any individual who registers, operates, or participates in LGBT clubs, societies, organizations, processions, or meetings; and a 10-year sentence for any individual aiding, abetting, or witnessing the solemnization of a same-sex marriage. The House of Representatives conducted a second reading of the bill in November 2012 but adjourned for the year before conducting a third and final reading and vote. The bill remained at this stage at year's end. LGBT activists claimed an increased level of hostility towards those accused of same-sex activities since the bill's introduction.

On March 21, an upper area court in Mararba, Nasarawa State sentenced two men to two years in jail without bail and ordered each to pay a fine of 5,000 naira (\$32) for engaging in same-sex relations. The police arrested a 17-year old male and a 32-year-old male on March 12 for engaging in same-sex acts. The presiding judge expressed his hope the sentence would serve as a deterrent to others engaged in same-sex relations. There were also unverified reports of communities rounding up suspected homosexuals, stripping them naked, and parading them through villages.

Authorities took no action against persons who stoned and beat members of the House of Rainbow Metropolitan Community Church, an LGBT-friendly church in Lagos, in 2008. The attacks occurred after four newspapers published photographs, names, and addresses of church members. The Lagos church and partner groups cancelled conferences on sexual rights and health scheduled for Lagos and Abuja in December 2011 due to concerns about the safety of conference attendees after the proposed Same-Sex Marriage (Prohibition) bill refocused negative attention on the church.

Rwanda

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution provides that all citizens are equal before the law, without discrimination based on ethnic origin, tribe, clan, color, sex, region, social origin, religion or faith opinion, economic status, culture, language, social status, or physical or mental disability. The constitution and law are silent on sexual orientation and gender identity. The government generally enforced these provisions; however, problems remained.

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

There are no laws that criminalize sexual orientation or consensual same-sex sexual conduct; however, lesbian, gay, bisexual, and transgender (LGBT) individuals reported societal discrimination and abuse. In April 2011 local LGBT

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rights group Horizon Community Association (HOCA) opened an office in Kigali but was evicted in August 2011 after the landlord reported pressure from neighbors. HOCA leaders and staff reported receiving threats in 2011, and several fled the country. HOCA did not reopen its office during the year; however, two other local LGBT rights groups--My Rights and Other Sheep--opened offices in Kigali and Rubavu District without incident.

Unlike in the previous year, there were no known reports of physical attacks against LGBT persons. In previous years LGBT victims of such attacks fled the country and were granted asylum abroad. The RNP investigated reports of threats to LGBT activists and individuals, but the outcome of such investigations was unknown.

Sao Tome and Principe

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, but the government did not effectively enforce the law.

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

The law does not criminalize consensual same-sex sexual activity, but there were occasional reports of societal discrimination, primarily rejection by family and friends, based on sexual orientation. While there were no official impediments, lesbian, gay, bisexual and transgender organizations did not exist.

Senegal

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution provides that men and women are equal under the law and prohibits discrimination based on race, gender, disability, language, or social status. However, discrimination was widespread in practice, and antidiscrimination laws, in particular laws against violence against women and children, generally were not enforced. There were no laws to prevent discrimination based on sexual orientation.

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

Consensual same-sex activity, referred to in the law as an “act against nature,” is a criminal offense. LGBT persons often faced arrest, widespread discrimination, social intolerance, and acts of violence. Senegalese NGOs worked actively on

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LGBT rights issues, but because of laws against homosexuality and social stigma, they maintained an exceedingly low profile.

The media rarely reported acts of hatred or violence against LGBT persons. In 2010 HRW released a report, *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 fostered such violence. While high-profile cases such as those cited in the report were from 2009 and earlier, local human rights groups reported that LGBT persons still faced frequent harassment by police, including arrest based only on second-hand reports and poor treatment in detention due to their sexual orientation.

In January two women were arrested following the circulation of a cell phone video that showed them kissing. The incident was widely covered in local print and online media. The women were held in detention and released on bail several days later but were never formally charged with a crime.

In October a court in Dakar sentenced Tasmir Jupiter Ndiaye to four years in prison and fined him 200,000 CFA francs (\$400) for violating laws prohibiting “acts against nature” in addition to charges of illegal possession of arms and battery, after he purportedly refused to pay another man, Matar Diop, for sexual services. Diop was sentenced to three years in prison.

Other Societal Violence or Discrimination:

Government and NGO HIV/AIDS awareness campaigns increased social acceptance for persons with HIV or AIDS. Human rights activists reported that HIV-positive individuals or those living with AIDS still experienced discrimination due to the widespread belief that such status indicated homosexuality. HIV-positive men were said to sometimes refrain from taking antiretroviral drugs for fear of their sexual orientation being discovered by their families.

The law prohibits all forms of discrimination against persons with HIV/AIDS. The law also allows medical doctors to inform spouses of persons with HIV/AIDS of their partners’ status if the latter fail to do so after a reasonable time.

Seychelles

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

Consensual same-sex activity between men is punishable by 14 years’ imprisonment; however, the law was not enforced. There were no reports of discrimination against gay men and lesbians; however, stigma was likely a factor preventing incidents of abuse from being reported.

Sierra Leone

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

The constitution does not offer protection from discrimination based on gender identity or sexual orientation. A law from 1861 prohibits male homosexual acts (“buggery” and “crimes against nature”); 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 attempting such an assault. However, the law was not enforced in practice. During the country’s Universal Periodic Review before the UN Human Rights Council in May 2011, the attorney general told the Working Group that all persons in the country would be protected regardless of their sexual orientation. However, the government subsequently rejected three of 129 Working Group recommendations, two calling for decriminalizing all sexual activity between consenting adults and one calling for legislation to prohibit discrimination based on sexual orientation and gender identity.

Despite the lack of enforcement of the 1861 law, police continued to harass, detain, beat, and denounce persons perceived to be members of the LGBT community.

Men dressed as women were singled out for detention, harassment, and public humiliation but were not formally charged with any crime or misdemeanor. A few organizations, including DignitySL and the local chapter of Why Can’t We Get Married.com, worked to support LGBT persons, but they maintained very low profiles. Gay pride parades and other public displays of solidarity could not safely take place.

Social discrimination based on sexual orientation occurred in nearly every facet of life for known gays and lesbians, and many chose to have heterosexual relationships and family units to shield them. In the areas of employment and education, sexual orientation was the basis for abusive treatment, which led individuals to leave their jobs or courses of study. It was difficult for gay men and lesbians to receive health services due to fear that their confidentiality rights would be ignored if they were honest about their ailments; many chose not to be tested or treated for sexually transmitted infections. Secure housing was also a problem for LGBT persons. The families of LGBT persons frequently shunned their gay children, leading some children to turn to prostitution to survive. Adults could lose their leases if their sexual orientation became public. Lesbian girls and women were also victims of “planned rapes” that were initiated by family members in an effort to change their sexual orientation. Religious groups reportedly promoted discrimination against the LGBT community.

Somalia

Discrimination, Societal Abuses, and Trafficking in Persons:

The TFC provided equal protection and benefit in regards to race, birth, language, religion, sex, and political affiliation, but did not prohibit other forms of discrimination. The provisional federal constitution states all citizens, regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth, or dialect shall have equal rights and duties before the law. The provisional constitution does not prohibit discrimination based on sexual orientation or gender identity. Antidiscrimination provisions were not effectively enforced in any of the regions.

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

Antidiscrimination provisions do not apply to lesbian, gay, bisexual, and transgender (LGBT) individuals. 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 known LGBT organizations and no LGBT events occurred. There were no reports of societal violence or discrimination based on sexual orientation due to severe societal stigma that prevented LGBT individuals from making their sexual orientation known.

South Africa

Discrimination, Societal Abuses, and Trafficking in Persons:

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 gender-based violence and employment inequities.

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

Rights groups reported the lesbian, gay, bisexual, and transgender (LGBT) community was subject to hate crimes, gender violence targeting lesbians, and killings. In 2011 the Triangle Project, the country's largest lesbian and gay rights

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organization, reported it received a weekly average of 10 new cases of lesbians being targeted for “corrective” rape in Cape Town, in which men raped lesbians as punishment and to attempt to change their sexual orientation.

There were a number of reported homophobic killings during the year, including five killings during the months of June and July.

For example, on June 9, Thapelo Makhutle, an openly gay man, was approached by a man who confronted him about his sexuality and started an argument, according to press reports. The following day, Makhutle’s body was found in his home, his throat slit, his tongue cut out, and his genitals inserted into his mouth. Police subsequently arrested Sizwe Jajini, who confessed to the killing and whose trial continued in the Mothibistad Magistrate’s Court.

A 2011 HRW report highlighted violence and discrimination faced by lesbians and transgender persons. The report documented cases of “secondary victimization” of lesbians, including cases in which police harassed, ridiculed, and assaulted victims of homophobic violence when they reported crimes.

Despite legal protections for LGBT persons and government policies affirming LGBT rights, advocacy groups claimed they faced discrimination from government officials, including health care workers, social workers, teachers, and police officers who were not sensitized to LGBT lifestyles.

There was no reported progress on the investigation into April 2011 killing in Kwa-Thema township, Gauteng Province, of lesbian activist Noxolo Nogwaza after an altercation at a bar. Nogwaza’s body was discovered in an alley after she was killed with a large rock. Evidence also indicated she had been repeatedly raped and stabbed with glass shards.

On February 1, four of the nine men originally accused of the 2006 killing of a lesbian in Cape Town were sentenced to 18 years in prison with four of those years suspended.

During the year two civil society members of the DoJ task force created in May 2011 to reduce homophobic violence resigned. Other task force members criticized the DoJ for lack of action. The DoJ responded by noting a number of accomplishments, including research and awareness training sessions for government officials.

South Sudan

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

Contrary to the previous year’s report, the law does not prohibit sodomy. The law prohibits “unnatural offenses,” defined as “carnal intercourse against the order of

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nature.” It is punishable by up to 10 years’ imprisonment if committed with consent, and up to 14 years’ if without consent.

There were no reports that this law was enforced during the year. Societal discrimination against lesbian, gay, bisexual, or transgender (LGBT) persons was widespread, and the president remarked in 2010 that homosexuality would not be accepted in the country. There were no known LGBT organizations. While there were no reports of specific incidents of discrimination or abuse during the year, stigma was a likely factor in preventing incidents from being reported.

Sudan

Discrimination, Societal Abuses, and Trafficking in Persons:

The interim national constitution prohibits discrimination based on race and gender, but the government did not effectively enforce these provisions. The law does not address discrimination based on disability, language, or social status. The law criminalizes sodomy, and antigay sentiment is pervasive in society. A few small lesbian, gay, bisexual, and transgender (LGBT) organizations existed but operated underground due to fear of official and societal discrimination.

The government has made efforts to improve its prosecution of crimes involving trafficking in persons. Local and state authorities stepped up enforcement activities against trafficking gangs operating along the Eritrean-Sudanese border. However, it was difficult to know how much enforcement actually occurred because of lack of transparency, anemic information sharing, and restrictions on international access for NGOs such as the IOM.

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

The law prohibits sodomy, which is punishable by death; however, there were no reports of antisodomy laws being applied. A few LGBT organizations operated in Khartoum but could not openly identify as LGBT entities, and the LGBT community was subject to harassment and unable to seek legal protection. Antidiscrimination laws do not apply to LGBT persons.

Official discrimination based on sexual orientation and gender identity occurred. Societal discrimination against LGBT persons was widespread. Vigilantes targeted suspected gay men and lesbians for violent abuse, and there were public demonstrations against homosexuality. There were no reports of official action to investigate or punish those complicit in LGBT-related abuses.

Swaziland

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

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Societal discrimination against the LGBT community was prevalent, and LGBT persons generally concealed their sexual orientation and gender identity. Colonial-era legislation against sodomy remains on the books; however, it has not been used to arrest gay men and lesbians. Gay men and lesbians who were open about their sexual orientation and relationships faced censure and exclusion from the chieftdom-based patronage system, which could result in eviction from one's home. Chiefs, pastors, and members of government criticized same-sex sexual conduct as neither Swazi nor Christian. Societal discrimination existed against gay men and lesbians, and LGBT advocacy organizations had trouble registering with the government. One such organization, House of Pride, was housed within another organization dealing with HIV/AIDS. It was difficult to know the extent of employment discrimination based on sexual orientation because victims were not likely to come forward, and most gay men and lesbians were not open about their sexual orientation.

Tanzania

Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on nationality, tribal identity, political ideology, race, religion, gender, or social status. There is no provision prohibiting discrimination based on sexual orientation or language. Discrimination based on age or disability is not explicitly prohibited by law but was discouraged publicly in official statements and by government policies. Discrimination against women, refugees, minorities, and persons with HIV/AIDS or disabilities persisted, and ethnic tensions continued in some parts of the country.

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

Consensual same-sex sexual conduct is illegal on the mainland and in Zanzibar. On the mainland, acts of "gross indecency" between persons of the same sex are punishable by up to five years in prison. The law refers to same-sex sexual conduct as an "unnatural offence" in the law and carries a prison sentence of 30 years to life. The law in Zanzibar establishes a penalty of up to 14 years in prison for men who engage in same-sex sexual conduct and five years for women. The burden of proof in such cases is significant, and there were no known reports of enforcement of the law. Nonetheless, the CHRAGG's 2011 prison visits revealed that "unnatural offences" were among the most common reasons for pretrial detention of minors. In the past courts have instead charged individuals suspected of same-sex sexual conduct with loitering or prostitution. Lesbian, gay, bisexual, and transgender (LGBT) persons faced societal discrimination that restricted their access to health care, housing, and employment. There were no known government efforts to combat such discrimination.

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On July 30, LGBT rights advocate Morris Mjomba was found killed and mutilated in his home in Dar es Salaam. Mjomba worked with the Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Support Unit of the Centre for Human Rights Promotion (CHRP). Police opened an investigation of the killing, but had made no arrests by year's end.

On July 2, another LGBTI Support Unit/CHRP employee reported that an off-duty police officer attacked him, and he reportedly sustained an injury to his hand. Police took no action against the alleged assailant.

Togo

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

The law provides that a person who engages in consensual same-sex sexual activity may be punished by one to three years' imprisonment and fined 100,000 to 500,000 CFA francs (\$200 to \$1,000). While the law was not routinely enforced, at least one man, a Ghanaian, was arrested during the year under this law. The judge, seeking to avoid the attention the case might receive, instead charged the Ghanaian with disruption of public order. LGBT persons faced societal discrimination in employment, housing, and access to education and health care.

There were no organizations that focused on LGBT matters. There were few reported incidents of violence or abuse against LGBT persons; however, the penalty against homosexual behavior and the heavy stigma associated with it probably prevented most incidents of violence or abuse from being reported.

Uganda

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, gender, disability, language, or social status but is silent on sexual orientation and gender identity. The penal code, however, prohibits "unnatural offenses." The government did not enforce the law in matters of locally or culturally prevalent discrimination against women, children, persons with disabilities, or certain ethnic groups.

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

LGBT persons faced discrimination and legal restrictions. Consensual same-sex sexual conduct is illegal according to a law from the colonial era that criminalizes "carnal knowledge of any person against the order of nature" and provides a penalty up to life imprisonment. While authorities did not convict any persons under the law, the government arrested persons for related offenses.

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On April 3, a court in Iganga District remanded Richard Nyeusi Mulwo, deputy head teacher of Bulumwaki Primary School, for trial in the High Court for engaging in homosexual activities. At year's end the trial was pending.

On September 13, police in Kampala arrested British theatre producer David Edwards Cecil for staging a play police alleged promoted homosexual activity. The play was reportedly performed in several venues around Kampala in August, despite an injunction by the Media Council, the government media regulatory body. On September 17, a court charged Cecil with violating lawful orders issued under section 117 of the penal code and for staging a play while it was under review by the Media Council. Cecil was released on bail, and his case was pending at year's end.

LGBT persons were subject to societal harassment, discrimination, intimidation, and threats to their well-being, and were denied access to health services. Discriminatory practices also prevented local LGBT NGOs from registering with the NGO Board and obtaining official status (see section 2.b.).

On March 15, four LGBT activists filed a petition in the High Court accusing the minister of ethics and integrity and the attorney general of illegally closing a workshop organized by Freedom and Roam Uganda in Entebbe on February 14. Hearing of the case was pending at year's end.

The government blocked meetings organized by LGBT groups. For example, on June 18, police closed a skills-building workshop for LGBT human rights defenders organized by the East and Horn of African Human Rights Defenders Project (EHAHRDP) in Kampala. Police detained workshop participants, guests, and hotel staff for more than three hours. Two EHAHRDP staff and two workshop participants also were briefly detained but later released. On October 1, a local news station broadcast a video of a transgender individual being harassed and humiliated at a local police station in Kisenye District. The video showed police officers aggressively touching, taunting, and forcibly undressing the individual, whom the police subsequently paraded before a crowd of onlookers. Authorities did not file charges against the police officers; they released the transgender individual without charge.

There were no developments regarding the Constitutional Court's deliberations on a petition filed in 2009 challenging the constitutionality of a law that prevents the Equal Opportunities Commission from investigating "any matter involving behavior which is considered to be (i) immoral and socially harmful or (ii) unacceptable by the majority of the cultural and social communities in Uganda."

Freedom of Association:

While the constitution and law provide for freedom of association, the government did not always respect this right in practice. The law limits some

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NGO activity and requires NGOs seeking registration to obtain letters of approval from local government and community officials. Official registration affords some legal protections and enables NGOs to open local bank accounts. The NGO Board, which approves NGO registrations, reports to the Ministry of Internal Affairs and is composed of representatives from various government ministries, including the security services. Discriminatory aspects of the law prevented LGBT organizations from registering as NGOs.

Police blocked meetings of LGBT persons and members of labor unions (see sections 6 and 7).

Zambia

Discrimination, Societal Abuses, and Trafficking in Persons:

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, and creed but does not address discrimination based on sexual orientation or gender identity. The government did not effectively enforce the law; violence and discrimination against women and children, discrimination based on sexual orientation or gender identity, and discrimination against persons with disabilities remained problems.

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

The law criminalizes consensual same-sex sexual activity and provides penalties of 15 years to life imprisonment for individuals who engage in unnatural acts. A lesser charge of gross indecency carries penalties of up to 14 years' imprisonment. The government enforced the law against same-sex sexual activity and ignored societal discrimination against gay men and transgender persons. Societal violence occurred, as did societal discrimination in employment, housing, and access to education or health care. According to the 2012 VSU report, there were 11 cases of "unnatural offenses" and five convictions in 2011. Two groups, formally registered with the government as charitable nonprofit organizations since 2008, promoted lesbian, gay, bisexual, and transgender (LGBT) rights. The groups held private social gatherings but did not participate in open demonstrations or marches due to societal stigma against LGBT persons.

On October 29, a Livingstone court tried Pascal Courouble, a 49-year-old Livingstone resident and Belgian national, for sodomy, to which he pleaded not guilty. Courouble was released on bail and reportedly left the country. In two separate incidents on September 27 and 28, two transgender individuals were beaten and raped for being associated with an LGBT group.

Zimbabwe

Respect for the Integrity of the Person, Including Freedom from: Arrest Procedures and Treatment While in Detention:

On August 11, 44 members of Gays and Lesbians of Zimbabwe (GALZ) were arrested at GALZ's headquarters during a raid after the launch of a report on human rights violations against LGBT citizens in the previous year (see section 1.f.).

Respect for the Integrity of the Person, Including Freedom from: Arbitrary Interference with Privacy, Family, Home, or Correspondence:

On August 11, police raided the offices of GALZ, assaulting and arresting 44 GALZ members; authorities released them a day later. Police then visited the homes and workplaces of the arrested persons over the course of the following weeks, effectively "outing" them to their families and employers, resulting in some losing their homes or jobs, or being shunned by their families. A week after the initial raid, police raided GALZ's offices again, this time removing computer equipment and files. Police reviewed the seized items for evidence to warrant prosecution (e.g., pornography or materials "promoting homosexuality"). Unsuccessful, police then informed GALZ's leadership to "proceed by way of summons." At year's end GALZ was awaiting notice from the Office of the Attorney General as to whether it would be charged with illegally running a private voluntary organization, despite being a registered membership organization. The intended effect of targeting a vulnerable group (see section 6) effectively left GALZ unable to resume regular activities at its offices, due to fear of further raids.

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

According to the country's criminal code "any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act" carries a penalty of up to one year in prison or a fine up to \$5,000. There were no known cases of charges being brought to prosecute consensual same-sex sexual activity. Common law prevents gay men and, to a lesser extent lesbians, from fully expressing their sexual orientation. In some cases it criminalizes the display of affection between men.

Leadership in both ZANU-PF and MDC-T, including President Mugabe and Prime Minister Tsvangirai, have publicly criticized the LGBT community and warned against the inclusion of LGBT rights in the constitution. In 2011 Mugabe publicly blamed the LGBT community for Africa's ills and declared its members to be worse than "pigs and dogs." In February Mugabe said that same-sex marriage was "insanity" and "satanic." However, in an apparent shift of position,

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Tsvangirai declared in a 2011 press interview that LGBT rights were a human right that should be enshrined in the country's new constitution.

Members of GALZ, the primary organization dedicated to advancing the rights of the country's LGBT community, experienced assault, harassment, and discrimination.

The significantly increased harassment and scrutiny of GALZ by the government was, as in years past, attributed to political machinations surrounding the constitution-making progress. In February the cochairs of the Constitution Select Committee, representing all major parties, specifically opposed antidiscrimination clauses for gays and lesbians in any new draft. LGBT activists who sought sexual orientation as a protected class eventually settled for language offering a "right to privacy."

Religious leaders in a society that was traditionally conservative and Christian espoused and encouraged discrimination against LGBT individuals. In May Tom Deuschle, the founder of the largest Pentecostal church in the country, Celebration Ministries, said "[legalizing homosexuality] is an insult to the respect that we are supposed to show God. We can't respect what is dishonorable. We love them but what they are doing is a sin...an abomination."

In contrast to GALZ, the Bulawayo based Sexual Rights Center, an organization similarly dedicated to advancing the rights of "sexual minorities," faced minimal harassment.

LGBT individuals reported widespread societal discrimination based on sexual orientation. In response to social pressure, some families reportedly subjected their LGBT members to "corrective" rape and forced marriages to encourage heterosexual conduct. Such crimes were rarely reported to police. Women, in particular, were subjected to rape by male family members. LGBT persons often left school at an early age due to discrimination and had higher rates of unemployment and homelessness. Many persons who identified as LGBT did not seek medical care for sexually transmitted diseases or other health issues due to fear that health providers would shun them.

CENTRAL and SOUTH ASIA

Afghanistan

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

The law criminalizes consensual same-sex sexual conduct activity, and there were reports that harassment, violence, and detentions by the police increased significantly during the year. No law exists to address discrimination or harassment on the basis of sexual orientation or gender identity. Homosexuality was widely seen as taboo and indecent. Organizations devoted to the protection or exercise of freedom of sexual orientation remained underground. While social taboos remained strong against open consensual same-sex sexual conduct, there were some reports of improving perceptions within communities in Kabul. Organizations carrying out health-related activities were able to provide services to gay men but not exclusively, due to fear of community reprisals.

Bangladesh

Discrimination, Societal Abuses, and Trafficking in Persons:

Laws specifically prohibit certain forms of discrimination against women, provide special procedures for persons accused of violence against women and children, call for harsh penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty; however, enforcement of these laws was weak. Women, children, minority groups, persons with disabilities, indigenous people, and sexual minorities often confronted social and economic disadvantages.

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

Consensual same-sex sexual activity is illegal, but the law was not enforced. Lesbian, gay, bisexual, and transgender (LGBT) groups reported that police used the law as a pretext to bully LGBT individuals, particularly those seen as effeminate men. There were several informal support networks for gays, but organizations to assist lesbians were rare. Gays and lesbians often faced strong family pressure to marry opposite-sex partners.

Attacks on LGBT persons occurred on occasion, but those offenses were difficult to document because victims desired confidentiality. The Bandhu Social Welfare Society, a local NGO, reported 137 cases of assault against LGBT persons during the year, as compared with 109 in 2011. Strong social stigma based on sexual orientation was common and prevented open discussion of the subject.

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The Ministries of Public Administration and Education conducted a pilot project to help integrate transgender persons into mainstream society. The project gave transgender persons 90 days of job skills training, began an awareness program to change negative views of the community, and established a foundation for transgender persons to continue the program.

On June 21, Nobel Peace Prize laureate Mohammad Yunus publicly expressed solidarity with LGBT individuals and condemned violence against them in a joint statement with three other Nobel laureates. The statement acknowledged the legacy of colonial-era legislation and called the criminalization of adult, consensual same sex activity unacceptable.

Sexual Exploitation of Children:

The penalty for sexual exploitation of children is 10 years to life imprisonment. As defined by the Women and Children's Repression Prevention Act, the minimum age of consent to sex is 16; however, the penal code sets the age at 14. The discrepancy has not been challenged in court. Child pornography, the selling or distributing of obscene material, is prohibited, and the Pornography Control Act passed in March sets the maximum penalty at 10 years in prison coupled with a fine of 500,000 taka (approximately \$6,200). The previous penalty was three months' imprisonment. In 2009 the International Labor Organization (ILO) and the Bangladesh Bureau of Statistics completed a baseline survey on commercial sexual exploitation of children. According to the survey, of 18,902 child victims of sexual exploitation, 83 percent were girls, 9 percent were transgender children, and 8 percent were boys. The survey reported that 40 percent of the girls and 53 percent of the boys were under the age of 16.

Bhutan

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

Although there are no laws that explicitly prohibit same-sex sexual activity, laws against "sodomy or any other sexual conduct that is against the order of nature" exist. Under the penal code, a person can be imprisoned for as long as one year for engaging in such acts. One government official noted prosecution under this law was rare, as criminal intent must be proven by the prosecution. There were no reported cases of such charges. There were no LGBT-focused NGOs; social stigma and the legal prohibition may have been impediments to LGBT group organization.

India

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

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In 2009 the Delhi High Court overturned a portion of section 377 of the penal code, which had prohibited same-sex sexual activity. During the year the Supreme Court heard appeals from groups and individuals opposed to the ruling. In Supreme Court hearings on February 23, Additional Solicitor General P.P. Malhotra told the court that homosexuality was immoral and was causing the spread of HIV/AIDS in the country. His arguments were followed by those of the health ministry lawyer, who countered that there was “no error in decriminalizing gay sex.” The government later clarified that it supported the legalization of homosexuality and abolishment of section 377, and it replaced Malhotra with Mohan Jain as its counsel in the case. The Supreme Court had not rendered a judgment on the appeal by year’s end. The abolished clause continued to be used sporadically 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 throughout society, particularly in rural areas. Activists reported that transgender persons who were HIV positive often had difficulty obtaining medical treatment. Activists also reported that some employers fired LGBT persons who were open about their sexual orientation or gender identity. 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. Several states, with the aid of NGOs, offered police education and sensitivity training.

The benefits accorded to transgender persons varied across the country. Tamil Nadu established a transgender welfare board in 2008 and provided separate identity and ration cards to transgender persons. In 2010 the state of Karnataka announced that transgender persons would be included in the “Backward Classes” list, making them eligible for pensions, ration cards, and housing assistance under a reservation scheme. The National Legal Services Authority included transgender persons in the definition of marginalized groups, enabling access to free legal aid.

In February a study by Mission for Indian Gay and Lesbian Empowerment (MINGLE) reported that nearly 80 percent of staffers in 17 organizations surveyed had heard homophobic comments in their offices. The LBGT 2012 workplace survey report reported that nearly 30 percent of the homophobic remarks came from managers.

On April 12, a transgender woman, Diya Rai, filed a complaint with the West Bengal Human Rights Commission alleging that police in Baguiati illegally detained her at the police station for nine hours and taunted her about her sexuality. She was released without being charged and alleged that police made her sign a “personal bond” to never return to the area.

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On March 19, the MSJE informed parliament that the ECI had directed the chief electoral officers in all states to modify electoral rolls to include the option of “other” under sex for eunuchs and transgender persons.

Kazakhstan

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 or gender identity, there were reports of such discrimination. Representatives of international and local organizations reported that negative social attitudes towards marginalized groups, including LGBT persons, impeded these groups’ willingness to come forward, organize, or seek access to HIV/AIDS programs.

LGBT individuals, particularly gay men, were among the most oppressed groups, although the country does not outlaw consensual same-sex sexual activity. According to a 2009 Soros Foundation study, 64.1 percent of LGBT respondents said they did not face open discrimination in the workplace, although LGBT individuals often concealed their sexual orientation to avoid such discrimination. LGBT individuals whose sexual orientation became known publicly risked physical and verbal abuse, possible loss of employment, and unwanted attention from police and authorities. A local NGO working on LGBT issues noted that new regulations made gender reassignment more cumbersome but cited a slight improvement in public awareness of LGBT rights. 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. The NGO Amulet reported that since the beginning of 2011 there were 16 attempts on the lives of LGBT persons and 298 cases of physical violence of varying degrees. There were 13 instances of LGBT persons being dismissed from work based on their sexuality, and two cases of landlords refusing to rent property to LGBT persons. The organization reported 115 cases of LGBT persons being denied the right to health care.

According to one NGO working on LGBT issues, in December a transgender person shared some of the challenges facing the LGBT community with the television program “Drugaya Pravda” that aired on the national channel KTK. When the program was aired, the presenter described him as gay and presented the information he gave in a negative light. After receiving numerous threats, the person’s house was burned down. The victim appealed to police, who were investigating the situation. The victim believed the incident was related to his admission of being transgender.

NGOs reported that members of the LGBT community seldom turned to law enforcement agencies to report violence against them, because they feared they would be met with hostility, ridicule, and occasionally violence. Additionally they

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did not want law enforcement officers to notify their employers of their sexual orientation.

Kyrgyz Republic

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

Human rights organizations reported that police in Osh continued to arrest individuals for the “crime” of homosexuality even though the government decriminalized consensual same-sex sexual conduct in 1998.

From February to October, the NGO Labrys recorded 18 cases of police extortion of gay persons in Osh. The majority of cases included physical abuse. Once arrested and known to the police, lesbian, gay, bisexual, and transgender (LGBT) persons were susceptible to a continual cycle of extortion and exploitation. Because same-sex sexual conduct is a societal taboo in the South, it was nearly impossible to mount legal challenges to such abuse. Observers reported that, once outed, LGBT persons in the southern part of the country had to flee to Moscow.

On April 19, Delo No, a mainstream weekly newspaper focused on legal issues and crime, published an article entitled “Sexual Minorities Are Becoming Aggressive.” The article chronicled the case of Mikhail Kudryashov, whose conviction on pornography distribution charges was upheld by the Supreme Court. The article extensively criticized homosexual conduct and Kudryashov himself for being openly gay. It suggested a connection between LGBT persons and the 2010 revolution and blamed the country’s societal decline on homosexual activity. The article also published Kudryashov’s address and telephone number.

Kudryashov maintained that he never “distributed” pornography and was set up by a man he met through a gay Web site who asked him to copy an erotic gay video in 2010. Upon providing the video to the man, an officer of the financial police immediately arrested Kudryashov. He contended that they held him for nine hours, during which he was tortured, beaten unconscious, threatened, and sexually harassed. Kudryashov said officers took his keys, robbed his apartment, and detained a friend who had stopped by to check on him. He said he confessed to the pornography charges and signed away his right to counsel after the officers threatened to harm his friend. Although he recanted his confession and presented evidence of his abuse at the legal hearings, a Bishkek court convicted Kudryashov. After 36 hearings, the appellate court and Supreme Court upheld his conviction and 18-month suspended prison sentence.

According to local NGOs, LGBT individuals faced severe oppression, and the government failed to protect their rights. LGBT persons whose 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

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openly victimized incarcerated gay men. Doctors sometimes refused to treat LGBT individuals. Forced marriages to men for lesbians and bisexual women also occurred. The Labrys Public Foundation noted the practice of lesbians or their partners being raped by their own family members as a punitive measure or as a method of “curing” their homosexuality. The practice was underreported, and its extent was therefore difficult to estimate. Closeted gay individuals were subject to police extortion and harassment. Labrys asserted that the police did not seriously investigate crimes against LGBT individuals.

Labrys reported that in October 2011 a security guard lured a transgender female sex worker and her gay male friend to a construction site and then offered to pay for sex. When they arrived, the guard insulted, beat, and stabbed them. He offered to spare their lives if they told police that they had tried to rob the site. While the police did not believe the robbery story, they verbally insulted the transgender woman at the police station before they took her to the hospital. In October 2011 authorities filed attempted murder charges against the security guard. On May 24, the district court in Bishkek returned a guilty verdict for the guard but suspended the criminal case after finding the defendant insane.

Maldives

Respect for Civil Liberties, Including: Internet Freedom:

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without judicial oversight. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

The Ministry of Islamic Affairs continued to block Web sites considered anti-Islamic or pornographic. In November 2011 the Telecommunications Authority blocked and banned a local blog, Hilath.com, at the request of the Islamic Ministry because of its anti-Islamic content. The blog was known for promoting religious tolerance, as well as for discussing the blogger’s homosexuality. The ban remained in place.

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

The law prohibits same-sex sexual conduct. 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. No organizations focused on lesbian, gay, bisexual, or transgender (LGBT) problems in the country. There were no reports of officials complicit in abuses against the LGBT community, although societal stigma likely discouraged individuals from reporting any such problems. Due to societal intolerance of same-sex sexual relationships, there are few openly LGBT individuals in the country. Thus there

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was no information on official or societal discrimination based on sexual orientation in employment, housing, access to education, or health care.

Nepal

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, caste, gender, disability, language, or social status. However, the government did not effectively enforce these prohibitions. Even though the Caste Discrimination and Untouchability Act was passed in May 2011, a rigid caste system continued to operate throughout the country in many areas of religious, professional, and daily life. Societal discrimination against lower castes, women, and persons with disabilities remained common, especially in rural areas. Transnational and internal sex and labor trafficking persisted.

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

No laws specifically criminalize same sex sexual activity, and lesbian, gay, bisexual, and transgender (LGBT) persons actively and openly advocated for their rights. The CA had a prominent openly gay elected representative, and many mainstream political parties included pro-LGBT legislation in their party manifestos. LGBT activists continued to press for protections for sexual minorities in the new constitution.

In 2007 the Supreme Court directed the government to enact laws to protect LGBT persons' fundamental rights, enable third-gender citizenship, and amend all laws that were sexually discriminatory. Implementation of the 2007 decision was slow, however, and although the Home Ministry authorized the use of "other" in official identification documentation from May 23 forward, officials had yet to implement the decree. Government authorities, especially low-level police in rural areas and the Tarai, sometimes harassed and abused LGBT persons. According to the Blue Diamond Society, a local LGBT advocacy NGO, harassment of such persons by both government and citizens was common, but acts of violence were on the decline. The NP HRC confirmed some low-level harassment occurred because many citizens had negative views of LGBT persons, and the NP was not immune to such social perceptions. Nonetheless, the NP HRC conducted LGBT rights training and worked closely with the LGBT community to minimize and prevent such harassment. The NP HRC reported that it had found at least one officer guilty of harassing an LGBT person and reprimanded that officer.

Pakistan

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

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Consensual same-sex sexual conduct is a criminal offense; in practice, the government rarely prosecuted cases. Gay men and lesbians rarely revealed their sexual orientation. No laws protect against discrimination on the basis of sexual orientation or gender identity. Systematic discrimination against lesbian, gay, bisexual, and transgender persons was widely acknowledged privately, but insufficient data existed for accurate reporting on these forms of discrimination, due in part to severe societal stigma and fear of recrimination for those who come forward.

Society generally shunned transgender persons, 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.

In November 2011 the Supreme Court ordered the national Election Commission to reach out to the hijra community and register its members to vote in advance of the March 2012 Senate elections.

Sri Lanka

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights:

Government Human Rights Bodies:

On November 1, Sri Lanka’s UPR occurred in an interactive dialogue at the UNHRC in Geneva. On November 5, the UNHRC adopted the draft outcome report of the working group of Sri Lanka’s UPR. Sri Lanka rejected 98 recommendations submitted by countries at its UPR and accepted 111. This constituted one of the largest absolute number of UPR recommendations rejected outright and one of the highest proportion of recommendations rejected. The government deemed unacceptable recommendations regarding right to information legislation, reducing the military’s role in civilian affairs in the north, decriminalizing same-sex relationships, criminalizing and punishing enforced disappearances, accepting jurisdiction of the International Criminal Court with respect to crimes against humanity, and an independent investigation into the 2006 killing of 17 humanitarian workers in Muttur, among others. A large number of recommendations were raised a second time in light of the government’s nonimplementation over the last four years of its 2008 UPR commitments. The adoption of Sri Lanka’s draft UPR outcome report also was characterized by irregularities initiated by the government, including changing the wording of eight recommendations related to implementation of the LLRC recommendations.

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

Same-sex sexual activity is punishable by a prison sentence up to 10 years and there were no legal safeguards to prevent discrimination based on sexual orientation or gender identity. In practice the criminal provisions were very rarely enforced. In recent years human rights organizations reported that, while not actively arresting and prosecuting members of the lesbian, gay, bisexual and transgender (LGBT) community, police harassed and extorted money or sexual favors from LGBT individuals with impunity and assaulted gays and lesbians in Colombo and other areas. Crimes and harassment against LGBT individuals were a problem, although such incidents often went unreported. Social stigma against LGBT persons remained a problem. There were reports that persons undergoing gender-reassignment procedures had difficulty 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 are legal in the country, and the age of consent is the same as for heterosexual relationships. Homophobic attitudes and little societal tolerance toward sexual minorities made it rare for individuals to disclose their sexual orientation. Throughout the country there was no officially sanctioned societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons, but there were reports that LGBT individuals faced physical and psychological abuse, including from the police. There is no law against discrimination that applies to LGBT individuals, who were victims of police harassment and faced threats of public beatings. Public activism on their behalf was limited. LGBT representatives claimed law enforcement officials extorted money from LGBT community members by threatening to tell their employers or families of their activities. Hate crimes against members of the LGBT community reportedly went unaddressed. It was difficult for transgender persons to obtain new official documents from the government. Article 74 of the civil code allows for changing of gender in identity papers if an authorized document issued by a medical organization were provided. Because a document of this form does not exist, however, it is impossible for transgender persons to change their legal identity to match their gender. This creates internal problems involving anything requiring government identification and can prevent persons from traveling abroad since they cannot obtain a new passport.

Turkmenistan

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

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Same-sex sexual conduct between men is illegal under a section of the criminal code on pederasty, with punishment of up to two years in prison and the possible imposition of an additional two to five year term in a labor camp. Subsequent sections of the law stipulate sentences of up to 20 years for repeated acts of pederasty, homosexual acts with juveniles, or the spread of AIDS or other sexually transmitted infections through homosexual contact. The law does not mention same-sex sexual contact between women. Enforcement of the law was selective, although authorities reportedly arrested an unspecified number of gay men in March. Antidiscrimination laws do not apply to lesbian, gay, bisexual, and transgender (LGBT) individuals.

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 LGBT individuals in employment, housing, statelessness, access to education, or health care. As same-sex sexual activity was a taboo subject in the country's traditional society, social stigma likely prevented incidents from being reported.

Uzbekistan

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

Sexual relations between men are punishable by up to three years' imprisonment. Although there have not been any known arrests or convictions under this criminal provision since 2003, according to the lesbian, gay, bisexual, and transgender (LGBT) community, police and other law enforcement personnel used the threat of arrest or prosecution to extract heavy bribes from gay men. The law does not criminalize same-sex sexual activity between women.

Same sex sexual activity is generally a taboo subject in society, and there were no known LGBT organizations. There was also no known violence against the LGBT community. There were no reports of official or societal discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care, but this may be attributed to the social taboo against discussing same-sex relationships rather than to equality in such matters.

EAST ASIA and the PACIFIC

Australia

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

There are no laws criminalizing consensual same-sex sexual conduct between adults. Discrimination on the basis of sexual orientation and gender identity is prohibited by law in a wide range of areas, including in employment, housing, family law, taxes, child support, immigration, pensions, and social security.

The HRC received 21 complaints of discrimination based on sexual orientation from July 2011 through June 2012. However, information on their resolution was not available.

Brunei

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

The law makes it a criminal offense to have “sexual intercourse against the order of nature.” In cultural practice this included sexual relations between men. There were no reports of official or societal discrimination based on sexual orientation in employment, housing, access to education, or health care, likely because societal stigma may cause affected individuals to withhold reporting such problems. Anecdotal information, however, indicated that individuals avoided disclosing sexual orientations not traditionally accepted in fear of societal or legal retribution. There are no NGOs working on LGBT human rights in the country.

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 laws against “unnatural offenses” apply equally to both men and women. These laws were rarely enforced; activists reported that one gay man was arrested in Hla Ku in February and released in May on the basis of penal code provision 377 for “sex against nature” and that police filed an estimated four or five cases under this provision as a means of harassment and to obtain bribes. Lesbian, gay, bisexual and transgender (LGBT) persons reported harassment by police including arbitrary arrest (for example for loitering), detention, and in some cases rape by security forces. In addition LGBT activists reported broad societal and familial discrimination.

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There were reports of discrimination based on sexual orientation in employment, including the denial of promotions and firing of LGBT persons. Activists reported that job opportunities for many openly gay and lesbian persons were limited, and they noted a general lack of support from society as a whole.

Cambodia

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not generally protect these rights. The law does not prohibit discrimination based on sexual orientation, gender identity, or social status.

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

There were no laws criminalizing consensual same-sex sexual conduct, nor was there official discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals, although some societal discrimination and stereotyping persisted, particularly in rural areas. In May several local businesses and NGOs hosted the eighth annual Phnom Penh Pride Festival, a week-long series of events that highlighted the LGBT community. The event enjoyed massive support from the local NGO community and also included LGBT representatives from neighboring countries.

There were no reports of government discrimination based on sexual orientation in employment, statelessness, or access to education or health care. Consensual same-sex relationships, however, were typically treated with fear and suspicion by the general population, and there were few support groups to which cases involving discrimination could be reported. Unofficial discrimination against LGBT persons persisted; however, a local NGO reported that discrimination was on the decrease due to the LGBT community's effectiveness in raising awareness regarding LGBT issues. On December 11, Prime Minister Hun Sen spoke out publicly against discrimination against LGBT individuals.

There were no reported incidents of violence or abuse against LGBT individuals; however, stigma or intimidation may have been a factor in preventing incidents from being reported.

China (includes Tibet, Hong Kong, and Macau) Hong Kong

Respect for Political Rights: The Right of Citizens to Change Their Government Elections and Political Participation: Participation of Women and Minorities:

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Many Hong Kongers hailed the election of the city's first gay LegCo member in the September races as a sign of the public's greater acceptance of lesbian, gay, bisexual, and transgender (LGBT) persons

Discrimination, Societal Abuses, and Trafficking in Persons:

There were laws designed to protect women, children, persons with disabilities, and minorities. However, some discrimination based on ethnicity, sex, disability, and other factors persisted.

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

No laws criminalize private consensual same sex activities between adults. Due to societal discrimination and pressure to conform to family expectations, most gay, lesbian, bisexual, and transgender (LGBT) persons refrained from publicly discussing their sexual orientation. Individual activists and organizations working on LGBT problems continued to report discrimination and harassment from authorities.

In June the Beijing LGBT center was notified by property management that its lease would be terminated early due to complaints that it was too noisy. Neighbors reportedly pressured management to terminate the lease after learning that it was an LGBT organization. The center was only able to recoup less than the half of its 11,000-RMB (\$1,765) investment for the move.

As was the case in 2011, the sixth Beijing Queer Film Festival was forced underground due to harassment from local police, officers from the Bureau of Industry and Trade, and officials from the Culture Bureau. The police deemed the event "illegal." Organizers were forced to close the event to the general public and show the films to invited guests only. The venue of the festival was also changed every night to avoid police detection. However, police did not intervene in an April same-sex marriage rally at Guangzhou's People's Park that included kissing among gays and lesbians to attract the attention of passersby.

In September a unit of the Hangzhou Education Bureau and the Hangzhou Education Research Institute published a book, *Parents, Please Walk Your Children through Puberty*, that referred to homosexual behavior as "sexual deviance" and called on parents to "prevent such behavior." The book indicated that reparative therapy was possible.

**China (includes Tibet, Hong Kong, and Macau) - China
(includes Tibet, Hong Kong, and Macau) – Tibet**

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

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No information in this sub-section. Please see the full country report for more.

**China (includes Tibet, Hong Kong, and Macau) - China
(includes Tibet, Hong Kong, and Macau) - Hong Kong**

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

There are no laws criminalizing consensual same-sex sexual activity. In 2005 the Court of First Instance ruled that maintaining an age of consent for male-male relations at 21 years old rather than 16 years old violated the Bill of Rights Ordinance. There were no specific laws governing age of consent for female-female relations.

Gay rights groups continued to complain that the government's sponsoring of seminars on "homosexual conversion therapy" demonstrated the government's antigay rights views. According to gay rights groups, the seminars' contents explained homosexuality as deriving from "unhealthy parent-children relationships," "experience of sexual abuse or same-sex sexual behavior," or "serious emotional harm caused by the opposite sex."

In May Secretary for Constitutional and Mainland Affairs Raymond Tam said that a law against sexual orientation discrimination "will only lead to arguments, divisions, and conflicts," and the time was not yet "ripe to take the legislative route." On November 7, the LegCo voted down a motion moved by prodemocracy lawmaker Cyd Ho, urging the government to launch a public consultation on enacting a law to safeguard equal opportunities for and the basic rights of persons of different sexual orientations. Every prodemocracy member except for one (who abstained) voted for the motion, while only five pro-Beijing members supported it.

The pro-Beijing Democratic Alliance for Betterment and Progress of Hong Kong (DAB) and members of the probusiness Liberal Party said they opposed the motion as "mainstream society does not accept gays." DAB's LegCo member, Starry Lee, held that legislations might "not help change the attitude of the public, and it may even lead to discrimination and narrow room for discussion."

Following the motion's defeat, and coinciding with "Pink Season," the largest LGBT festival in Asia, an estimated 4,000 persons marched from Victoria Park to Central November 10, up from 2,500 in 2011, according to organizers. Pink Season was supported by the Hong Kong Tourism Board, which was striving to make Hong Kong a "LGBT-friendly tourist destination."

While Hong Kong has legislation that bans discrimination on the grounds of race, sex, disability, and family status, there is no law that prohibits companies from discriminating on grounds of sexual orientation. A May survey of 1,002 persons by NGO Community Business found that 27 percent of respondents said LGBT

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persons should “keep their sexual orientation to themselves.” Almost 80 percent said LGBT persons faced discrimination in the community and at work. LGBT professionals are permitted to bring partners to Hong Kong only on a “prolonged visitor visa.” Successful applicants, however, cannot work, obtain an ID card, or qualify for permanent residency.

The government claimed public education was sufficient to protect the rights of the LGBT community, and legislation was not necessary. While acknowledging that same-sex partners did not enjoy the same rights as heterosexual married couples, the Society for Truth and Light--the bill’s major opponent and which has long opposed any kind of legislation--said rather than introducing a law, government departments should “change their policies.” The society claimed any bill could make it “illegal to disagree with homosexuality.”

The Federation of Parent-Teacher Associations of Yau Tsim and Mong Kok districts claimed legislation might mean it would be illegal for schools, including religiously affiliated institutions, to “teach that homosexuality was wrong, as it would be seen as discriminatory.”

**China (includes Tibet, Hong Kong, and Macau) - China
(includes Tibet, Hong Kong, and Macau) – Macau**

Discrimination, Societal Abuses, and Trafficking in Persons:

The law stipulates that residents shall be free from discrimination based on race, gender, disability, language, or social status, and many laws carry specific prohibitions against discrimination; the government effectively enforced the law. The law does not address discrimination based on sexual orientation or gender identity.

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

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

LGBT rights activists organized the SAR’s first gay rights protest in December. During the Macau Rainbow Equality Parade, 12 participants protested against the government’s decision to remove protection to same-sex cohabitants in its draft antidomestic violence bill. The SAR’s civil society groups alleged that the government discriminated against the local LGBT community when it failed to invite them to participate during public consultation on the bill or provide input into its decision to remove same-sex partners from the bill.

Fiji

Discrimination, Societal Abuses, and Trafficking in Persons

The abrogated constitution prohibited 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, the ERP had similar provisions, but these are limited to workers and industrial relations matters.

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

The Crimes Decree does not criminalize consensual same-sex sexual activity and recognizes male-on-male rape as a crime. The ERP prohibits discrimination in employment based on sexual orientation; there were no laws specifically prohibiting discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons in other areas. While same-sex sexual conduct was abhorrent to some with deeply held religious beliefs, in general attitudes toward LGBT individuals have become more accepting, especially among the young, and articles promoting tolerance were regularly found in the media.

On May 17, police cancelled a permit previously issued to the LGBT NGO Oceania Pride for a march commemorating International Day against Homophobia and Transphobia. The commissioner stated that the permit was cancelled because of concern for the marchers' safety. Oceania Pride and others criticized the cancellation as a violation of freedom of expression for LGBT individuals and their supporters.

There was some societal discrimination against persons based on sexual orientation and gender identity, although there was no systemic discrimination. Shortly before the date of the planned Oceania Pride march, the Methodist Church--the country's largest religious denomination--stated its opposition to "special rights" for LGBT persons and "promotion of gays in the society." There were reports of bullying of LGBT students in schools. There were no official reports of discrimination against LGBT persons in such areas as employment, housing, or access to health care; however, intimidation or social stigma possibly prevented incidents of discrimination or abuse from being reported.

Indonesia

Respect for Civil Liberties, Including- Freedom of Peaceful Assembly and Association
Freedom of Association:

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Some lesbian, gay, bisexual, and transgender (LGBT) advocacy groups reported encountering difficulties when attempting to register their organizations.

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

The 2008 Pornography Law bans consensual same-sex sexual activity. In addition local regulations across the country criminalize same-sex sexual activity. For example, the province of South Sumatra and the municipality of Palembang have local ordinances criminalizing same-sex sexual activity together with prostitution. The province of Nanggroe Aceh Darussalam's legislature passed an ordinance regulating "immoral behavior," including consensual same-sex acts between adults, but at year's end the governor had not signed it into law. Additionally, under a local ordinance in Jakarta, security officers regard any transgender person found in the streets at night as a sex worker. According to media and NGO reports, a number of transgender individuals were abused and forced to pay bribes following detention by local authorities. According to NGOs, many persons considered LGBT issues as socially taboo. The government took almost no action to prevent discrimination against LGBT persons, and in some cases it 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 religious groups, family members, and the general public sometimes ostracized LGBT individuals.

LGBT organizations and NGOs operated openly, although often without proper licenses (see section 2.b.). Certain religious groups sporadically disrupted LGBT gatherings, and individuals occasionally were victims of police abuse.

LGBT groups maintained a lower profile throughout the year compared with previous years, in part due to concerns over physical security. In September and October, the Q! Film Festival, subject of protests in 2010, took place in Jakarta. Festival organizers informed police of their plans to hold the festival, but police declined to provide protection. Police officials stated that the organizers would have to obtain a letter of support from the local Islamic Clerics Council (MUI) if they wanted police support. Organizers chose not to engage with the MUI. As a result of the police decision, three of eight venues originally scheduled to take part in the festival backed out.

Police generally did not investigate cases that involved police intervention during assaults by hard-line groups against LGBT gatherings. Formal complaints by victims and affected persons were usually ignored.

In criminal cases with LGBT victims, police investigated the cases reasonably well, as long as the suspect was not affiliated with the police. However, when investigating allegations of abuse by police, investigators were unresponsive--even in the face of pressure from Komnas HAM.

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NGOs documented instances of government officials not issuing identity cards to LGBT individuals. Transgender individuals faced discrimination in obtaining services, including health and other public services.

Japan

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, gender, disability, and social status but does not prohibit discrimination based on language, sexual orientation, or gender identity. Although the government enforced these prohibitions to some degree, discrimination against women; ethnic minority group members; persons with disabilities; lesbian, gay, bisexual, and transgender (LGBT) persons; and foreigners remained problems. Moreover, enforcement was not uniform, with some provisions for persons with disabilities interpreted as applying to the public sector but not the private sector.

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

No law prohibits discrimination based on sexual orientation or gender identity, and there are no penalties associated with such discrimination and no related statistics available. Laws governing rape, sexual commerce, and other activity involving sexual intercourse do not apply to same-sex sexual activity, since sex is defined in the law as exclusively male-to-female vaginal intercourse. This definition leads to lower penalties for perpetrators of male rape and greater legal ambiguity surrounding same-sex prostitution.

On October 31, Tokyo Family Court Judge Yoshiki Matsutani rejected a lawsuit filed by a married transgender man seeking to overturn the refusal by Shinjuku Ward authorities to list in the family registry the couple's two-year-old son, who was conceived by artificial insemination, as a legitimate child. The couple, resident in the Osaka area and married in 2008, received the ward's rejection of their January request in March with the father's name left blank. The court proceeding marked the first challenge by a transgender parent of such a ward-level family-registry decision and the first known verdict denying such an appeal. The distinguishing characteristics of the case were the transgender parent and artificial insemination with third-party sperm. The court ruling stated that the family registry made it clear that the husband was unable to produce sperm and therefore was not the father.

NGOs that advocate on behalf of LGBT persons reported no impediments to organization during the year but some instances of bullying, harassment, and violence. Stigma surrounding LGBT persons remained an impediment to self-reporting of such instances, and studies on bullying and violence in schools generally did not take into account the sexual orientation or gender identity of

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the persons involved. Pervasive societal stigma surrounding LGBT persons also prevented many from being open about their sexual orientation, and attorneys who frequently represent LGBT persons related 10 cases during the year in which clients were threatened with disclosure of sexual orientation.

Kiribati

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

Consensual same-sex sexual conduct between men is illegal, with a maximum penalty of five to 14 years' imprisonment depending on the nature of the offense, but there were no reports of prosecutions directed at gay, bisexual, or transgender persons under these provisions for sexual activity between consenting adults.

There is no law specifically prohibiting discrimination on the basis of sexual orientation or gender identity. There were no reports of societal discrimination or violence based on sexual orientation or gender identity, although social stigma or intimidation were possible factors that might prevent such incidents from being reported.

Korea, Democratic People's Republic of

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

There are no laws against consensual same-sex activity, but no information was available on discrimination based on sexual orientation or gender identity.

Korea, Republic of

Discrimination, Societal Abuses, and Trafficking in Persons:

The law forbids discrimination based on race, gender, disability, sexual orientation and social status, but not that based on language or gender identity, and the government effectively enforced the existing prohibitions.

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

The Ministry of Justice reported that the constitution's equality principles apply to LGBT persons. The law that established the NHRC prohibits discrimination based on sexual orientation and authorizes the NHRC to review cases of such discrimination, but the law does not specify discrimination based on gender identity.

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There are no laws either specifying punishment for persons found to discriminate against LGBT persons or providing remedy to victims of discrimination or violence. During the year the NHRC reported 12 cases of such alleged discrimination. In one case, in which a local government rejected an advertisement calling for a halt to discrimination against sexual minorities, the commission ruled that the local government should have accepted the advertisement and recommended that the government prevent such an incident in the future. The commission rejected seven other petitions, dismissed two after investigation, and resolved two by agreement.

There were no known cases of violence against LGBT persons during the year, although concern about stigmatization likely prevented some victims from reporting incidents of discrimination and abuse. For example, an online survey of 221 teenage sexual-minority individuals, published in the Hankyoreh newspaper during the year, found that more than half reported “serious” or “very serious” discrimination in schools due to their sexual orientation.

Numerous activists and NGOs criticized the NHRC for dismissing during the year a complaint by the gay and lesbian group, Sexual Minorities Believing in God. The complaint stated that the Yoido Full Gospel Church in Seoul deleted an Internet forum for gay and lesbian Christians on June 3, two days after starting it.

Consensual same-sex sexual activity between military personnel is prohibited in the armed forces (a prohibition that the Constitutional Court found to be constitutional in March 2011), and LGBT persons are banned by law from serving in the military.

LGBT groups kept a very low profile, because same-sex relationships are not widely accepted in the country. For example, few entertainers were openly gay, and one who was “outed” claimed that various shows fired him as a result. On September 6, a Korean Broadcasting System cable television channel (Joy) carried XY Her, a program with a transgender cast, reportedly a first in the country, but cancelled it after one episode due to opposition from conservative activists. One LGBT organization, the Gay Voters Party, stated that it was planning to request police protection in Seoul for the program cast. However, it did not do so, because the cast apparently declined to supply the personnel records the police required.

Laos

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution provides for equal treatment under the law for all citizens without regard to ethnicity, gender, social status, education, or faith, but there were no prohibitions of discrimination based on language, disability, sexual

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orientation, or gender identity. The government at times took action when well-documented, obvious cases of discrimination came to the attention of high-level officials, although the legal mechanism whereby citizens may bring charges of discrimination against individuals or organizations was neither well developed nor widely understood.

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

There was no law prohibiting discrimination based on sexual orientation or gender identity, and there was no such official discrimination reported during the year. However, it was likely that societal stigma and concern about repercussions led individuals to withhold reporting of incidents of abuse.

There were no legal impediments to lesbian, gay, bisexual, and transgender (LGBT) organizational activities.

Within lowland Lao society, despite wide and growing tolerance of LGBT persons, societal discrimination in employment and housing persisted, and there were no governmental efforts to address it. Local activists explained that most LGBT individuals did not attempt to apply for government or high-level private sector jobs because there was a tacit understanding that employers were unwilling to hire them. Reports indicated that lesbians faced greater societal stigma and discrimination than gay men.

Malaysia

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution provides for equal protection under the law and prohibits discrimination against citizens based on race, sex, religion, descent, or place of birth. The law is silent on discrimination based on disabilities and sexual orientation. The constitution also provides for the “special position” of ethnic Malays and the indigenous groups of the eastern states of Sabah and Sarawak (collectively, bumiputra), and discrimination based on this provision persisted. One of the requirements for being considered an ethnic Malay is to speak the Malay language.

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

Section 377 of the Penal Code states that sodomy and oral sex acts are “carnal intercourse against the order of nature” but was rarely enforced. However, this law was the basis for the case against parliamentary opposition leader Anwar Ibrahim (see section 1.e.). Religious and cultural taboos against same-sex sexual conduct were widespread.

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On October 11, the High Court in Seremban dismissed an application by four Muslim transgender individuals to declare unconstitutional a law that bans men from dressing as women. Each of them, who were born male but acted and dressed as women, had previously been arrested or fined by the Negeri Sembilan Islamic Religious Department for violating the Sharia Criminal Act, a state-level Sharia law that prohibits Muslim men from dressing and posing as women. The court ruled that the Federal Constitution's provision on freedom of expression, which bans discrimination based on gender, is not applicable to Muslims who violate the relevant portion of the Sharia Criminal Act. The four individuals were expected to appeal the decision.

The Ministry of Education endorsed a series of parenting seminars against the LGBT "lifestyle" given to more than 10,000 parent-teacher association leaders, counselors, and school administrators. At some of the seminars Deputy Education Minister Mohd Puad Zarkashi stated "LGBT ways could spread widely to the educational institutions" and that "the responsibility to contain the LGBT symptoms...has to involve all quarters."

On September 13, local media published "Guidelines to Identify Gay and Lesbian Symptoms" that were endorsed by the Ministry of Education and distributed to educators in Penang at a seminar officiated by Mohd Puad. For men and boys, the guidelines listed as symptoms having a muscular body and desiring to show one's body by wearing V-neck and sleeveless clothes; preferring tight and light-colored clothes; being attracted to men; and carrying big handbags, similar to those used by women. For women and girls, the symptoms included being attracted to women; distancing oneself from all females except their companions; hanging out, having meals, and sleeping in the company of women; and having no affection for men. The guidelines included a warning that "once the children have these symptoms, immediate attention should be given." The ministry distanced itself from the guidelines after they were widely criticized in some mainstream media.

On July 30, the Ministry of Education stated its intention to increase "moral education" for all students in addition to a new sexual education program launched earlier in July. The ministry acknowledged the aim of the effort was to combat the "dangers and threats" of the LGBT population as "many teens in the country do not know the function and importance of healthy interaction among boys and girls."

Also on July 30, a statement from the assistant director of Special Branch's E2 National Social Extremist Threat Division stated that extremists threaten national security through religion, politics, and societies, and that certain groups, such as LGBT individuals, "hide behind NGOs and use religion, race, and society as their tools to influence the people." He also stated that some of the negative cultures brought in by these "extremist" groups are street demonstrations and LGBT culture, which are spread through the excuse of upholding human rights.

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On July 25, the human rights NGO SUARAM criticized both Prime Minister Najib and opposition leader Anwar Ibrahim for their remarks against the LGBT community. According to SUARAM, their statements have “sent out a clear message that approves and justifies homophobic and transphobic violence, abuse and harassment against LGBTs by society.”

On June 19, Deputy Minister Mashitah Ibrahim told parliament that the constitution did not protect LGBT individuals or their lifestyles from government control measures. Although the constitution states that “all persons are equal before the law” and “there shall be no discrimination against citizens on the ground only of...gender,” Mashitah stated that gender is defined based on whether a person is male or female and not on sexual preferences.

On June 19, the Johor State Religious Committee Chairman Datuk Zainal Abidin Osman stated that LGBT activists challenged positions of Islam in the federal constitution and insulted the head of the religion, the king, along with threatening the country’s stability and peace. The committee checked bookstores across the state to make sure there were no sales of the banned book Allah, Liberty and Love, by Irshad Manji, a Canadian gay rights activist, and the state government sponsored “seminars and workshops that were organized to spread the word on the dangers of the [LGBT] culture.”

Sexual Exploitation of Children:

Any person convicted of a trafficking-in-persons offense involving a child for the purposes of exploitation faces punishment of imprisonment of three to 20 years and a fine. Under the penal code, the minimum age for consensual sex in is 16 for both boys and girls; however, homosexual acts are illegal regardless of age or consent. Under Sharia, which applies only to Muslims, sex is forbidden outside of wedlock regardless of age or consent.

Marshall Islands

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

There is no law criminalizing consensual same-sex activity, 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 or gender identity in employment, housing, statelessness, or access to education or health care. Existing antidiscrimination laws do not specifically protect lesbian, gay, bisexual, and transgender (LGBT) persons. There are no formal impediments to organizations for LGBT persons, but no such organizations have been reported.

Micronesia, Federated States of

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

There are no laws criminalizing consensual same-sex sexual conduct. There are no laws prohibiting discrimination against lesbian, gay, bisexual, or transgender (LGBT) persons in such areas as employment, housing, or access to education and health care. There were no known reports of violence, official or societal discrimination, or workplace discrimination against LGBT persons. However, the culture stigmatizes public acknowledgement or discussion of certain sexual matters, including sexual orientation and gender identity, and it was rare for individuals to publicly identify themselves as LGBT.

Mongolia

Respect for the Integrity of the Person, Including Freedom from: Arbitrary Arrest or Detention - Role of the Police and Security Apparatus:

It was widely reported that ultranationalist groups have been able to act with some measure of impunity due to police complacency and unwillingness to apprehend offenders. Observers reported that such groups are more active during election times. In the past, ultranationalists have targeted LGBT persons, Chinese, and Koreans with threats, violence, and the extortion of protection money. There were relatively few reports of such incidents during the reporting period from either NGOs or law enforcement, however.

Respect for Civil Liberties, Including: Internet Freedom:

Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail, but there were reports that the government monitored some e-mail accounts. Representatives of the LGBT Center alleged government monitored LGBT persons' personal e-mail accounts.

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights:

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: The National Human Rights Commission (NHRC) is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. It reports directly to parliament. The NHRC consists of three senior civil servants nominated by the president, Supreme Court, and parliament for six-year terms.

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While the NHRC was not viewed as completely independent of political influence, observers considered it somewhat effective relative to other government agencies, and much of its reporting was viewed as credible. The NHRC has also consistently supported politically contentious human rights issues, such as LGBT rights.

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

Consensual same-sex sexual conduct is not specifically proscribed by law. However, AI 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 same-sex sexual conduct. LGBT persons reported harassment and surveillance by police, although NGOs reported a marked improvement in police investigations of crimes against LGBT individuals as well as more respectful police treatment of victims. Nevertheless, NGOs reported difficulties estimating the extent of crimes committed against LGBT persons due to a combination of limited law enforcement data and a lack of reporting due to social stigma and fear of reprisal.

A strong bias in society as well as the government and court system continued, as authorities frequently dismissed crimes against LGBT persons. LGBT persons reported fear of perpetrators acting with impunity against them in cases where they spoke out against abuse and raised court charges against their attackers.

There is no law prohibiting discrimination on the basis of sexual orientation. 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 or gender identity. There also were reports of abuse of persons held in police detention centers based on their sexual orientation. Some media outlets described gay men and lesbians in derogatory terms and associated them with HIV/AIDS, pedophilia, and corruption of youth.

The government, while acknowledging that discrimination against LGBT individuals was a problem, stated that social acceptance of gay men and lesbians must be promoted before definitive steps can be taken.

The law concerning rape (Article 126 of the criminal code) addresses only rape of female persons; rape of males is not a crime under the article, instead being prosecuted under Article 126 (which simply refers to unnatural sexual gratification). Since the criminal code does not recognize males as victims, it is difficult to prosecute such rapes.

Nauru

Discrimination, Societal Abuses, and Trafficking in Persons:

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The constitution prohibits discrimination on the basis of race, gender, disability, language, sexual orientation or gender identity, or social status, and the government generally observed these provisions.

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

Consensual male same-sex sexual conduct 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, but stigma or intimidation could be a factor in preventing reporting of discrimination or abuse.

New Zealand

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination on the basis of race, gender, sexual orientation, gender identity, social status, language, disability, age, and national or ethnic origin, and the government actively enforced these prohibitions.

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

There is no law criminalizing consensual same-sex sexual conduct between adults. The law prohibits abuse, discrimination, and acts of violence based on sexual orientation and gender identity, and the government generally enforced the law. During the year the HRC received 39 discrimination complaints relating to gender identity or sexual orientation (1 percent of all complaints). Of these, 26 were classified as unlawful discrimination, and 14 of those were recorded as resolved. The Ministry of Justice received no reports of societal violence or discrimination based on sexual orientation or gender identity.

Palau

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

There were no laws addressing sexual orientation and gender identity. There were no reports of violence or discrimination based on sexual orientation or gender identity, nor does stigma or intimidation prevent incidents of abuse from being reported. A gay pride event occurred during the year.

Papua New Guinea

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

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Consensual same-sex sexual relations and acts of “gross indecency” between male persons are illegal. The maximum penalty for same-sex sexual relations 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, which may have led to underreporting.

Philippines

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law prohibit discrimination based on race, disability, language, or minority status, but not discrimination based on sexual orientation or gender identity. Moreover, vague regulations and budgetary constraints continued to hinder implementation of specified protections.

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

No national laws criminalize consensual same-sex sexual conduct or prohibit discrimination based on sexual orientation and gender identity. During the year the legislature considered a national antidiscrimination bill, initially proposed in 2011, that would include the aspects of sexual orientation and gender identity, but final action on it remained pending at year’s end.

Two municipalities (Cebu and Davao cities) passed antidiscrimination laws during the year. The October 18 Cebu City ordinance prohibits discrimination in any form against persons because of sexual orientation, among other aspects, and sets a fine ranging from 1,000 to 5,000 pesos (approximately \$24 to \$121) and imprisonment ranging from 60 days up to one year. The December 14 Davao City ordinance requires equal treatment regardless of sex, gender identity, or sexual orientation, among other aspects; establishes the same fine as in Cebu City; and imposes imprisonment for up to 15 days. A third city’s ordinance prohibiting discrimination on the basis of sexual orientation and gender identity (Quezon City, 2004) focuses on employment and is not as comprehensive as those in the above two municipalities.

NGOs seeking to protect lesbian, gay, bisexual, and transgender (LGBT) individuals from discrimination and abuse continued to criticize the government for the absence of applicable law and policy. During the year various NGOs reported incidents of discrimination and abuse, including in employment, education, health care, housing, and social services. Moreover, the NGO Rainbow Rights Project claimed that LGBT human rights defenders, particularly in

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Muslim areas, experienced pressure from community authorities to conduct their activities less openly because of increasing religious radicalization.

On October 30, the UN Human Rights Committee expressed concern both at the continued use of the “grave scandal” provisions of defamation law to arrest and prosecute LGBT persons and at continued social stigmatization and violence directed against such persons.

From January to May, the NGO Philippine LGBT Hate Crime Watch recorded 17 killings of LGBT individuals, linked the killings to prejudice or hate crimes, and referred them to the CHR and PNP for investigation. All were pending as of August.

During the year the CHR and the Judicial Academy, which the Supreme Court created and supported, engaged LGBT NGOs in helping develop programs to integrate sexual orientation, gender identity, and HIV/AIDS topics into the work of both institutions.

Samoa

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected these provisions in practice. The constitution does not address sexual orientation or gender identity. In practice the society publicly recognizes the transgender Fa’afafine community, although members of the community reported instances of social discrimination. Politics and culture generally reflected a heritage of matai privilege and power, and members of certain families of high traditional status possessed some advantages.

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

“Sodomy” and “indecent 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 same-sex sexual relations between adults. Although there were no reports of societal violence based on sexual orientation or gender identity, there were isolated cases of discrimination.

Singapore

Respect for Civil Liberties, Including: Freedom of Peaceful Assembly and Association: Freedom of Assembly

The constitution provides citizens the right to peaceful assembly but permits Parliament to impose restrictions “it considers necessary or expedient” in the

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interest of security, public order, or morality; in practice the government restricted this right. Public assemblies, including political meetings and rallies, require police permission. By law a public assembly may include events staged by a single person. However, citizens do not need permits for indoor speaking events unless they touch on “sensitive topics” such as race or religion or for qualifying events held at Speakers’ Corner. In June 15,000 citizens and permanent residents participated in the annual Pink Dot event at Speakers’ Corner in a show of support for Singapore’s lesbian, gay, bisexual, and transgender (LGBT) community. Spontaneous public gatherings or demonstrations were virtually unknown. Police also have the authority to order a person to “move on” from a certain area and not to return to the designated spot for 24 hours.

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 (377a) that criminalizes sex between men, Prime Minister Lee stated that the authorities would not actively enforce the statute.

In November a gay couple filed a challenge to Section 377a. This was the second challenge to the constitutionality of the law.

In 2010 Tan Eng Hong was arrested for engaging in sex acts in a public space. He and another man were charged under Section 377a for committing “an act of gross indecency with another male person.” After Tan challenged the constitutionality of the provision, the prosecution substituted the charge with Section 294a, committing an obscene act in a public place. The two men pleaded guilty to the new charge and were each fined S\$3,000 (\$2,459). The Attorney General’s Office closed Tan’s constitutional challenge. Tan’s appeal to the High Court was denied. Subsequently, Tan appealed to the Court of Appeal, and in August the court agreed that the case should be heard in the High Court.

In June more than 15,000 persons participated in the annual Pink Dot event to demonstrate support for inclusiveness, diversity, and the “freedom to love.” The MDA continued to censor films and television shows with LGBT themes. According to the MDA Web site, the broadcast of LGBT themes on television is allowed “as long as the presentation does not justify, promote, or glamorize such a lifestyle.”

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 arrests or prosecutions directed at

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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, although stigma may hinder some from reporting.

Taiwan

Discrimination, Societal Abuses, and Trafficking in Persons:

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

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

There are no laws prohibiting consensual same-sex sexual activity. According to lesbian, gay, bisexual, and transgender (LGBT) rights activists, violence against LGBT persons with HIV/AIDS was a problem, but instances of police pressure on LGBT-friendly bars and bookstores continued to decrease during the year. LGBT rights activists alleged that restrictions on doctors providing fertility treatments to unmarried persons unfairly resulted in discrimination against LGBT persons, who are not permitted to marry. Employers convicted of discriminating against job seekers on the basis of sexual orientation face fines of up to NT\$1.5 million (\$51,650).

Authorities canceled plans to begin teaching LGBT issues in the elementary and junior school curriculums, in accordance with the 2004 Gender Equity Education Act, because of a “lack of social consensus.”

Thailand

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution provides for equal treatment without respect to race, gender, religion, disability, language, or social status but does not provide for equal treatment without respect to sexual orientation or gender identity. In practice some discrimination existed, and government enforcement of equal protection statutes continued to be uneven.

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

No laws criminalize sexual orientation or consensual same-sex sexual conduct between adults.

Lesbian, gay, bisexual, and transgender (LGBT) groups were able to register with the government, although there were some restrictions on the wording used in

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registering their group names. They reported that police treated LGBT victims of crime the same as other persons except in the case of sexual crimes, where there continued to be a tendency to downplay sexual abuse or not to take harassment seriously.

The law does not permit transgender individuals to change their gender on identification documents. Nonetheless, in August the Interior Ministry allowed an intersex person, Sirilada Khotphat, to change her listed gender from male to female, the first such decision. In addition, on May 27, voters elected Yollada Suanyot to the Nan Provincial Administration as the country's first transgender provincial councilor, sparking public debate about identification policy due to civil service dress code requirements--Yollada has lived as a woman since age 16 but continued to carry her male birth name on her identity card.

In September 2011 Bangkok's Central Administrative Court ordered the Ministry of Defense to stop describing transgender persons as "permanently mentally disabled" in conscription records. The military complied, and personnel records reportedly indicate "current sexual status contrary to sexual status at birth." Some rights advocates considered this a significant step toward reducing the harmful effects on future employment opportunities caused by the terms formerly used in such records.

For the first time, university rectors permitted five transgender students to participate in the August 30 commencement ceremony for Thammasat University's graduating class while wearing gender-specific uniforms of their choice. This decision set a precedent followed by several other educational institutions during the year. Such permissions remained voluntary for each school.

There was some continued commercial discrimination based on sexual orientation and gender identity. For example, some life insurance companies refused to issue policies to gay men, although at least four of 23 companies sold policies to LGBT citizens with provisions for full transfer of benefits to same-sex partners. NGOs alleged that some nightclubs, bars, hotels, and factories denied entry or employment to gay, lesbian, and transgender individuals.

Timor-Leste

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

The law makes no reference to consensual same-sex sexual relations. Gay men and lesbians were not highly visible in the country, although there were some openly gay public personalities. There were no formal reports of discrimination based on sexual orientation or gender identity, 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:

Under the law “sodomy with another person” is a crime, with a maximum penalty of 10 years’ imprisonment, but there were no reports of prosecutions under this provision for consensual sexual conduct between adults, regardless of the gender of the parties. A subculture of transgender dress and behavior was tolerated, and a prominent NGO’s annual festival highlighted transgender identities. There were no reports of violence against persons based on sexual orientation or gender identity, but social stigma or intimidation may have prevented incidents of discrimination or violence from being reported.

Tuvalu

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

Sexual conduct between males is illegal, with maximum penalties of seven to 15 years’ imprisonment depending on the nature of the offense, but there were no reports of prosecutions of consenting adults under these provisions during the year. Societal discrimination against persons based on sexual orientation or gender identity was uncommon, 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 and the law is silent on the issue.

Vietnam

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement of these prohibitions was uneven, and the law does not address discrimination based on sexual orientation or gender identity.

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

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The law does not address prohibiting discrimination based on sexual orientation or gender identity. There was no reported official discrimination based on sexual orientation or gender identity, but societal discrimination and stigma remained pervasive.

No laws criminalize consensual same-sex sexual conduct, although by decree, individuals may not change their gender.

A lesbian, gay, bisexual, and transgender (LGBT) community existed but was largely underground. A survey and study conducted by the Institute for Studies of Society, Economy, and the Environment beginning in 2010 and reported in December noted that 87 percent of participants did not fully understand LGBT concerns or had a very limited understanding of LGBT rights. The study, based on surveying 854 males and females above age 18 and interviews in representative cities (Hanoi and Ho Chi Minh City) and provinces (Ha Nam and An Giang), concluded that misunderstandings about and prejudice against LGBT individuals led directly to discrimination or harassment in the workplace, most often by disgruntled fellow employees or a supervisor. The institute also reported that government officials, the Women's Union, and the Lawyers Association participated in sensitivity training during the year. Most LGBT persons chose not to tell family of their sexual orientation for fear of being disowned, and a 2011 online survey, conducted by the Information Sharing and Connecting Group with more than 1,000 LGBT respondents, noted that their families forced more than 20 percent into counseling.

On August 5, more than 100 individuals demonstrated in Hanoi for equal rights in the country's first gay pride parade. Organizers requested but did not receive permission, and there were no incidents.

In May the Ministry of Justice solicited input from NGOs involved in LGBT advocacy concerning possible 2013 revisions on same-sex cohabitation in family and marriage law. Several NGOs collaboratively submitted a plan of action that included a public relations campaign and a strategy to inform members of the National Assembly about the importance of rewriting the law.

EUROPE and EURASIA

Albania

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination on the basis of gender; race; color; ethnicity; language; gender identity; sexual orientation; political, religious, or philosophical beliefs; economic, education, or social situation; pregnancy; parentage; parental responsibility; age; family or marital condition; civil status; residence; health status; genetic predispositions; disability; or affiliation with a particular group. No cases have been presented in court to test enforcement of the law. Cases of discrimination may be brought to the government's antidiscrimination commissioner. However, the commissioner's office was somewhat ineffective and often failed to challenge the government even with clear evidence of discrimination. The law allows the antidiscrimination commissioner to testify as an expert witness, even in appeals on cases the office rejected.

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

The law prohibits discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals. However, no official claims of discrimination have been filed, and the government has not had an opportunity to enforce the law.

Despite the law and the government's formal support for LGBT rights, homophobic attitudes remained. On March 23, the media erroneously reported that LGBT activists were planning a pride parade in May. Deputy Defense Minister Ekrem Spahiu responded to the announcement, stating, "My only commentary on this gay parade is that the organizers should be beaten with clubs." The international community, civil society, and many citizens criticized the remarks. However, public demonstrations, some political leaders, and religious organizations supported Spahiu's comments. On a television program a few days later, another member of Spahiu's political party told openly gay activist Kristi Pinderi, "If you were my son, I would put a bullet in your head." The government reiterated its support for the LGBT community, and Prime Minister Berisha stated that LGBT activists would be permitted to organize a public demonstration according to their legal rights. The state police coordinated with LGBT organizations and provided effective security for several LGBT-related events during the year.

NGOs ProLGBT and Aleanca organized a pride-related bicycle ride in Tirana on May 16. During the ride a group of young men threw a smoke bomb and firecrackers at the group. Police apprehended the suspects, but no charges were filed, and they were released shortly after the incident.

Andorra

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

The constitution declares all persons equal before the law and prohibits discrimination on grounds of birth, race, gender, origin, religion, opinions, or any other personal or social conditions. 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 or gender identity in employment or occupation, housing, or access to education or health care.

Armenia

Respect for Civil Liberties, Including: Academic Freedom and Cultural Events:

There were no reports of government restrictions on academic freedom or cultural events, although NGOs criticized the government for failing to protect individuals and entities who sought to present unpopular cultural material.

On October 17, the EU Delegation in Armenia announced the cancellation of screenings of the film “Parada,” scheduled for October 17-18. The film dealt with LGBT rights. Various venues reportedly canceled their agreements to host the screenings due to unidentified “pressure.” Civil society representatives appealed to the government to take necessary security measures and provide an appropriate hall to ensure the screening of the movie.

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

No antidiscrimination laws apply to sexual orientation or gender identity. Societal attitudes toward LGBT persons remained highly negative, with society generally viewing homosexuality as an affliction. Societal discrimination based on sexual orientation and gender identity negatively affected the employment, family relations, and access to education and health care of sexual minorities.

On May 8, three men firebombed the DIY Bar in Yerevan, a popular spot for activists who promoted equal rights for women and minorities, including LGBT persons. Although there were no injuries, the bar was destroyed. Police were summoned but arrived 12 hours after firefighters extinguished the fire. The bar owner identified three suspects, of whom police arrested two, the brothers Hampig and Mkrtich Khapazyan. Legislators from the opposition Armenian Revolutionary Federation, Artsvik Minasyan and Hrayr Karapetyan, posted bail for one suspect and police released the other after he promised not to leave the country. A number of other National Assembly members, including Eduard

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Sharmazanov and Hovhannes Sahakyan from the ruling Republican Party, praised the actions of the Khapazyan brothers as a justified defense of the Armenian nation. Vandals spray-painted swastikas and threats against the owner of the destroyed bar on May 17 and 21.

Also in May the efforts of several NGOs to hold a “diversity march,” which local nationalists dubbed a gay parade, were thwarted by youths who shouted antigay slogans and tried to block the entrance to a building where a diversity exhibition was scheduled. Police ensured that there was no violence between the marchers and the nationalists and that the marchers were able to enter the exhibition while the protesters remained outside. The NGOs alleged that those who attempted to block the march were the same persons as those involved in the DIY bar bombing.

Openly gay men were exempt from military service, purportedly because of concern fellow service members would abuse them. However, the exemption required a medical finding, based on a psychological examination, that an individual had a mental disorder; this information was stamped in the individual’s personal documents.

According to human rights activists, sexual minorities were frequent targets for humiliating discrimination in prisons, where they were forced to perform degrading labor and were separated from the rest of the prison population.

Austria

Discrimination, Societal Abuses, and Trafficking in Persons:

The law provides for protection against discrimination based on race, gender, disability, language, sexual orientation and/or gender identity, or social status, and the government generally enforced these protections. On September 11, the Council of Europe’s human rights commissioner criticized the country’s antidiscrimination legal framework, describing it as overly complex.

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

Antidiscrimination laws also apply to lesbian, gay, bisexual, and transgender (LGBT) persons. There was some societal prejudice against LGBT persons; however, there were no reports of violence or discrimination based on sexual orientation or gender identity. LGBT organizations generally operated freely.

In October a lesbian couple seeking to overturn the country’s prohibition against adoptions by same-sex couples presented their case to the ECHR. New custody regulations released in October provide incrementally stronger rights for same-sex couples; however, the issue of joint custody for same-sex couples remained unresolved.

Azerbaijan

Respect for Civil Liberties, Including: Freedom of Peaceful Assembly and Association:

Authorities applied restrictions on unsanctioned protests arbitrarily, permitting protests against the political opposition even when advance notice had not been officially provided. For example, on May 25, authorities neither detained nor arrested progovernment demonstrators who participated in an unsanctioned rally outside the home of an opposition leader; the demonstrators called the opposition leader a “traitor,” and made allegations about his sexual orientation, playing on popular prejudices against homosexuality.

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

Antidiscrimination laws do not specifically enumerate lesbian, gay, bisexual and transgender (LGBT) individuals. Intolerance based on sexual orientation and gender identity remained a problem. 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. A local NGO reported 70 police raids directed at LGBT persons during the year.

LGBT individuals continued to refuse to lodge formal complaints with law enforcement bodies due to fear of social stigma, reprisal, or retaliatory repression. According to the NGO International Gay and Lesbian Human Rights Commission, the country’s gay population had been “intimidated to the point of invisibility.”

One NGO worked on LGBT problems, including prevention of HIV/AIDS, the provision of legal advice, psychological assistance, and outreach activities. The NGO reported no official harassment of its work.

There was societal prejudice against LGBT persons. While dismissing an employee for reasons related to sexual orientation is illegal, LGBT individuals reported that employers found other reasons to dismiss them. Discrimination in access to health care was also reportedly a problem. Playing on popular prejudice, progovernment protesters on one occasion sought to smear an opposition leader by alleging he was gay (see section 2.b.).

Belarus

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, gender, language, or social status. The law does not specifically prohibit discrimination against persons with

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disabilities in several key areas. In practice the government did not always enforce these prohibitions. 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.

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.

Authorities routinely denied LGBT groups permission to hold public events, including a pride parade. On April 6, Minsk city authorities rejected a request from the human rights GayBelarus initiative to hold a seven-person picket to raise awareness about the LGBT rights at a remote district in Minsk on April 9. In early May authorities denied the LGBT community three applications to hold demonstrations to mark the International Day against Homophobia and Transphobia in Minsk.

In December 2011, authorities denied a registration application by a gay rights group, Alternative Plus Human Rights Center, citing minor errors in information on its founders, such as a misspelled name and an incorrect birth date. Societal discrimination against LGBT activists persisted.

In March Lukashenka criticized EU politicians and, in an apparent reference to German Foreign Minister Guido Westerwelle, stated that “it was better to be a dictator than gay.” In October 2011 Lukashenka noted that he regretted having told the German Foreign Minister that “he had to lead a normal life,” presumably at a closed meeting in 2010, but criticized homosexual conduct. Earlier, he had stated that he did not understand how two men could live together and would exile gay men to collective farms “with great pleasure.”

Belgium

Respect for Civil Liberties, Including: Freedom of Speech and Press

Freedom of Speech: Holocaust denial and incitement to hatred are criminal offenses punishable by a minimum of eight days (for Holocaust denial) and one month (incitement to hatred) up to one-year in prison and fines, plus a possible revocation of the right to vote or run for public office. If the incitement to hatred was based on racism or xenophobia, the case would be tried in the regular courts. If, however, the incitement stemmed from other motives, including homophobia or religious bias, a longer and more costly trial by jury generally was required. In May the spokesman for the radical Salafi organization Sharia4Belgium was sentenced to two years in prison, with a one-year deferred sentence, for incitement to hatred against non-Muslims. In June a local politician with the far-

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right “Vlaams Belang” party was sentenced to a four-month deferred sentence and a 10-year ban of civic rights for a 2005 article in a right-wing gazette, which accused immigrants of desecrating the local cemetery.

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions. The law identifies 18 grounds of possible discrimination subject to legal penalty: age, sexual orientation, civil status, place of birth, financial situation, religious belief, philosophical orientation, physical condition, disability, physical characteristics, genetic characteristics, social status, nationality, race, color, descent, national origin, and ethnic origin. A separate law governs gender discrimination in the workplace. Under a directive issued by the Board of Prosecutors General, police and prosecutors must cite racial motivation if present when reporting or recording offenses. In such instances the prosecutor must escalate the case (for example, in a racially motivated crime, the charge would additionally include a hate crime offense).

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

The country has a well-developed legal structure for lesbian, gay, bisexual, and transgender (LGBT) rights, which are included in the country’s antidiscrimination laws. This structure enjoyed broad political support in society and government, currently headed by the country’s first openly gay prime minister.

The law provides adequate protections for transsexuals but not for the larger transgender community, the vast majority of whose members did not wish to undergo medical procedures. Federal police have shown high levels of support for Rainbow Cops, an association of LGBT officers, as well for innovative training of officers on LGBT issues.

There were a string of violent homophobic acts during the summer, including two killings, on April 22 and July 24. In the wake of the November 7 release of a student movie on sexual harassment against women in the streets, an LGBT couple similarly walked in the streets of Antwerp and Brussels, followed by a hidden camera for a Flemish broadcaster. The film highlighted numerous negative reactions, including aggressive looks, insults, threats, or mockery. Most experts believed the increase in homophobic violence represented a random statistical clustering rather than an increase in overall violence against members of the LGBT community.

Underreporting of crimes against the LGBT community remained a problem, and some members of immigrant communities verbally harassed members of the LGBT community in public. While adoptions were technically legal, in practice

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LGBT couples faced significantly greater obstacles and delays than non-LGBT couples, both from government administrators and from private adoption agencies.

Bosnia and Herzegovina

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, gender, disability, language, sexual orientation, or social status; however, the government did not enforce these prohibitions effectively.

Societal Abuses, Discrimination, and 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.

LGBT persons faced frequent harassment and discrimination, including termination of 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. In its 2012 report on rights and freedoms of LGBT persons, the Sarajevo Open Center noted the widespread lack of information about the constitutional and legal protections of LGBT persons among police, prosecutors, and even LGBT persons themselves.

During the year the Open Center documented a case of authorities intimidating a group of students seeking information in response to a questionnaire for blood donors, which prohibited LGBT persons from donating blood. A technician accosted one student, and a college staff member threatened another student who declared herself openly as a lesbian. Although the activists reported the case to the police and country's human rights ombudsman, there was no investigation underway by year's end. However, activists convinced Federation authorities to change the policy that rejected all LGBT persons as blood donors in favor of an approach based on risk assessment.

On December 23, several witnesses reported that two men beat another man and broke his hip outside a major shopping center in Mostar because of his alleged sexual orientation. Although the assault was reported to police and the prosecutor's office, no arrests were made, no information about the investigation was released, and the victim remained hospitalized at year's end. LGBT rights advocates highlighted the case as illustrating the need for hate-crimes legislation.

Bulgaria

Discrimination, Societal Abuses, and Trafficking in 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 persons with disabilities; ethnic minorities; and LGBT persons. Trafficking in persons continued to be a problem.

The government investigated complaints of discrimination, issued rulings, and imposed sanctions against violators. The law allows individuals to pursue a discrimination case through the court system or through the CPD. In the first 10 months of the year, the CPD received 728 complaints, up from 685 in 2011. The majority of the complaints concerned multiple allegations of discrimination, mostly based on personal status and disability, particularly with regard to employment. The commission found 230 cases of discriminatory practices and imposed fines totaling 7,250 levs (\$4,885) on violators.

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 and public speaking, remained a problem. Most LGBT persons did not “come out” to family due to the fear of the relationship being severed. NGOs stated that it was not uncommon for persons suspected of being gay to be fired, and such individuals were reluctant to seek redress in the courts due to fear of being openly identified as belonging to the LGBT community.

On June 30, the fifth annual gay pride parade took place in downtown Sofia. In the weeks before the parade, the media sensationalized the comments of Father Evgeni Yanakiev of the Bulgarian Orthodox Church, who called for the stoning of parade participants. The Church refused to condemn Yanakiev’s statements opining that homosexuality was an unnatural passion that harms the individual, the family, and society. The parade attracted approximately 500 participants and went on largely without incident. Even though it did not publicly support the event, the municipal government showed tangible good will by waiving fees for park use and security. The police provided heavy security in the vicinity of the parade and in the wider area, which effectively deterred aggressive behavior from skinheads and others who traditionally caused some problems. However, following the march police detained 30 individuals for rowdy behavior, all of whom were later released without charge. One person reported being attacked by skinheads outside the vicinity of the event but did not report the incident to the police. On the same day, extremist parties Ataka and VMRO sponsored an antigay rally that drew approximately 350 demonstrators against homosexuality.

Croatia

Respect for Civil Liberties, Including: Freedom of Speech and Press

Freedom of Speech: The law provides for no less than six months' and no more than five years' imprisonment for hate speech. Hate speech committed over the Internet is punishable by six months' to three years' imprisonment. While freedom of speech is guaranteed by the constitution, the criminal code sanctions individuals who act "with the goal of spreading racial, religious, sex, national, ethnic hatred or hatred based on the color of skin or sexual orientation or other characteristics."

On November 6, the Supreme Court ruled that Vlatko Markovic, former president of the country's football federation, must publicly apologize for calling homosexuals "unhealthy" and for proclaiming that he would never allow a homosexual player in his league. Markovic subsequently apologized. A court in Zagreb rejected the case in 2011, but LGBT activists appealed to the Supreme Court.

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on gender, age, race, disability, language, or social status; and the government generally enforced these prohibitions. The Sex Equality Act and the Suppression of Discrimination Act explicitly prohibit discrimination on grounds of sexual orientation. The law does not discriminate based on gender identity.

Women:

Reproductive Rights: The government generally respected the right of couples and individuals to decide freely and responsibly on the number, spacing, and timing of their children. Citizens generally had the information and means to do so free from discrimination, coercion, or violence. In July the parliament passed a new law to provide access to medically assisted fertilization for heterosexual women. The law excludes women in same-sex relationships.

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

Societal violence and discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons continued. The law prohibits discrimination based on sexual orientation and does not discriminate based upon gender identity. In June five lesbians were attacked in Split. According to LGBT NGOs, the victims called the police, but police refused to arrest the perpetrators whom they allegedly knew by name. LGBT NGOs alleged that the police pushed one of the victims and used anti-gay slurs. The ombudswoman for gender equality

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condemned the attack as a hate crime and urged the police to swiftly arrest the perpetrators and investigate the conduct of police. The police subsequently arrested the perpetrators and conducted an internal investigation into the initial handling of the case by the officer at the scene. The ombudswoman for gender equality said that disciplinary sanctions were taken against two police officers as a result of the internal investigation. According to LGBT NGOs, threats of physical violence and harassment represented the most frequent forms of discrimination they encountered.

On June 9, the second LGBT Pride march in Split took place. Five government ministers and several diplomatic representatives were among the reported 500 marchers. Police reported that 800 officers guarded the parade. No marchers or media were injured, and 73 individuals protesting the march were arrested. The ombudswoman for gender equality said the atmosphere was a genuine improvement over 2011, when prosecutors filed 22 felony and 103 misdemeanor charges for attacks on marchers and the media. According to the media, Split Mayor Zeljko Kerum said, "The Pride March is not welcome in Split as long as I am the mayor." The media also reported that the Split government refused to issue a permit for Pride organizers to have a stage at the event. The ombudswoman for gender equality found that the decision to deny a stage permit constituted discrimination based on sexual orientation. LGBT groups charged that Kerum's statements and actions encouraged an anti-LGBT environment that manifested itself in hate speech, in graffiti, and on the Internet. Pride organizers also charged that Split municipal authorities sought to block the event from Split's central pedestrian street. However, the Ministry of the Interior intervened to ensure that organizers could follow their planned itinerary. LGBT activists simultaneously held an ad-hoc Pride solidarity march in Rijeka organized through social media in which 300 activists marched without incident, protected by approximately 40 police.

On June 16, the 11th annual gay Pride parade was staged in Zagreb. According to organizers, approximately 4,000 marchers, including prominent government officials, participated in the rally, protected by 600 police officers who made only one arrest. There were no counter demonstrations or hate speech reported as in years past. The government's Office for Gender Equality continued its financial support for the Split and Zagreb events, stating that they encourage societal tolerance.

Cyprus

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

Antidiscrimination laws exist and prohibit direct or indirect discrimination based on sexual orientation. Antidiscrimination laws cover employment and the following activities both in the public and private domain: social protection, social insurance, social benefits, healthcare, education, participation in unions

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and professional organizations, and access to goods and services, including housing. There is no hate crimes legislation in the country.

Despite legal protections, lesbian, gay, bisexual, and transgender (LGBT) individuals faced significant societal discrimination, and few LGBT persons were open about their sexual orientation or reported homophobic violence or discrimination. In a press conference on May 15, a spokesman for Accept LGBT Cyprus, the country's first LGBT association, stated there had been several incidents of homophobic behavior, many of them in schools and instigated by teachers. He also stated that none of the television stations agreed to broadcast Accept LGBT Cyprus' television spots against homophobia and claimed the participation of the organization in a television program was also cancelled at the last minute following the intervention of a senior station official.

In May the Ministry of Education permitted human rights trainers to conduct an interactive training campaign against homophobia for educators entitled Shield against Homophobia in Education, marking the first time that LGBT awareness training was permitted in the schools.

Cyprus - Cyprus - the Area Administered by Turkish Cypriots

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights:

A number of domestic human rights groups operated in the area administered by Turkish Cypriots. The international NGO Minority Rights Group International was also active in the area administered by Turkish Cypriots. Authorities' cooperation with NGOs was inconsistent.

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 (LGBT) persons' rights. These groups were numerous but had little impact on specific "legislation." A few international NGOs were active in the area administered by Turkish Cypriots, but many were hesitant to operate there due to political sensitivities related to working in an unrecognized area.

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

Same-sex sexual activity between men is criminalized in the area administered by Turkish Cypriots under a general sodomy "statute." The maximum penalty is 14 years' imprisonment. In February two inmates at the central prison were arrested for sodomy and pleaded guilty to the charge; however, their prison sentences

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were not extended. These arrests followed nine reported arrests under the sodomy “statute” in 2011, a number that represented a significant increase according to NGOs. These cases received considerable attention from the EU and the international LGBT community. No specific “law” prohibits discrimination against LGBT persons.

Homosexuality remained highly proscribed socially and was rarely discussed. Few LGBT persons were publicly open about their sexual orientation, although during the year the second-largest Turkish Cypriot daily, *Havadis*, ran two separate two-page interviews with Turkish LGBT activists and individuals who shared their experiences.

During the year there were no reports of either police or “government” representatives engaging in or condoning violence against the LGBT community. While there were no recorded cases of official or societal discrimination based on sexual orientation in employment, housing, or access to education or health care, members of the LGBT community noted that an overwhelming majority of LGBT persons hid their sexual orientation to avoid such problems.

Czech Republic

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on gender, age, disability, race, ethnic origin, nationality, sexual orientation, religion, or personal belief. The government did not effectively enforce these provisions. Significant societal discrimination against some minorities, including Roma, persisted.

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

The government did not keep statistics regarding incidents of violence directed at individuals because of their sexual orientation or gender identity. A report by a governmental working group on problems involving sexual minorities indicated that physical and verbal attacks occurred but were rarely reported.

There were some reported instances of discrimination against persons based on sexual orientation or gender identity. For example, lesbian, gay, bisexual, and transgender (LGBT) couples may not adopt a child, nor may a gay or a lesbian in a partnership adopt his or her partner’s biological child, although single LGBT individuals may adopt. Antidiscrimination and hate-crime legislation exists, but does not specifically cover LGBT individuals.

While there were no impediments to LGBT organizations or to the annual Prague Pride Festival, a few officials in the Office of the President did speak out against the parade, calling it a “repugnant farce” and a “recruiting event for homosexuality.”

Denmark

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

The law penalizes discrimination against persons based on sexual orientation. The law provides that any person who makes a statement or imparts other information by which a group of persons are threatened, scorned, or degraded on account of their sexual orientation shall be liable to a fine or to imprisonment for not more than two years. It specifically states that a finding that a particular offense was based on the sexual orientation of the victim must be considered an aggravating circumstance in determining sentences.

According to data reported by the Security and Intelligence Service, 23 of the 384 hate crimes recorded in the country in 2011 were “sexually oriented,” although a number were unrelated to sexual orientation or gender identity. Authorities actively investigated and punished those complicit in abuses.

Estonia

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

The law prohibits discrimination on the basis of gender, sexual orientation, or other personal characteristics, and the government generally respected these prohibitions. While the law is not specific regarding the forms of sexual orientation and gender identity covered, in practice all were understood to be included. However, some activists expressed concern with what they described as authorities’ unwillingness to aggressively prosecute possible misdemeanors under penal code provisions involving incitement to hatred.

According to lesbian, gay, bisexual, and transgender (LGBT) activists, many LGBT persons did not reveal their sexual orientation or gender identity publicly and avoided reporting incidents to police. Anti-LGBT messages did not generally appear in mainstream media reports, but anonymous online commentary on LGBT themes often included strongly hostile language, in some cases advocating violence against individuals and the LGBT community. Some rights organizations reported that LGBT persons, especially males, were reluctant to display affection in public because persons have been physically and verbally assaulted for doing so. These organizations also complained that there was a lack of data on the issues faced by LGBT persons and that there was little effort by the government to fund studies on these issues.

During the year the gender equality and equal treatment commissioner received seven claims of discrimination based on sexual orientation; none were found to have merit. This number has grown annually for the last three years.

Finland

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law prohibit discrimination based on race, gender, disability, language, sexual orientation, and social status, and the government effectively enforced these prohibitions. However, there were reports of violence against women and children, trafficking in persons, and societal discrimination against foreign-born residents and Roma.

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

The law prohibits discrimination on the basis of gender identity, sexual orientation, or other personal characteristics. The government generally respected these rights, and law enforcement authorities investigated and punished violations.

On July 19, in the city of Oulu, local Helsinki politician Dan Koivulaakso was attacked with pepper spray while delivering a speech at a gay pride festival. Police arrested a suspect on October 10 and were investigating the case as battery and an attack on political freedom.

On August 17, the media reported that police had begun a criminal preinvestigation against Finns Party member of parliament James Hirvisaari for hate speech in which he compared homosexuality to mental retardation. On September 13, Deputy General Prosecutor Jorma Kalske closed the pretrial investigations regarding the case.

On May 4, the Helsinki appeals court confirmed suspended four-month sentences for assault, breach of political freedom, and weapons possession for three young men who attacked the 2010 Helsinki Pride parade.

Other Societal Violence or Discrimination:

There were no reports of societal violence against persons with HIV/AIDS. However, authorities did not allow gay men to donate blood or organs for use in the country because of the perceived increased risk of hepatitis or HIV infection.

France

Sexual Harassment:

The law prohibits gender-based job discrimination and harassment of subordinates by superiors. Authorities did not consider sexual harassment a widespread problem in the workplace. The minister of justice estimated that

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300,000 cases of sexual harassment occurred in the country each year but that only 1,000 victims on average filed complaints. Of these, approximately 80 resulted in convictions, with an average penalty of 1,000 euros (\$1,320).

On July 31, the parliament passed new sexual harassment legislation, which redefined the term as “subjecting an individual to repeated acts, comments, or any other conduct of a sexual nature, that are detrimental to a person’s dignity because of their degrading or humiliating character, thereby creating an intimidating, hostile or offensive environment.” The highest constitutional body had repealed the country’s prior sexual harassment law in May because its definition of the crime was too vague. The new law divides sexual harassment into two categories: the first, for repeated instances of harassment, carries a maximum sentence of two years’ imprisonment and a 30,000 euro (\$39,600) fine; the second, for a single serious offense, carries a maximum sentence of three years’ imprisonment and a 45,000 euro (\$59,400) fine. The law also criminalizes discrimination against transgender individuals.

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

The law prohibits discrimination based on sexual orientation. Authorities pursued and punished perpetrators of violence against lesbian, gay, bisexual, and transgender (LGBT) persons. The NGO SOS Homophobia reported 1,556 homophobic acts in 2011, a 20 percent increase from 2010. It reported 152 instances of physical assault, a 22 percent increase from the previous year. After the NGO Inter-LGBT claimed that homosexual minors frequently were targeted for violence, the Ministry of National Education, Youth, and Community Life responded by introducing lessons on tolerance and diversity in schools. Data for 2012 was unavailable at year’s end.

Georgia

Respect for Civil Liberties, Including: Freedom of Peaceful Assembly and Association

Police were slow to protect the right to peaceful assembly at a May 17 march in downtown Tbilisi in observance of International Day against Homophobia and Transphobia (see section 6). In a roundtable later that day, senior government officials acknowledged police response had been inadequate and pledged to improve communication with leaders of the lesbian, gay, bisexual, and transgender (LGBT) community.

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

There is no single antidiscrimination law; however, the constitution provides for fundamental equality before the law and antidiscrimination provisions are

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outlined in a variety of laws or regulations. On March 27, parliament amended the criminal code to make racial, religious, sexual orientation, or other bias motives of an offender an aggravating factor for all crimes in Georgia.

Social prejudices against LGBT persons were strong, and the Georgian Orthodox Church strongly condemned same-sex sexual activity. Few LGBT organizations worked openly because of the extensive societal stigma against LGBT persons. Problems reported included police mistreatment, family violence, and verbal and physical societal abuse. According to Identoba, an LGBT advocacy and support NGO, victims of discrimination and violence were reluctant to report incidents to police due to fear of disclosing their sexual orientation to family members and homophobic reactions by police.

Police were slow to protect the right to peaceful assembly at a May 17 march in downtown Tbilisi in observance of International Day against Homophobia and Transphobia. Demonstrators held a permit issued by Tbilisi city authorities and initially received police escort. However, police failed to respond when members of the group Union of Orthodox Christian Parents surrounded the demonstrators, blocked their path, tore their posters, and trampled their flags. Only when a demonstrator's reaction to provocations prompted a fistfight did police intervene to detain three demonstrators and two priests briefly.

During the election campaign political candidates frequently used homophobic speech to discredit their opponents. For example, before the October elections current vice speaker of parliament Murman Dumbadze stated, "Gays are sick people and they need medical treatment more than participation in elections... National Movement now has to fight for the votes of gays; they have no one else left..."

Germany

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and laws prohibit discrimination based on sex, parentage, race, language, homeland and origin, faith, religious or political opinion, disability, sexual orientation and gender identity, or social status. Authorities compiled a strong enforcement record in most of these areas, but acknowledged that more needed to be done in some areas, for example, to enforce laws prohibiting discrimination against persons with disabilities.

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

In 2010 the government reported 164 crimes motivated by bias against lesbian, gay, bisexual, and transgender (LGBT) persons, of which 45 were violent. NGO data on mistreatment of LGBT persons varied widely. The NGO Maneo reported that countrywide in 2010, one attempted murder, 60 incidents involving physical

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assault or attempted assault, 69 cases of theft, and two of damage to property were related to the sexual orientation of the victims. The NGO Koln 19228 reported one case of damage to property, three robberies, one theft, one case of deprivation of liberty, one fraud, six physical assaults (four resulting in serious injury), and six threats. The NGO Transgender Europe reported one physical assault against a transgender person by a group.

Greece

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

The legal age of consent for heterosexual intercourse is 15; for sexual intercourse between men, it is 17. The law does not specify an age of consent for sex between women. The NGO Homosexual and Lesbian Community of Greece (OLKE) stated that the higher age of consent for gay men and the lack of any legal framework for lesbian sex constituted discrimination.

OLKE also criticized the country's hate-speech legislation for not including sexual orientation or gender identity. Anti-discrimination laws do not specify sexual orientation.

For the first time a gay-pride parade took place under the auspices of the mayor of the northern city of Thessaloniki in June. The local Orthodox bishop pronounced the march unacceptable and called on his followers to oppose it. Minor incidents marred the parade. Approximately 50 protesters threw eggs and plastic water bottles at parade participants. Police quickly intervened; no arrests or injuries were reported.

In August OLKE alleged that during the police sweep targeting undocumented migrants, authorities rounded up transgender individuals and subjected them to HIV tests. Police reportedly released the individuals a few hours later when they tested HIV negative. In September OLKE and other lesbian, gay, bisexual, and transgender (LGBT) rights organizations alleged there were three homophobic attacks over the course of two weeks in September against LGBT individuals. In one of these, two men on a motorcycle beat a member of the board of Athens Pride and his friend. The injuries did not require hospitalization, and the assailants remain unidentified.

NGOs reported that societal discrimination based on sexual orientation and gender identity was widespread but focused on gay relationships. Transgender individuals were exempt from military service on disability grounds.

Hungary

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

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The Act on Equal Opportunity explicitly prohibits discrimination based on sexual preference. In addition provisions of the criminal code on “inciting against a community” and “violence against a member of a community” prohibit certain forms of hate speech and prescribe increased punishment for violence against members of the lesbian, gay, bisexual, and transgender (LGBT) community, albeit without explicit reference to these groups. On June 25, parliament adopted a new criminal code, effective July 1, 2013, that added explicit reference to sexual orientation and gender identity to the provision on inciting and violence against the member of a community. Despite legal protections, right-wing extremists continued to abuse members of the LGBT community. Law enforcement and other authorities often disregarded the hate element of these crimes, and no protocol or regular training on the subject existed.

On April 6, the Budapest police, citing traffic disruption, refused to issue a permit for the annual Budapest Pride march for the second year in a row. Organizers, assisted by the HCLU and the HHC, challenged the ban, and a Budapest court overruled the police decision and permitted the march. On July 5, a spokesperson for the Budapest Police Headquarters called on the participants of Budapest Pride to refrain from unlawful actions and from “provocative behavior.” Although far-right extremist groups attempted to disrupt the gay pride march held on July 7, the event proceeded without incident. In a report issued on August 2, the ombudsman found that that police protection of the right of assembly had significantly improved over the past few years. The ombudsman reminded police that statements calling for “officially expected behavior” at a demonstration violated the freedom of speech and the freedom of assembly.

On September 17, the Curia ruled that the dismissal of a vocational secondary school teacher in 2006 violated the Equal Treatment Act because the employer failed to prove that the sexual orientation of the teacher was not the cause for dismissal. In connection with the compensation claim of the plaintiff, the Curia ordered the labor court to repeat the proceeding, which remained pending at the end of the year.

Iceland

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law prohibit discrimination based on race, gender, sexual orientation, gender identity, disability, language, and social status. Various laws implement these prohibitions, and the government effectively enforced them. Following his January 7-9 visit to the country, COE Human Rights Commissioner Thomas Hammarberg, asserted that the nondiscrimination provisions of the law do not protect all vulnerable persons to the same extent and that persons with disabilities, older persons, members of ethnic and religious minorities, and transgender persons would benefit from stronger protections against discrimination.

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

The general penal code criminalizes discrimination against lesbian, gay, bisexual, and transgender individuals. There were no reported incidents of violence or abuse, and stigma or intimidation was not a known or likely factor in preventing incidents of abuse from being reported.

Ireland

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law prohibit discrimination. The nine grounds under which discrimination is prohibited by equality legislation are: Gender; Civil Status; Family Status; Sexual Orientation; Religion; Age; Disability; Race; and Membership of the Traveller Community.

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

There are no laws that criminalize consensual same-sex sexual conduct between adults. The law prohibits discrimination on the basis of sexual orientation with respect to employment, goods, services, and education--although same-sex couples are prohibited from obtaining a marriage in the country.

Italy

Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, ethnic background, and political opinion. It provides some protection against discrimination based on disability, language, or social status. The government generally enforced these prohibitions; however, some societal discrimination continued against women, persons with disabilities, immigrants, Roma, and LGBT persons.

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

Antidiscrimination laws exist and apply to LGBT individuals.

On March 15, the Cassation Court issued a ruling recognizing the right to equal treatment of same-sex couples and the right to a family life.

The press reported a few cases of violence against gay and lesbian couples during the year. According to the LGBT NGO Gay Center, there was an increase in the number of incidents reported to the gay help line in 2011 compared with 2010. Of

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the cases, 38 percent involved violence and abuse, and 25 percent involved labor discrimination.

According to a survey of gays and lesbians conducted by the NGO Arcigay and released on October 13, 5 percent of those interviewed reported they had been fired from work because of their sexual orientation and 19 percent reported having been victimized by other forms of labor discrimination. On April 11, a court of appeals in Rome found the Ministries of Defense and Transport guilty of discrimination in revoking the driver's license of a gay man, Danilo Giuffrida, in Catania in 2005. It ordered the ministries to pay 20,000 euros (approximately \$26,000) as compensation.

Kosovo

Respect for Civil Liberties, Including: Freedom of Speech and Press

On December 14, two groups of protesters attacked a Kosovo 2.0 magazine launch event promoting the release of its "Sex" issue, which supported open and frank public discussion of sex education, health, and LGBT rights. One group of 15 to 20 persons overwhelmed police officers stationed in the entrance, demolished property, and assaulted magazine staff. Police arrested one person for material damage and released him the same evening. Later that night, 100 to 300 persons appeared at the hall shouting religious slogans and hate speech. Organizers held a modified event after the first protest but later canceled the rest of the activities, fearing for the safety of their guests. Police formed a task force to investigate the events, which continued at year's end.

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

The constitution and law prohibit discrimination based on sexual orientation. There was no official discrimination in employment, housing, statelessness, access to education, or health care, but societal pressure persuaded the majority of all LGBT persons to conceal their sexual orientation or gender identity. However, NGOs reported that discrimination directed against LGBT individuals existed and often went unreported. NGOs also noted government literature promoting human rights and nondiscriminatory practices frequently omitted mention of LGBT rights, even when the materials explicitly named all other protected groups.

Libertas Kosovo, a local NGO that provides emergency shelter and counseling to LGBT individuals, claimed the majority of transgendered LGBT persons did not publicly acknowledge their sexual identity for fear of social ostracism, employment discrimination, or renunciation by their families. During the year Libertas recorded instances of LGBT persons being denied access to social venues because of owners' personal biases or because establishments assumed being identified as "gay-friendly" would harm their livelihoods.

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On December 16, unknown assailants assaulted LGBT activists gathered to discuss recent physical violence at the Kosovo 2.0 magazine launch. The assailants taunted the attendees with slurs against their perceived sexual orientation. Approximately seven individuals ambushed members of Libertas and the Center for Social Emancipation as they entered the NGO's offices, resulting in minor injuries to several persons. Other Libertas members obstructed attackers' attempts to enter the NGO, but not before the assailants damaged property and threw a cylinder filled with an unknown gas into the building. Police responded promptly and incorporated its investigation into the task force it formed after the December 14 violence. At year's end no attackers had been identified or arrested. Libertas was evicted from the premises following the incident, and LGBT activists remained without a meeting space or shelter at year's end.

The Center for Social Group Development (CSGD), a local NGO focused on health issues, reported LGBT individuals generally felt insecure, and that many reported threats to their personal safety. Threatened individuals rarely made complaints to authorities due to the stigma attached to homosexuality. The CSGD also noted victims generally refused to allow the CSGD to present their cases publicly or to authorities due to fear of discrimination. While the CSGD faced no overt impediments to its operation, social pressure and traditional attitudes effectively limited its activities.

Latvia

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, gender, disability, language, sexual orientation and/or gender identity or social status, and the government enforced most of these prohibitions. However, there were complaints that rape and domestic violence laws were ineffective or not adequately enforced.

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

There were no official reports of violence based on sexual orientation or gender identity. However, lesbian, gay, bisexual, and transgender (LGBT) organizations complained of widespread intolerance and underreporting of attacks to authorities.

The Ombudsman's Office received no reports of discrimination based on sexual orientation during the year. Nevertheless LGBT advocates maintained that individuals faced widespread societal discrimination. For example, a study by the Marketing and Public Opinion Research Centre published during the year suggested that negative social attitudes toward LGBT individuals and discrimination on the basis of sexual orientation remained widespread.

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LGBT representatives reported that the ombudsman expressed reluctance to assist the LGBT community with securing rights, including with respect to a civil partnership law.

During the year Mozaika, an NGO promoting LGBT rights, received five complaints of hate crimes related to sexual orientation.

On June 2, the country hosted the Baltic Pride Parade. Several hundred persons marched through Riga in support of gay rights. Police presence was heavy, as religious groups and some neo-Nazis announced their resistance ahead of the event. However, the event proceeded mostly without incident. One man threw eggs at marchers, and police immediately subdued him.

Liechtenstein

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

An antidiscrimination law exists as part of the equality law, introduced in 1999. However, it only applies to equality between men and women. The law did not explicitly mention lesbian, gay, bisexual, or transgender (LGBT) individuals. There were no formal complaints by the country's LGBT community during the year.

Lithuania

Respect for the Integrity of the Person, Including Freedom from: Arbitrary Interference with Privacy, Family, Home, or Correspondence

During the year authorities made no changes in the Conceptual Framework for National Family Policy, which the Constitutional Court ruled to be unconstitutional in September 2011. The court found the framework's definition of "family" as applying only to arrangements involving the institution of marriage to be too narrow. Human rights groups noted that the framework would bring into question the legal status of unmarried couples with children, single-parent families, and homosexual families and could deny legal protection to children born out of wedlock.

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits and penalizes discrimination based on race, gender, social status, ethnic background, age, sexual orientation, disability, and religion or beliefs. Despite government efforts at enforcement, discrimination against women and ethnic and sexual minorities persisted. At the beginning of the year, authorities began implementation of a two-year plan to coordinate governmental efforts against discrimination, overseen by the Ministry of Social Affairs. The

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government allocated 788,500 litas (\$301,000) to the plan in the first year, including funds to NGOs for implementation of antidiscrimination programs.

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

The antidiscrimination laws apply to lesbian, gay, bisexual, and transgender (LGBT) persons. While they were not subject to official discrimination, society's attitude toward LGBT persons remained largely negative. NGOs focusing on LGBT problems faced no legal impediments, but the few organizations 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.

In May the LGL submitted a complaint to the equal opportunities ombudsman alleging that a Vilnius transport firm had refused to lease them a bus because of their sexual orientation. The ombudsman's investigation revealed that the firm offered the LGL less favorable lease terms and conditions due to their sexual orientation, which constituted a violation of the law. On June 25, the ombudsman's office issued a formal warning to the firm concerning discrimination against customers on the basis of sexual orientation.

On July 11, the UN Human Rights Committee, after examining the country's third periodic report to that body, found that hate speech crimes against persons in the LGBT community increased over the previous several years. During the year up to 80 percent of alleged hate speech crimes perpetrated online targeted the LGBT community.

Luxembourg

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

The law prohibits all forms of discrimination based on sexual orientation. This law also applies to lesbian, gay, bisexual, and transgender individuals. There were no reported incidents of discrimination based on sexual orientation or gender identity.

Macedonia

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

Sexual orientation is not a protected category under the law, although the Commission for Protection from Discrimination created by the law considered complaints from the LGBT community.

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Activists representing the rights of LGBT individuals reported incidents of societal prejudice, including harassment and use of derogatory language, including in the media and from the government. In November the Helsinki Commission's LGBTI Center was vandalized and two activists were attacked while hanging signs for the march of tolerance.

Malta

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution prohibits discrimination based on race, gender, disability, language, sexual orientation or gender identity, or social status, and the government generally enforced these prohibitions in practice.

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

The country's antidiscrimination laws regarding sexual orientation and gender identity only extend to the area of employment. In May 2011 an individual who underwent gender reassignment surgery was initially granted the right to marry her partner. Subsequently, after the attorney general obtained an injunction against the marriage license on the basis that the surgery did not change gender reality, the individual appealed the decision. The appeals court found for the attorney general. The individual subsequently took her case to the ECHR, where the case was pending.

On June 26, the parliament amended the criminal code to widen the scope of hate crimes to include, "gender, gender identity, sexual orientation, race, color, language, ethnic origin, religion or belief or political or other opinion..."

Moldova

Respect for Civil Liberties, Including: Freedom of Assembly:

While the law provides for freedom of assembly, at times authorities limited this right in practice.

On February 23, the Balti municipal council banned LGBT "propaganda" and rallies. Seven other localities adopted similar decisions in February and March.

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, gender, disability, ethnicity, or social status; however, the government did not always enforce these prohibitions effectively.

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On May 25, parliament adopted the Law on Ensuring Equality, which prohibits discrimination on the basis of 11 characteristics, including sex, race, religion, and disability, but only prohibits discrimination on the basis of sexual orientation in the area of employment. On December 20, parliament established a council to prevent discrimination and ensure equality in implementing the new law. NGOs complained that the council would be ineffective because it lacked the power to issue binding decisions or sanctions.

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

The law prohibits discrimination against LGBT persons only in the area of employment. Governmental and societal discrimination based on sexual orientation and gender identity continued during the year. During the year a report by the International Lesbian and Gay Association assessed the level of respect of the rights of sexual minorities as very poor due to frequent violations of the rights of LGBT persons.

Beginning with Balti, on February 23, eight localities passed resolutions banning “aggressive propaganda of nontraditional sexual orientations” and “homosexual demonstrations.” Moldovan Orthodox Church representatives welcomed the decision and called on other local councils to adopt such initiatives. One locality reversed its anti-LGBT resolution after receiving notification from the local representative of the State Chancellery that it would be illegal. The State Chancellery did not challenge the resolutions adopted in the other localities. The LGBT rights NGO GENDERDOC-M challenged the Balti decision in court, and the case was pending at year’s end.

On May 25, parliament passed the antidiscrimination Law on Ensuring Equality. The Moldovan Orthodox Church and a number of political parties strongly opposed the law because it included protections for sexual minorities in the area of employment, while human rights activists criticized the law for abandoning broader protections for sexual minorities that had been included in earlier drafts. Amnesty International characterized the law as failing to ensure protection of LGBT individuals against discrimination and not providing a comprehensive legal antidiscrimination framework.

GENDERDOC-M reported several hate crimes during the year. On July 27, a military unit beat two men on a street in Chisinau while insulting them for their sexual orientation, causing minor bodily injuries. Police initially refused to investigate but did so after GENDERDOC-M intervened. Later both men were summoned to the Military Prosecutor’s Office, where the prosecutor reportedly stated that he also would have beaten the men for their sexual orientation if he had been in the soldiers’ shoes.

Civil society organizations reported discriminatory practices, such as regular bans on public LGBT gatherings, regular harassment of LGBT individuals by

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police and border authorities, the inability of transgender or transsexual persons to change personal documents during or following gender reassignment, and employment discrimination.

In June the ECHR ruled in favor of GENDERDOC-M in a 2005 case where the Chisinau Municipal Council refused to authorize a peaceful rally by GENDERDOC-M in support of antidiscrimination legislation. The ECHR ordered the government to pay 11,000 euros (\$14,500) in damages for violation of Articles 11 and 13 of the European Convention on Human Rights.

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. A May 29 court of appeals decision gave transgender persons the right to change their gender on their official documents without compulsory gender reassignment surgery, but the court later reversed itself, and the case remained pending. NGOs noted irregularities in the court's procedures and alleged that the reversal was politically motivated. On November 2, the Supreme Court of Justice issued a nonbinding recommendation to lower courts that transgender individuals be permitted to change the gender on their civil documents. On December 17, the Ministry of Health established a commission to determine gender identity and issue certificates that can be used to apply for new documents. According to GENDERDOC-M, there were approximately 30 transgender persons living in the country.

In Transnistria consensual same-sex activity is illegal, and LGBT persons were subject to governmental and societal discrimination.

Monaco

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

The country has no law against discrimination in employment based on sexual orientation or gender identity.

There were no reports of acts against persons based on their sexual orientation or gender identity.

Montenegro

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and laws prohibit discrimination based on race, sexual orientation, gender, disability, language, or social status. The government did not fully enforce these prohibitions. The Office of the Ombudsman, which is responsible for the law's implementation, lacked the human, technical, and

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financial resources for its enforcement. Antidiscrimination campaigns and training for public servants continued, but government efforts to combat discrimination remained modest. In February an Antidiscrimination Council chaired by the prime minister became operational. The NGO Civic Alliance complained that the appointment of council members was not transparent and that representatives of ethnic minorities were not included.

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

Antidiscrimination law forbids discrimination based on sexual orientation and gender identity and applies to LGBT individuals.

LGBT persons and their supporters experienced continued discrimination, ostracism, hostile public attitudes, and violence. Although negative public perception of LGBT persons led most to conceal their orientation, they were becoming more visible as many continued to come out to their families and colleagues.

Only one domestic NGO, LGBT Forum Progress, focused solely on the rights of the LGBT community, but others also dealt with LGBT rights. LGBT Forum Progress ran a shelter for LGBT persons that, during the year, accommodated 20 persons, mainly men. The government and several senior government officials have affirmed their support of the LGBT community and LGBT rights. The government hosted an international LGBT conference, provided financing for LGBT individuals to travel to the European Gay Games, and participated and facilitated the development of a National Strategy to Combat Homophobia and Transphobia. The Prime Minister has an adviser for LGBT and human rights issues. The government also passed legislation to provide government-funded gender reassignment surgery, but a protocol was still being developed at year's end.

Nevertheless, negative public attitudes toward LGBT persons were at times manifested in aggression and violence, most of which was not reported. Individuals hostile to LGBT persons also used social media and LGBT dating sites to anonymously attack and bully LGBT and suspected LGBT individuals. Reports by some NGOs indicated that the public hospitals rejected patients whom they believed to be LGBT, and that some LGBT persons were fired because of their sexual orientation. According to the study on discrimination based on sexual orientation drafted by the deputy ombudsman, Aleksandar Zekovic, more than 100 persons were prosecuted during the year for agitation and discrimination against LGBT persons.

During the year the NGO Juventas received 52 telephone requests for assistance through its LGBT hotline. The callers were mostly men and ranged in age from 14 to 55. None of the callers contacted police or hospitals for assistance for fear of having their sexual orientation revealed.

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On March 29, the head of the Cetinje Seminary Protojerej, Stavrofor Gojko Perovic, publicly condemned LGBT persons and their “immoral desires” and stated that he did not want to see their behavior legalized. He compared homosexuality to pedophilia and bestiality. The vicar of the Kotor Catholic Diocese, Don Anton Belan, added that the church was against homosexuality and that legalizing gay marriage would be a step back for Christian families.

On April 3, Juventas hosted a conference regarding the role of media in protecting the human rights of LGBT persons. According to their analysis and report, 79 percent of news articles related to LGBT issues were neutral regarding the topic. It also noted a 300 percent increase in media coverage of LGBT issues during the previous 12 months. Some media outlets monitored and deleted hate speech from their online commentary sections.

On May 17, the International Day Against Homophobia, human rights NGOs criticized the government for making no progress investigating violence surrounding the 2011 celebration of the May 17 holiday, when hooligans threw tear gas into the crowd attending a concert in Podgorica, then beat a number of the fleeing concert-goers.

On June 18, unknown perpetrators set fire to an LGBT symbol, the rainbow flag, which hung outside the ombudsman’s office in Podgorica. The ombudsman’s office stated that the vandalism confirmed the country’s high level of homophobia. The ombudsman’s landlord would not allow the flag to be replaced for fear of further incidents. An investigation conducted immediately after the act did not lead to the apprehension of the perpetrators.

On September 10, a group of individuals belonging to the soccer fan club Varvari (Barbarians) assaulted Danilo Marunovic, Todor Vujosevic, and Mirko Boskovic in downtown Podgorica after a concert. The attack resulted in minor injuries and one broken nose. Vujosevic starred in, and Marunovic directed, a 2011 LGBT rights commercial that featured the country’s first publicly displayed kiss between two men. On October 12, two of the alleged perpetrators of the incident, Drasko Mirkovic and Nikola Raznatovic, went on trial in the Podgorica Basic Court. However, the court had to adjourn when one of the defendants failed to appear. On the same day as the trial, a group of unidentified individuals who were waiting outside of the house of Todor Vujosevic, one of the victims, assaulted him and screamed homophobic epithets at him. Police arrived, but the crowd disbursed before anyone was apprehended. One of the perpetrators, Raca Rajkovic, was later arrested, tried, and sentenced to three months in prison.

Netherlands

Respect for Civil Liberties, Including: Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons:

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Since November 2011 the Iraqi government has refused to cooperate on the involuntary repatriation of at least 500 failed asylum seekers from Iraq. High-level bilateral consultations failed to resolve the issue. In July the immigration minister announced a liberal asylum policy towards lesbian, gay, bisexual, and transgender (LGBT) persons from Iraq. During the year a similar liberal policy was announced with respect to LGBT persons from Iran and Afghanistan, as well as Christians and Ahmadi from Egypt and Pakistan. The minister further announced a moratorium on involuntary deportations to Eritrea.

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and laws prohibit discrimination based on age, race, gender, disability, language, political preference, sexual orientation, and social status, and the governments generally enforced these prohibitions.

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

During the year the Ministry of Justice reported a rise in harassment, mostly verbal abuse, of LGBT persons. The Pink in Blue unit of the Amsterdam police, which is dedicated to protecting the rights of LGBT individuals, recorded 564 nonviolent and 176 violent incidents in 2011, compared to 487 nonviolent and 182 violent incidents in 2010. It was impossible to determine whether the increase in reported incidents was real or a result of government campaigns urging victims to report harassment. Police placed a high priority on combating antigay violence.

Although laws in the Caribbean territories also prohibit discrimination against LGBT persons, Caribbean society has remained much less tolerant of LGBT individuals than the Netherlands. No cases of abuse or violence against LGBT persons were recorded by authorities or described in press accounts.

Norway

Respect for Civil Liberties, Including: Freedom of Speech and Press:

Freedom of Speech: The law prohibits “threatening or insulting anyone, or inciting hatred or repression 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 reports of persons being charged or convicted for violating the hate speech law during the year.

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, gender, disability, language, sexual orientation, or social status, and the government generally enforced this

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prohibition in practice, although there were reports of violence against women and children, some anti-Semitism, and stigmatizing statements against immigrants and Muslims.

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

The law covers crimes and discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals. The National Criminal Investigation Service maintained an online tip service for hate crimes, including those motivated by sexual orientation. In the first half of the year, it received 14 reports of hate crime motivated by sexual orientation. The Norwegian LGBT Organization estimated that as many as 90 percent of cases against LGBT individuals were not reported to the police. It set up its own online reporting mechanism during the year, which received 41 reports of harassment.

National/Racial/Ethnic Minorities:

Discrimination towards immigrants and ethnic minorities remained a problem during the year. Hate speech on the Internet focused on ethnic minorities, women, as well as gays and lesbians was an increasing problem, according to the ombudsman for antidiscrimination and equality. In one case Frank Willy Djuvik, the head of the Progress Party in Sogn og Fjordane county, published a blog entry in which he stated that he “hates Muslims and Islam.” Although he initially defended his statements as misunderstood, he later apologized.

Poland

Respect for Political Rights: The Right of Citizens to Change Their Government: Elections and Political Participation:

In the 2011 elections, the second member of parliament of African descent, as well as the first transgender and first openly gay member of parliament, won seats in the sejm. The law exempts parties of historic ethnic minorities, including Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian, and Jewish parties from the requirement that they must receive 5 percent of the vote nationwide to qualify for seats in individual districts. Based on this exemption, one member of a historic ethnic minority was elected to the sejm (representing the German minority in Silesia) but none to the senate. The government’s cabinet contains no members of minority groups.

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution prohibits discrimination in political, social, and economic life “for any reason whatsoever.” The law prohibits discrimination on the grounds of race, ethnic origin, nationality, religion, belief, opinion, disability, age, or sexual orientation.

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The law requires the human rights ombudsman to monitor implementation of the principle of equal treatment and to support victims of discrimination. On May 28, the ombudsman stated the law, which entered into force in January 2011, had not improved protection from unequal treatment. Moreover, she suggested that some of its provisions might be unconstitutional since it does not treat all groups equally, providing greater protection against discrimination on grounds of race, ethnicity, gender, and religion than disability, sexual orientation, and age. Domestic NGOs also criticized the law.

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

The constitution does not prohibit discrimination on the grounds of sexual orientation, although the laws on discrimination in employment cover sexual orientation and gender identity. The prime minister's plenipotentiary for equal treatment monitors LGBT problems.

NGOs, including the Helsinki Foundation for Human Rights, reported increasing acceptance of LGBT persons by society and the government. However, they stated that discrimination was still common in schools, workplaces, hospitals, and clinics. For example, authorities sometimes prevented LGBT persons from donating blood. During the year there were some reports of skinhead violence and societal discrimination against LGBT persons, but NGOs maintained that most cases of discrimination against LGBT persons went unreported.

On May 19, counterdemonstrators temporarily disrupted Krakow's eighth annual Equality March, one of several LGBT marches held in the country during the year. Police were unable to prevent scuffles between the 600 marchers and approximately 300 members of the nationalist group National Rebirth of Poland. Police arrested seven persons, including three minors. Following the protest the Equality March continued without interruption.

On June 2, between 4,000 and 5,000 persons participated in Warsaw's 11th Equality Parade. Three small counterdemonstrations occurred, but the parade and counterdemonstrations proceeded without any major incidents, and no one was hurt.

The government took several steps during the year to respond to societal discrimination on the basis of sexual orientation and gender identity. The law requires the ombudsman to monitor and promote equal treatment and to support victims of discrimination on all grounds. During the year for the first time, the ombudsman received funding (approximately 500,000 zloty [\$161,000]) to implement these obligations.

On September 7, the plenipotentiary for equal treatment appealed to the Minister of Education to take appropriate action to promote tolerance towards LGBT

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students. Her appeal followed a Campaign against Homophobia report on September 6 which showed that 76 percent of LGBT students were victims of verbal assault and 25 percent fell victim to physical violence. On July 18, the plenipotentiary launched a Council of Europe project to combat discrimination on grounds of sexual orientation and gender identity by implementing guidelines to protect LGBT persons from unequal treatment.

Portugal

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law prohibit discrimination based on race, gender, disability, sexual orientation, language, and social status, and the government effectively enforced these prohibitions.

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

The constitution and the law prohibit discrimination, including based on sexual orientation and gender identity. However, the law bars lesbian, gay, bisexual, and transgender couples and single women from receiving medically assisted reproductive health care applied by government-funded health-care providers.

Romania

Discrimination, Societal Abuses, and Trafficking in Persons:

The law forbids discrimination based on race, gender, disability, ethnicity, nationality, language, religion, social status, beliefs, sexual orientation, age, non-contagious chronic disease, HIV infection, or belonging to an underprivileged category. However, the government did not enforce these prohibitions effectively, and women, as well as Roma and other minorities, often were subjected to discrimination and violence.

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 LGBT persons were common and that open hostility prevented the reporting of some harassment and discrimination. Members of the LGBT community continued to voice concerns about discrimination in public education and the health care system.

ACCEPT, an NGO fostering LGBT rights, complained of the hostile attitude of Bucharest municipal authorities towards the diversity gay pride parade. Authorities delayed the issuance of a permit until the NGO had to pay an

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emergency fee for its application to be processed, repeatedly refused to meet with parade organizers, and stopped traffic for a period shorter than that of the march. Despite the difficulties, the pride parade was a successful event without violence.

On the evening of November 6, the NGO Militia Spirituala organized a public event devoted to LGBT issues. After the event, seven volunteer male and female organizers were attacked on a nearby street by 10 men, some wearing hoods. The attackers reportedly asked, "So, you want to have conferences on gay issues?" After pushing the women aside, the attackers beat the male organizers, one of whom required hospitalization.

Russia

Respect for Civil Liberties, Including: Freedom of Peaceful Assembly and Association:

In St. Petersburg and several other cities, the assembly rights of LGBT activists were violated under new local laws criminalizing the "propaganda of homosexuality to minors." Such laws served as a pretext to arrest LGBT activists for participating in public protests. On July 20, the head of the city's division of the Internal Affairs Ministry Sergey Umnov stated that more than 70 people had been convicted of spreading "homosexual propaganda" to children since the law's passage in the city on February 29. On June 7, LGBT activist Nikolay Alekseyev paid a 5,000 ruble (\$166) fine after being found guilty of violating the city's antipropaganda law. On April 12, Alekseyev was arrested for holding a sign reading, "Homosexuality is not an abomination. Field hockey and ice ballet are abominations."

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

LGBT communities continued to suffer from societal stigma and discrimination. Gay rights activists asserted that the majority of LGBT persons hid their orientation due to fear of losing their jobs or their homes as well as the threat of violence. Medical practitioners reportedly continued to limit or deny LGBT persons health services due to intolerance and prejudice. Gay men faced discrimination in workplace hiring. Openly gay men were targets of skinhead aggression, and police often failed to respond. Transgender individuals faced difficulties changing their names and gender classifications on government documents. Although the law allows such changes, the government had not established a standard procedure for doing so, and many civil registry offices denied these requests. When their documents failed to reflect their gender accurately, transgender persons often faced discrimination in accessing health care, education, housing, and employment.

St. Petersburg, Ryazan, Archangelsk, Kostroma, Bashkortostan, Samara, Krasnodar, Novosibirsk, and Magadansk had laws that criminalize the

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“propaganda of homosexuality” to minors, which limits the rights of free expression and assembly for citizens who wish to publicly advocate for LGBT rights.

In St. Petersburg a public rally to celebrate the International Day against Homophobia on May 17 was met with violence from skinheads and antigay protesters, although the city government had sanctioned the demonstration. A police unit assigned to the demonstration was unable to protect the protesters from participants in a large homophobic counter-demonstration that broke the police line.

In Moscow authorities refused to allow a gay pride parade for the seventh consecutive year, despite an ECHR ruling that the denial violated the rights to freedom of assembly and prohibition of discrimination. Activists’ attempts to hold pride rallies were routinely broken up by police. Moscow city authorities, reportedly without recognizing that the request came from an LGBT group, granted permission for activists to hold a rally on June 2 against all forms of discrimination, which included LGBT rights.

On June 12, several young men attacked 12 to 14 LGBT rights activists leaving the site of an officially sanctioned opposition rally in St. Petersburg. Several persons were injured. Five activists filed complaints to the police and were registered as victims. On June 18, police opened a criminal investigation and arrested one suspect three days later. The investigation continued at year’s end.

San Marino

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, gender, disability, language, religion, sexual orientation, or social status. The government effectively enforced antidiscrimination laws.

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

The law forbids discrimination based on sex or personal, economic, social, political, and religious status. Such laws applied to lesbian, gay, bisexual, and transgender (LGBT) individuals.

The law punishes discriminatory acts based on sexual orientation. There were no reports of discrimination based on sexual orientation or gender identity, and it is unlikely that stigma or intimidation was a factor in preventing incidents of abuse from being reported.

Serbia

Respect for Civil Liberties, Including: Freedom of Peaceful Assembly and Association:

The constitution provides for freedoms of assembly and association, and the government generally respected these rights in practice. Although a week of LGBT-focused events in October proceeded without incident, the government did not allow the members of the LGBT community to hold a pride parade on October 6, citing unspecified security concerns

Discrimination, Societal Abuses, and Trafficking in Persons:

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, LGBT persons, and ethnic minorities; trafficking in persons; and violence against women and children were problems.

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

The constitution prohibits discrimination based on race, color, gender, national or social origin, birth or similar status, religion, political or other opinion, property status, culture, language, age, or mental or physical disability but not sexual orientation. Violence and discrimination against members of the LGBT community were serious problems. While attacks happened often, few were reported publicly because victims were afraid of further harassment. On December 24, the parliament changed the penal code to recognize hate crimes based on sexual orientation and gender identity.

Societal perceptions and attitudes toward the LGBT population continued to be negative and 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 cases would be addressed properly and wanted to avoid further victimization from police or publicity generated by their complaint. LGBT activists also noted that lack of proper government response to violent acts against the LGBT community had encouraged perpetrators to continuously express their rejection of the LGBT community through death threats towards their members and by beating and insulting them.

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

Slovakia

Respect for Civil Liberties, Including: Protection of Refugees:

Safe Country of Origin/Transit: Authorities are required to ensure that the well-being of individual asylum seekers is not threatened if they are deported to a non-EU “safe third country.” The country was criticized for including on its “safe third country” list countries where same-sex sexual acts are illegal. The Border and Alien Police were criticized for lacking the information necessary to determine whether a given country would be safe for persons facing deportation there.

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights:

In October Prime Minister Fico approved the creation of a government committee dealing exclusively with Lesbian, Gay, Bisexual, Transgender, and Intersex rights. The committee was a standing expert body of the government’s Council on Human Rights, National Minorities, and Gender Equality, and was chaired by Minister of Justice Tomas Borec.

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and the law prohibit discrimination based on race, gender, disability, language, sexual orientation and/or gender identity, or social status; the government made efforts to enforce these prohibitions in practice.

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

The law prohibits discrimination in employment based on sexual orientation and gender identity. According to lesbian, gay, bisexual, and transgender (LGBT) rights advocates, prejudice and official and societal discrimination persisted, although no official cases were available for citation.

In contrast to the previous parade, the third Bratislava gay pride parade, held in June, demonstrated more effective cooperation between police and organizers, and no major incidents were reported.

An opposition MP, Stefan Kuffa, made statements in parliament comparing LGBT individuals to “the sick,” and said that he considers it irresponsible to let them “run around on the streets without help.” A number of MPs rejected this and similar derogatory remarks on LGBT rights.

Slovenia

Respect for Civil Liberties, Including: Freedom of Speech:

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Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede criticism. The penalty for hate speech is two years' imprisonment. Although police statistics on the incidence of hate speech did not show a significant increase, NGOs and government officials maintained there had been a general increase in expressions of intolerance, particularly anti-Semitic and homophobic hate speech.

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law prohibit discrimination based on race, gender, disability, language, sexual orientation and/or gender identity, or social status, and the government usually enforced these prohibitions effectively.

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 cases of violence against LGBT persons occurred. According to NGOs, authorities did not keep statistics that distinguished hate crimes by their targets.

During the year the rate of calls for personal counseling (to address discrimination and harassment of LGBT individuals) remained within the high levels of the previous year. There were five instances of hate crimes against the LGBT population during the year. The rate of calls for personal counseling to address discrimination and harassment of LGBT individuals remained the same as in 2011.

On March 25, in a referendum voters overturned a family law enacted by parliament that, inter alia, permitted gay or lesbian couples to adopt children if one of the partners was a biological parent.

In the weeks leading up to and during the referendum and the June 4 pride parade, there were antigay attacks. Two foreign visitors were among the victims of what police characterized as hate crimes. At a soccer match held a few days before the pride parade, the Green Dragons fan club displayed a banner calling for a ban on the pride parade and support of the Family Law. The night before the parade the windows of Cafe Open, with clientele primarily of LGBT persons, and parade headquarters, were smashed. The parade itself took place with the support of local government officials, and authorities recorded no instances of violence, although there were reports that bystanders shouted homophobic slurs at participants, and antigay graffiti and stickers appeared in various locations around the city. Organizers reported satisfactory police presence during the parade.

On June 3, the morning after the parade unknown perpetrators sprayed antigay graffiti on the walls of an LGBT bar and surrounding buildings. A court sentenced

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a 24-year-old male to three months probation for setting up a Facebook group in opposition to the 2010 Gay Pride Parade; the charge was posting hate speech and inciting violence through the media.

On August 2, a court commuted the sentences of all three assailants convicted and sentenced to 18 months in prison for assaulting an individual during the 2009 gay pride parade. The court based the commutation on the on the lack of prior criminal record, age (less than 21) of the perpetrators, and their apologies to the victim.

Spain

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, gender, disability, language, social status, sexual orientation, or gender identity, and the government generally enforced it effectively.

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. On June 28, the regional government of the Basque Country approved a law of no discrimination for gender identity and of acknowledgment of the rights of transgender individuals. Discrimination in employment is banned. An anti-LGBT hate element can be considered an aggravating circumstance in crimes.

Sweden

Discrimination, Societal Abuses, and Trafficking in Persons:

While the constitution and law prohibit discrimination based on race, gender, disability, language, social status, or sexual orientation, the government did not always effectively enforce these prohibitions.

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 persons perceived to be gay. The NCCP reported 850 hate crimes in 2011 based on sexual orientation or gender identity. Antidiscrimination laws exist and they apply to lesbian, gay, bisexual, and transgender individuals.

Switzerland

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

The country's antidiscrimination law does not apply to sexual orientation, or specifically address lesbian, gay, bisexual and transgender (LGBT) issues, which was a source of major concern to the country's LGBT community.

There were occasional reports of societal violence or discrimination based on opposition to LGBT orientation. The organization Pink Cops (gay and lesbian police officers) estimated there were approximately 20 physical assaults against LGBT individuals in the eastern part of Switzerland during the year. The LGBT umbrella organization Pink Cross estimated one to two assaults per month.

The law permits same-sex couples to have registered partnerships but does not allow them to adopt children.

LGBT children from immigrant families, particularly from the Balkans, Turkey, and the Middle East, suffered serious reprisals, such as exclusion from their families. During the year NGOs registered complaints that gay couples were not able to find housing due to their sexual orientation. This was especially common in rural areas. At mid-year there were 67 registered complaints.

Turkey

Respect for the Integrity of the Person, Including Freedom from: Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

A number of human rights observers claimed that only a limited number of detainees reported torture and abuse because many feared retaliation or believed complaining to be futile. Human rights organizations documented several cases of prison guards beating inmates and maintained that those arrested for ordinary crimes were as likely to suffer torture and mistreatment in detention as those arrested for political offenses, such as speaking out against the government. They also noted that LGBT persons, particularly gay men, were subject to abuse and harassment by police on "moral" grounds.

Respect for Civil Liberties, Including: Internet Freedom:

The BTK reported there were approximately 28,000 Internet cafes in the country. Internet cafes were primarily used by young people. Under the Internet law, mass use providers, including Internet cafes, can only operate if they obtain an official activity certificate from a local authority representing the central administration. Internet access providers are required to deploy and use filtering tools approved by TIB. Providers who operate without official permission face administrative fines. Internet activists and the press reported that more than one million Web

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sites were blocked in Internet cafes in the country. The sites for many mainstream LGBT organizations were among those blocked. Additional Internet restrictions were applied in government and university buildings. These restrictions led to a flowering of “tunnel” sites, which trick filters and allow users to reach blocked sites by altering Internet addresses.

Respect for Civil Liberties, Including: Freedom of Association:

Under the law, persons organizing an association do not need to notify authorities beforehand, but an association must provide notification before interacting with international organizations or receiving financial support from abroad and must provide detailed documents on such activities. Representatives of associations stated this placed an undue burden on their operations. LGBT and women’s groups in particular complained that the government used regular and detailed audits to create administrative burdens and to intimidate through the threat of large fines.

Respect for Civil Liberties, Including: Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons:

The UNHCR reported that 298 LGBT refugees from Iran were living in the country at year’s end. Human rights groups reported that these refugees faced numerous problems in addition to their refugee status due to their sexual orientation or gender.

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

While the law does not explicitly discriminate against LGBT individuals, organizations that worked with them stated that references in the law relating to “offenses against public morality,” “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.” Authorities applied this law in attempts to shut down or limit the activities of NGOs working on LGBT matters.

LGBT individuals continued to suffer discrimination, intimidation, and violent crimes. LGBT groups claimed that police harassed and arbitrarily arrested transgender individuals during the year. Human rights organizations reported many prosecutions for “offending public morals.” Authorities often used the law on misdemeanors to impose fines on transgender persons when they frequented stores or walked on city streets. Police claimed they were acting on complaints they had received. Transgender NGO representatives reported they were subjected to violence but that there was no place where they could make a complaint or press for their rights. They alleged that police insulted and swore at them while doctors ridiculed them.

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Domestic NGO KAOS-GL reported there were four killings during the year that it classified as LGBT hate crimes. Six transgender persons were also killed during the year. KAOS-GL recorded eight assaults, two lynching threats, two accusations of torture and inhuman treatment, one case of domestic violence, and one case of rape against LGBT persons during the year. On October 24, an unknown assailant in Antalya killed Sehap Guneser, the second transgender woman to be killed in Antalya during the year. According to LGBT activists, police pepper-sprayed those who came to her aid after the attack. An investigation into her death continued at year's end.

Police provided protection to some "pride" events in Istanbul and other cities. During the Istanbul trans-pride parade in June, an extremist group attacked marchers; riot police broke up the altercation. In the Istanbul pride parade in July, no incidents of violence were reported.

There were active LGBT organizations in Istanbul, Ankara, Izmir, Adana, Eskisehir, and Diyarbakir and unofficial groups in smaller cities and on university campuses. Groups reported harassment by police and government authorities. Many university groups in small cities complained that they had tried to organize, but the rector denied permission. LGBT organizations reported that the government used regular and detailed auditing to create administration burdens and threaten the possibility of large fines.

Authorities did not allow openly gay men to perform military service for "health reasons" due to their sexual orientation. Gay men requesting military exemption for reasons of sexual orientation had to undergo an invasive burden of proof, but authorities denied such requests many times, even after the men proclaimed their sexual orientation and underwent treatment and examination at several military medical facilities. LGBT groups complained that gay men were required to show photos or videos 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:

There was a marked increase in discrimination, social stigma, and violence against LGBT individuals who experienced discrimination in education, the workplace, and access to medical treatment and to information on the prevention of HIV/AIDS. The government took no significant action to combat discrimination based on sexual orientation or gender identity.

During the year parliament approved on the first reading legislation that would restrict the rights of all Ukrainians to advocate for the human rights of LGBT

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individuals by making it a criminal offense to publish, broadcast, or otherwise distribute so-called “homosexual propaganda.” The bill did not become law. LGBT rights groups expressed concern that lawmakers continued their efforts to pass the bill.

The LGBT rights group Our World (Nash Svit) monitored rights violations against LGBT individuals in selected regions of the country and documented 86 cases of human rights violations, discrimination, and hate-based actions during the year. Violations included physical violence, abuse, threats, property damage, theft, extortion, bullying, workplace discrimination, discrimination in educational settings, and divulging of personal information.

On May 17, approximately 20 men who said they belonged to the Svoboda political party prevented a screening of the LGBT-focused film “Milk” at Kyiv-Mohyla Academy. They demanded to see the license that authorized the screening. The screening was legally licensed, but organizers could not immediately produce the document. Fearing for their safety, the organizers acceded to the men’s demand not to show the film. Later, the Svoboda Web site reported that its activists “did not permit the showing” of the film.

On May 20, organizers of a gay pride march were forced to cancel the event after extremist groups engaged in coordinated efforts to stop the march through intimidation and violence, and police stated they would not protect participants if the march went forward. Five masked persons assaulted two event organizers after a press conference announcing the event’s cancellation. A third organizer was attacked and beaten a month later.

In September Our World released a report that analyzed the government’s failure to implement the Council of Europe’s (COE’s) 2010 recommendations for combating LGBT discrimination. According to the report, the authorities took no actions to implement any of the recommendations, collected no information about discrimination based on sexual orientation, and took no steps to combat homophobia and transphobia. The government failed to translate the COE’s recommendations into the national language or disseminate them. The researchers noted that homophobic rhetoric among local authorities and members of the national parliament continued to increase.

On December 8, extremists harassed, attacked, and used tear gas and violence to disperse a peaceful demonstration by LGBT activists and allies in Kyiv. At least two activists were beaten after the demonstration. Several extremists identified themselves as members of the Svoboda political party, which took credit on its Web site for breaking up the demonstration. Six demonstrators and two Svoboda members were detained and fined. A court later fined the protest organizer, Olena Shevchenko, 850 hryvnia (\$106) for allegedly failing to notify authorities of the demonstration correctly in spite of the notification she had filed.

United Kingdom

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, gender, disability, language, sexual orientation, or social status, and the government routinely enforced the law effectively. The human rights commissions in England, Wales, and Scotland have mandates to combat discrimination based on race, sex, religion and belief, sexual orientation, and age. The Bermudian constitution and laws protect the human rights of inhabitants of Bermuda, with the exception of protection against discrimination based on sexual orientation and age.

In March the UK government published Challenge it, Report it, Stop it, a new strategy to combat hate crime through more effective prevention, reporting, and response. The strategy commits departments across government to specific actions, including funding 2.1 million pounds (\$3.4 million dollars) over three years to organizations supporting hate crime victims, more robust training for police, and working with local authorities and communities to raise awareness of hate crime.

In Northern Ireland in March, the Policing Board published Human Rights Thematic Review: Policing with and for Lesbian, Gay, Bisexual, and Transgender Individuals. The report acknowledged that hate crime in Northern Ireland was underreported and included 18 specific recommendations to the PSNI. Hate incidents recorded by the PSNI from April 1, 2010, to March 31, 2012 (the most recent figures available) numbered 2,571 incidents. Of these, the PSNI considered 1,437 sectarian incidents, 842 based on racism, 211 on homophobia, 38 on disability, 22 on transphobia, and 21 incidents on faith or religion.

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

In Bermuda the law discriminates between the legal minimum age for consensual sex for heterosexuals and lesbians (16 years) and for gays (18 years).

In other parts of the UK, the law prohibits discrimination and harassment based on sexual orientation, although individuals reported sporadic incidents of homophobic violence. It encourages judges to impose a greater sentence in assault cases where the victim's sexual orientation was 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. From March 2011 to March 2012, police in England and Wales recorded 4,252 hate crimes related to sexual orientation and 315 transgender hate crimes.

In Scotland racial, sexual, or other discriminatory motivation can be an "aggravating factor" in crimes. Scottish law also criminalizes behavior that is threatening, hateful, or otherwise offensive at a regulated soccer match and

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penalizes any threat of serious violence and threats to incite religious hatred through the mail or the Internet.

In Bermuda the law does not protect against discrimination based on sexual orientation. There is no official recognition of same-sex relationships.

Sexual Exploitation of Children:

The minimum age of consensual sex in the UK is 16 years. In Bermuda the legal minimum age for consensual sex is 16 years for heterosexuals and lesbians and 18 years for gay men.

NORTH AFRICA and NEAR EAST

Algeria

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

The penal code criminalizes public consensual same-sex sexual relations for men and women, 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 DZD 500 to DZD 2,000 (approximately \$6 to \$26). If a minor is involved, the adult may face up to three years' imprisonment and a fine of DZD 10,000 (\$130).

There was societal discrimination against LGBT persons. Some LGBT individuals received violent threats and felt compelled to flee the country. While some LGBT persons lived openly, the vast majority did not, and most feared reprisal from their families or harassment from authorities.

An Algerian gay rights group, Abu Nawas Algerian LGBT Militants, maintained an active Web site and Facebook account through which it advertised advocacy and support efforts on behalf of members of the Algerian LGBT community. The group publicized activities for LGBT Algerians organized around the annual October 10 Algerian LGBT Day.

Bahrain

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution provides for equality, equal opportunity, and the right to medical care, welfare, education, property, capital, and work for all citizens. These rights were protected unevenly, depending on an individual's social status, sect, or gender. The law does not specifically prohibit discrimination based on race, gender, disability, language, sexual orientation and gender identity, religion, sect, or social status. The law deprives foreign workers, who make up approximately half the population, of many fundamental legal, social, and economic rights.

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

The law does not criminalize consensual same-sex sexual activity between consenting persons who are at least 21 years of age. However, lesbian, gay, bisexual, and transgender (LGBT) activities were not socially accepted, and discrimination based on sexual orientation or gender identity was common.

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The media reported that police charged an unidentified young male citizen with indecent behavior and encouraging debauchery; on April 4, the Lower Criminal Court sentenced him to one month in prison for public cross-dressing on Exhibition Road. There was no additional information on the case at year's end.

In a 2011 case, the Lower Criminal Court convicted 49 male Gulf nationals for allegedly practicing prostitution and other illicit acts while attending a gay wedding, according to local press reports. The Higher Criminal Court upheld the charges in December and sentenced the men to six months' imprisonment.

Egypt

Discrimination, Societal Abuses, and Trafficking in Persons:

The provisional constitution prohibited discrimination against citizens on the basis of race, origin, language, religion, creed, disability, or social status. It did not prohibit discrimination based on gender, sexual orientation, or gender identity. The December 25 constitution does not explicitly define the prohibitions on discrimination, but states that "all citizens are equal before the law." Many aspects of the law discriminate against women and religious minorities, and the government did not effectively enforce prohibitions against such discrimination. In October 2011 the SCAF issued a decree making it a crime under the penal code to discriminate on the basis of gender, origin, religion, language, religion, or creed, but it was unclear whether the government handled cases of discrimination differently following the decree.

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

The law does not explicitly criminalize consensual same-sex sexual activity, but it allows police to arrest lesbian, gay, bisexual, and transgender (LGBT) persons on charges such as "debauchery," "prostitution," and "violating the teachings of religion." Antidiscrimination laws were not effectively used to protect LGBT individuals. Gay men and lesbians faced significant social stigma and discrimination in society, impeding their ability to organize or publicly advocate on behalf of the LGBT community. Information was not available on official or private discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation and gender identity. There were no government efforts to address potential discrimination.

Negative societal influence resulted in self-censorship. On May 27, the country's first online magazine for the gay community, Ehna, shut down after producing one issue, despite local and regional support from LGBT activists. The magazine cited security concerns as its reason for closing. On June 21, a government official speaking at the UN Human Rights Council rejected the rights of LGBT persons by stating that the "notion of sexual orientation (was) not part of the universally recognized human rights." In August media reports alleged that police arrested a

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man accused of running a “gay sex network” during a raid in el-Arish. It was unclear what charges would be used to prosecute the man.

There were few reports of violence against LGBT individuals, although intimidation and the risk of arrest greatly restricted open reporting. On October 31, according to media reports, police arrested seven men at an apartment in Cairo for “debauchery” for their roles in allegedly organizing and participating in a network that organized same-sex sexual activity. Their status was unknown at year’s end.

Iran

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution bars discrimination based on race, gender, disability, language, and social status “in conformity with Islamic criteria,” but the government did not effectively enforce these prohibitions. The constitution does not bar discrimination based on sexual orientation or gender identity.

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

The law criminalizes consensual same-sex sexual activity, which may be punishable by death, lashes, or flogging. The Special Protection Division, a volunteer unit of the judiciary, monitored and reported on “moral crimes,” including same-sex sexual activity. According to a 2010 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 lesbian, gay, bisexual, and transgender (LGBT) persons. Those accused of sodomy often faced summary trials, and evidentiary standards were not always met. Punishment for same-sex sexual activity between men was more severe than for such conduct between women.

The size of the LGBT community was unknown, as many individuals feared identifying themselves. The government censored all materials related to LGBT issues. There were active unregistered LGBT NGOs in the country, but most activities to support the LGBT community took place outside the country. According to HRW’s 2010 report, family members threatened and abused many young gay men, who also faced harassment from religious scholars, schools, and community elders. Some persons were expelled from university for alleged same-sex sexual activity. According to HRW’s report, Basij forces attempted to entrap or arrest persons engaged in same-sex sexual conduct.

LGBT rights defenders were subject to government intimidation and prosecution. According to the UN special rapporteur’s March 6 report, Houtan Kian, a lawyer who defended those accused of adultery and sodomy, was indicted on 11 charges,

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including espionage, fraud and falsifying identities, defamation of the judiciary, and disclosing classified information. Kian's lawyer stated that he had been tortured and had broken teeth and approximately 60 cigarette burns around his legs and genital area (see section 1.e.).

The law defines transgender persons as mentally ill, but the government provided transgender persons financial assistance in the form of grants up to 4.5 million tomans (\$3,670) and loans up to 5.5 million tomans (\$4,486) to undergo gender confirmation surgery. Human rights activists and NGOs reported, however, that some LGBT persons were advised to undergo gender confirmation surgery to avoid legal and social consequences.

Iraq

Respect for the Integrity of the Person, Including Freedom from: Arbitrary Arrest or Detention

Role of the Police and Security Apparatus:

In some instances security forces failed to prevent or respond to societal violence. For example, security forces did not take sufficient measures to respond to threats of violence, some of which were carried out, against perceived lesbian, gay, bisexual, and transgender (LGBT) individuals despite the public posting of targeted individuals' names (see section 6).

Respect for Civil Liberties, Including: Freedom of Speech and Press

The government frequently attempted to restrict media content. For example, on March 14 in Baghdad, security forces detained a film crew from Russia Today's Arabic television channel, Rusiya al-Yaum, for three hours when they tried to film a segment related to a series of attacks against individuals perceived to be LGBT or "emo" (see section 6). Even though the crew had a permit to film in Baghdad, security forces confiscated the footage.

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

There was no law specifically prohibiting consensual same-sex sexual activity, although the penal law prohibits sodomy, irrespective of gender. There was no data on prosecutions for sodomy. Due to social conventions and retribution against both victim and perpetrator of nonconsensual same-sex sexual conduct and violence against participants in consensual same-sex sexual conduct, this activity was generally unreported.

In light of the law authorities relied on public indecency charges or confessions of monetary exchange (i.e., prostitution, which is illegal), to prosecute same-sex sexual activity. The procedures used to arrest LGBT persons also were used to

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arrest heterosexual persons involved in sexual relations with persons other than their spouses.

LGBT persons often faced abuse and violence from family and nongovernmental actors. From February to April, a wave of violent attacks in Baghdad, Basrah, Samarra, Wasit, and Tikrit targeted individuals perceived to be LGBT and young persons adopting an unconventional style of appearance referred to as “emo.” In early February signs and flyers appeared in Baghdad that threatened persons by name unless they cut their hair, stopped wearing nonconformist clothing, and gave up their “alternative” lifestyles. This intimidation campaign precipitated attacks. Attacks ranged from intimidation and verbal harassment to reports of kidnappings, beatings (some of which resulted in deaths), sexual assault, and killings. Reports varied on the number of victims killed in the attacks, some of which reportedly were carried out by extremist groups, including the Mahdi Army and League of the Righteous (Asa'ib Ahl al-Haq). UNAMI independently verified the deaths of at least 12 individuals; a Reuters report put the number of victims in Baghdad at 14. Local human rights NGOs reported much higher numbers.

Photographs of one young man killed in Sadr City on February 6 circulated on the Internet. His death was attributed to perceived sexual orientation due to his unconventional hairstyle and clothing, although there was no evidence that he was gay. The government did not acknowledge a pattern of attacks nor take measures to ensure safety for individuals publicly named. On October 14, a Wasit criminal court convicted and sentenced to death four individuals who reportedly confessed to raping and killing 17-year-old Haider Saa'eed Menahi on April 19 because he was “emo.” The conviction was the only known prosecution for violence against “emos” during the year.

Due to stigma, intimidation, and potential harm, including violent attacks, LGBT organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held.

The law prohibits discrimination based on race, disability, or social status, but it does not address the problem of sexual orientation or gender identity. Societal discrimination in employment, occupation, and housing based on sexual orientation, gender identity, and unconventional appearance was common. Information was not available regarding discrimination in access to education or health care due to sexual orientation or gender identity, although media reported that students were harassed at school for not adopting conventional clothing or hairstyles. There were minimal government efforts to address this discrimination.

At year's end authorities had not announced any other arrests or prosecutions of any persons for violence against LGBT individuals, including cases reported in 2011.

Israel and The Occupied Territories

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination on the basis of race, gender, disability, language, sexual orientation, or social status, and the government was generally effective in enforcing these prohibitions.

Societal Abuses, Discrimination, and 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, although discrimination based on sexual orientation or gender identity persisted in some parts of society. Aguda, an organization supporting lesbian, gay, bisexual, and transgender (LGBT) rights, reported cases of discrimination in the private sector. For example, a supermarket displayed a sign that read “No Entry for Homos,” and a Jerusalem court ordered the owners of a reception hall to pay damages to a lesbian couple after refusing to host their same-sex wedding. NGOs alleged property owners improperly discriminated against same-sex couples in housing rental decisions.

Aguda began collecting data on violence against LGBT individuals in mid-2012. In the first six months, Aguda received 28 such reports. A survey of teenagers found that 20 percent of LGBT teens reported they had attempted suicide, with a higher rate among religiously observant LGBT youth.

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Discrimination, Societal Abuses, and Trafficking in Persons:

PA law prohibits discrimination based on race, gender, disability, language, or social status. PA authorities worked to enforce these laws; however, they often failed to do so in practice. Some laws are discriminatory. For example, it is illegal for a Palestinian to sell land to Israelis, an offense that is punishable by death. Hamas, despite remaining under the authority of Palestinian laws prohibiting discrimination, continued to implement discriminatory policies based on race, political affiliation, gender, and sexual orientation.

Many NGOs reported Israeli actions in the West Bank and Gaza amounted to racial and cultural discrimination, and they cited legal differences between Palestinians in the West Bank and Jewish settlers in the West Bank as a clear policy of racial discrimination.

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

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Palestinian law, based on the 1960 Jordanian penal code, prohibits consensual same-sex sexual activity, although in practice the PA did not prosecute individuals suspected of such activity. Societal discrimination based on cultural and religious traditions was commonplace, making the West Bank and Gaza challenging environments for lesbian, gay, bisexual, and transgender (LGBT) persons. Some Palestinians claimed PA security officers and neighbors harassed, abused, and sometimes arrested LGBT individuals because of their sexual orientation. NGOs reported Hamas also harassed and detained persons due to sexual orientation.

Jordan

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

Homosexuality is not illegal; however, societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons was prevalent. A number of citizens reported sporadic police mistreatment of suspected or actual LGBT persons. Some LGBT individuals reported reluctance to engage the legal system due to fear that their sexual orientation would become an issue. There were reports of individuals who left the country due to fear that their families would punish them because of their sexual orientation.

Other Societal Violence or Discrimination:

HIV/AIDS was a largely taboo subject. Lack of public awareness remained a problem; many citizens believed the disease exclusively affected foreigners and members of the LGBT community. HIV-positive individuals were socially stigmatized. The government continued its efforts to inform the public about the disease and eliminate negative attitudes about persons with HIV/AIDS; however, it also continued to test all foreigners annually for HIV/AIDS, hepatitis B, syphilis, malaria, and tuberculosis, and it deported those who tested HIV-positive.

Kuwait

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights - Freedom of Speech and Press:

UN and Other International Bodies: The government permitted international human rights organizations to visit the country. In January, Human Rights Watch (HRW) officials visited and conducted interviews, including with government officials, principally concerning the rights of the lesbian, gay, bisexual, and transgender (LGBT) community. The HRW conducted a December study mission focused on freedom of expression. In March, Refugees International conducted a study mission to report on the country's Bidoon. On

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September 27, Refugees International, Amnesty International, and HRW submitted a joint letter to the emir requesting the government allow the Bidoon community to demonstrate peacefully, that nationality be extended to qualifying Bidoon, and that Bidoon have access to personal documentation and services; it also condemned force used against Bidoon demonstrators. At year's end the government did not provide an official response.

Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, origin, disability, or language. The law did not prohibit discrimination based on social status, gender, or sexual orientation. In practice the government did not uniformly or consistently enforce laws against discrimination, and a number of laws and regulations discriminated against women, Bidoon, noncitizens, and domestic and foreign workers.

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

Consensual same-sex sexual conduct and cross-dressing are illegal. The law punishes consensual same-sex sexual activity between men older than 21 with imprisonment of up to seven years; those engaging in consensual same-sex sexual activity with males younger than 21 may be imprisoned for as long as 10 years. The law imposes a fine of 1,059 dinars (\$3,812) 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. Transgender persons reported harassment, detainment, and abuse by security forces.

Societal discrimination and harassment based on sexual orientation and gender identity was common; to a lesser extent officials practiced discrimination reflecting societal values and laws. In January HRW highlighted the physical, sexual, and emotional abuse and repression transgender women faced from police. The report also documented the discrimination transgender women faced daily--including by members of the public--as a result of an amendment to penal code article 198. The 2007 law prohibiting "imitating the appearance of a member of the opposite sex" was ill defined, resulting in numerous abuses. There was no government response to the HRW report.

No registered NGOs focused on LGBT matters, although unregistered ones existed. Due to social convention and potential repression, LGBT organizations neither operated openly nor held gay pride marches or gay rights advocacy events.

Other Societal Violence or Discrimination:

Local human rights NGOs reported no accounts of societal violence or discrimination against persons with HIV/AIDS; however, persons with HIV/AIDS did not generally disclose their status due to social stigma associated

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with the disease. Foreign citizens found to be HIV-positive faced immediate deportation.

Unmarried men continued to face housing discrimination based solely on marital status. The law prohibits single men from obtaining accommodation in many urban residential areas.

Lebanon

Discrimination, Societal Abuses, and Trafficking in Persons:

The law provides for equality among all citizens and prohibits discrimination based on race, gender, disability, language, or social status. The government generally respected these provisions; however, they were not enforced, especially in economic matters, and aspects of the law and traditional beliefs discriminated against women.

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

Official and societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons persisted during the year. There is no all-encompassing antidiscrimination legislation that could be applied to protect LGBT persons. The law prohibits “unnatural sexual intercourse,” an offense punishable by up to one year in prison, but it was rarely applied. In 2010 the domestic NGO Helem (from the Arabic acronym for Lebanese Protection for LGBT Persons) reported fewer than 10 prosecutions. The law sometimes was applied to men engaging in same-sex sexual activity; it rarely was applied to women, although Helem reported that police used the law to blackmail women.

On July 28, the ISF arrested 36 men during a raid on a movie theater suspected of screening pornographic movies in the Bourj Hammoud district of Beirut. The men were transferred to Hbeich police station, where they were subjected to anal examinations. The examinations were conducted by forensic doctors on orders of the public prosecutor to “prove” whether a person engaged in same-sex sexual conduct. The police released all of the men several days later but charged three of them under article 534, partly on the basis of the examinations. The head of the Lebanese Doctor’s Syndicate, Dr. Sharaf Abu Sharaf, issued a directive on August 8 calling for an end to anal examinations, stating that they were medically and scientifically useless in determining whether consensual anal sex had taken place and that they constituted a form of torture. He added that they also violated article 30 of the law on medical ethics, which prohibits doctors from engaging in harmful practices. In a statement given to the daily newspaper Al-Akhbar on August 2, Justice Minister Shakib Qortbawi declared that he had earlier written to the public prosecutor urging him “to halt random rectal examination procedures, after the issue was raised by human rights organizations.” However, the public prosecutor’s subsequent directive appeared to institutionalize anal examinations further. While the new directive instructed that the anal

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examination be carried out only “with the consent of the accused, according to standard medical procedures, and in a manner that does not cause significant harm,” it stated that if the accused refused to undergo the examination, he should be informed that his refusal “constitutes proof of the crime.” In an interview with the daily newspaper *As-Safir* on September 1, Minister Qortbawi acknowledged that the judiciary was independent, but he asked that judges listen to him and the Lebanese Medical Association’s opinion criticizing the tests. There was no official action to investigate or punish those complicit in such abuses.

Information was not available on official or private discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation and gender identity. The government did not collect such information; individuals who faced such discrimination were likely reluctant to report incidents due to fear they could face additional persecution. There were no government efforts to address potential discrimination.

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. NGOs claimed that LGBT individuals underreported incidents of violence and abuse due to negative social stereotypes.

Libya

Discrimination, Societal Abuses, and Trafficking in Persons

The Constitutional Declaration contains clear references to equal rights, stating that all citizens are equal before the law in enjoying civil and political rights, equal opportunities, and the duties of citizenship without discrimination based on religion, sect, language, wealth, sex, descent, political views, social status, or regional, family, or tribal affiliations. However, the interim governments did not enforce these prohibitions effectively, particularly with regard to women and minorities.

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

The governments deemed lesbian, gay, bisexual, and transgender (LGBT) orientation illegal, and official and societal discrimination against LGBT persons persisted during the year. The penal code makes consensual same-sex sexual activity punishable by three to five years in prison. The law provides for punishment of both parties.

On November 22, members of the Nawasi Brigade affiliated with the Ministry of Interior arrested and detained 12 allegedly gay men who were at a private party. Members of the group announced the arrest on Facebook, eliciting homophobic commentary. The men were released a week after being detained, with bruises on

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their backs and legs and shaved heads. One of the men reported that this type of treatment was commonplace and claimed that he had been beaten during a separate arrest by the Nawasi Brigade in August.

There were no reports of discrimination based on sexual orientation or gender identity in employment, housing, or access to education or health care. Observers noted that persons who reported such discrimination could be subject to additional violence or abuse.

Citizens tended to hold negative views of LGBT persons, and homosexuality was socially stigmatized. Sexual orientation or gender identity occasionally constituted the basis for societal violence, harassment, blackmail, or other actions, generally at a local level. In previous years there were infrequent reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity.

Other Societal Violence or Discrimination:

There were no reports of societal violence toward persons with HIV/AIDS. In previous years there were reports of societal stigmatization of persons with HIV/AIDS, due to an association of the disease with drug use, sex outside marriage, and homosexuality. No information was available about the effects of the conflict on persons suffering from HIV/AIDS. There were reports that detainees suspected of having HIV/AIDS were segregated from the rest of the detainee population, often in overcrowded spaces, and were the last to receive medical treatment.

Morocco

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution prohibits discrimination based on race, gender, disability, language, social status, faith, culture, regional origin, or any other personal circumstance; however, there was discrimination based on each of these factors. New constitutional provisions provide for gender equality and parity, although parliament has yet to pass implementing legislation.

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

The penal code criminalizes consensual same-sex sexual activity, but these provisions were infrequently enforced. Questions of sexuality, sexual orientation, and gender identity were addressed in the media and in public with more openness than in previous years.

Sexual orientation or gender identity constituted a basis for societal violence, harassment, blackmail, or other actions, generally at a local level, although with

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reduced frequency. There were infrequent reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity. The government deems lesbian, gay, bisexual, or transgender (LGBT) orientation or identity illegal; therefore, there were no official reports of discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care.

On June 29, a foreign travel agency cancelled a proposed first-ever port call in the country by an LGBT tourist group, citing authorities' stated concerns about the safety of the passengers. Authorities initially gave permission for the ship to dock in Casablanca, but two days before its anticipated arrival, police informed the local cruise coordinator that the ship could not dock in the country. Minister of Tourism Lahcen Haddad later denied that the passengers were prohibited from debarking or that the government had discriminated against them based on sexual orientation.

Oman

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

Gay, lesbian, bisexual, and transgender (LGBT) persons faced discrimination under the law and in practice. Social norms reinforced discrimination against LGBT persons. The penal code criminalizes consensual same-sex sexual conduct with a jail term of six months to three years. There were no reports of prosecutions during the year, although nine prosecutions for sodomy occurred in 2009, the most recent year for which statistics are available.

The discussion of sexual orientation and gender identity in any context remained a social taboo, and authorities took steps to block LGBT-related Internet content. It is likely that social stigma and intimidation prevented LGBT persons from reporting incidents of violence or abuse.

Due to social conventions and potential persecution, LGBT organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held. Information was not available on official or private discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation and gender identity. There were no government efforts to address potential discrimination.

Qatar

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution prohibits discrimination based on gender, race, language, religion, but not disability, sexual orientation, or social status. In practice custom outweighed government enforcement of nondiscrimination laws, and legal,

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cultural, and institutional discrimination existed against women, noncitizens, and foreign workers.

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

Gay, lesbian, bisexual, and transgender (LGBT) persons faced discrimination under the law and in practice. The law prohibits same-sex sexual conduct between men but is silent on same-sex relations between women. Under the law a man convicted of having sexual relations with a boy younger than 16 is subject to a sentence of life in prison. A man convicted of having same-sex sexual relations with a man older than 16 is subject to a sentence of seven years in prison. The number of such cases before the courts during the year was unknown. There were no LGBT organizations in the country. During the year there were no public reports of violence against LGBT persons, but there was an underlying pattern of discrimination toward LGBT persons based on cultural and religious values prevalent in the society. There were no government efforts to address potential discrimination

Due to social conventions and potential repression, LGBT organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held. Information was not available on official or private discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation and gender identity. However, victims of such discrimination were unlikely to come forth and complain because of the potential for further harassment or discrimination.

Saudi Arabia

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race but not gender, disability, language, sexual orientation and gender identity, or social status. The law and tradition discriminated based on gender. The law and the guardianship system restrict women to the status of a legal dependent vis-a-vis their male guardians. This status is unchanged even after women reach adulthood. Women and some men faced widespread and state-enforced segregation based on societal, cultural, and religious traditions.

The government generally reinforced Sharia-based traditional prohibitions on discrimination based on disability, language, social status, or race.

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

Under Sharia as interpreted in the country, consensual same-sex sexual conduct is punishable by death or flogging. It is illegal for men “to behave like women” or

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to wear women's clothes and vice versa. Due to social conventions and potential persecution, lesbian, gay, bisexual, and transgender organizations did not operate openly, nor were there gay rights advocacy events of any kind. There were reports of official societal discrimination, physical violence, and harassment based on sexual orientation or gender identity in employment, housing, statelessness, access to education, and health care. Stigma or intimidation likely limited reports of incidents of abuse. Sexual orientation and gender identity could constitute the basis for harassment, blackmail, or other actions.

On April 17, authorities announced "gays, tomboys, and emos [counterculture youth]" would not be allowed to enter public schools and universities until they changed their "appearance and behavior." The CPVPV announced receiving high-level orders to enforce these new rules on homosexuality on "girls who adopt masculine appearances" and those emulating the "emo" subculture.

On December 18, a court sentenced an unnamed head of a government office in Baha to 25 years in jail and 2,000 lashings in public. Authorities charged the individuals with staging "unethical parties," taking drugs, extorting other officials, and "involvement in sodomy." Media also reported the official was fined 200,000 riyals (\$53,330) and banned from travelling outside the country. The official's aide was sentenced to 15 years in jail and 1,500 public lashings in addition to a travel ban. The judge also reportedly issued a recommendation that the two not benefit from any future pardon.

There were no government efforts to address potential discrimination.

Syria

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

Article 520 of the penal code prohibits homosexual relations, defined as "carnal relations against the order of nature," and provides for at least three years of imprisonment. The government did not enforce the law effectively or make any serious attempt to do so.

Specifically, the law criminalizes any sexual act that is "contrary to nature." Police commonly used this charge to prosecute lesbian, gay, bisexual, and transgender (LGBT) individuals. There were no reports of prosecutions under the law during the year; however, reports indicated that the government had arrested dozens of gay men and lesbians over the past several years on vague charges such as abusing social values; selling, buying, or consuming illegal drugs; and organizing and promoting "obscene" parties.

Although there were no known domestic NGOs focused on LGBT matters, there were several online networking communities, including on Facebook. Human

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rights activists reported that there was overt societal discrimination based on sexual orientation and gender identity in all aspects of society.

Local media reported numerous instances in which security forces used accusations of homosexuality as excuses to detain, arrest, and torture civilians. The number of these instances was difficult to determine as police rarely reported their rationale for arrests. Furthermore, social stigma prevented many victims of such abuse from coming forward, even when accusations were false.

Tunisia

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

Although consensual same-sex sexual activity is not illegal per se, the penal code of 1964 criminalizes anal intercourse, and convictions carry up to a three-year prison sentence. In a February 4 interview on a talk show, Minister of Human Rights and Transitional Justice Samir Dilou characterized same-sex acts as a “perversion that requires medical treatment” and a western concept incompatible with Islam and national culture. Anecdotal evidence suggested lesbian, gay, bisexual, and transgender (LGBT) individuals faced discrimination, and there were allegations police officers sometimes harassed openly gay persons and accused them of spreading HIV/AIDS. Human rights activists also alleged security force members continued to assault individuals perceived to be LGBT individuals. Despite the hostile environment, increased media freedom allowed members of the LGBT community increased access to information. There were numerous LGBT blogs. For example, the magazine Gayday provided a forum for LGBT members to discuss issues of interest.

United Arab Emirates

Respect for the Integrity of the Person, Including Freedom from:

Arbitrary or Unlawful Deprivation of Life

Prison conditions varied widely among the emirates. There were reports that police and prison guards mistreated individuals, particularly at some prisons and police precincts in Dubai. Lesbian, gay, bisexual and transgender (LGBT) individuals faced severe mistreatment including physical abuse and rape in prisons (see section 6).

Internet Freedom

The country’s only two Internet service providers used a proxy server to block material deemed inconsistent with the country’s values, as defined by the Ministry of Interior. Blocked material included pornographic Web sites and a wide variety of other sites deemed indecent, including those that dealt with

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dating and matrimony; LGBT issues; Bahais, Judaism, and atheism; negative critiques of Islam; testimonies of former Muslims who converted to Christianity; those that explained how to circumvent the proxy servers; and some that originated in Israel. The proxy servers occasionally blocked broad categories of Web sites. The service providers populated their list of blocked sites primarily from lists purchased from private companies, although individuals could also report offensive ones to be blocked. Social and politically oriented sites remained either blocked or modified during the year. International media sites accessed using UAE Internet providers contained filtered content. The government also blocked some sites that contained content critical of ruling families. The NMC was responsible for creating lists of blocked sites. Service providers did not have the authority to remove sites from block lists without government approval. The government also at least partially blocked voice over Internet Protocol Web sites, such as Skype and Facetime, by restricting downloads of the program and preventing Skype-to-telephone calls and Facetime computer-to-computer calls.

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution provides for equality for citizens without regard to race or social status, and the law prohibits discrimination based on disability; however, legal and cultural discrimination existed and went unpunished. The constitution does not prohibit discrimination based on gender, sexual orientation, or gender identity. It does not prohibit discrimination for language, nor does it provide for equality for noncitizens.

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

Both civil law and Sharia criminalize consensual same-sex sexual activity. Under Sharia the death penalty is the punishment for individuals who engage in consensual same-sex sexual conduct. There were prosecutions for consensual same-sex activity during the year. At times the government subjected persons against their will to psychological treatment and counseling for consensual same-sex activity.

On June 6, a press report indicated that authorities sentenced a Belgian man to one year in prison and deportation for a consensual same-sex sexual relationship with a Filipino. On August 28, the Dubai Court of Appeal reduced the sentence to six months. The couple's relationship came to light in September 2011 after pedestrians found the Filipino on a sidewalk. The man claimed his Belgian partner threw him from the window of their apartment after an argument. The Belgian told police the Filipino defenestrated himself. The Filipino man later died. Authorities did not carry out investigations of a possible murder and instead referred the case to the Dubai Misdemeanor Court to investigate the Belgian for having a same-sex sexual relationship.

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Cross-dressing is a punishable offense. The government deported cross-dressing foreign residents and referred citizens to public prosecutors. Due to social conventions and potential persecution, LGBT organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held. Information was not available on official or private discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation and gender identity. There were no government efforts to address potential discrimination.

By year's end authorities had not announced any arrests or prosecutions for violence against LGBT individuals. An October 19 Foreign Policy article highlighted the treatment of Mya, a transgender sex worker who was beaten, tortured, and repeatedly raped at Al Awir Prison. In addition, the report noted that transgender individuals caught with documents identifying them as members of the opposite sex were immediately detained and deported.

On November 20, a local NGO, LGBT Rights UAE, published a video online called "The Time is Now – Let's Talk UAE." The video featured three individuals who shared stories on their sexuality through written signs due to fear over discrimination and retribution.

In June 2011 authorities initiated a campaign to highlight the illegality of boyat (translated as tomboys), cross-dressing women, and transsexuals. The director of the criminal awareness department in Dubai stated that warnings needed to be set for such activities with clear punishments put in place.

Western Sahara

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

No information in this sub-section. Please see the full country report for more.

Yemen

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

Gay, lesbian, bisexual, and transgender (LGBT) persons faced discrimination and could face the death penalty, although no executions have been conducted in the past decade. The penal code criminalizes consensual same-sex sexual conduct, with the death penalty as a sanction, under the country's interpretation of Islamic law.

Due to the illegality and possibly severe punishment for consensual same-sex conduct, there were no LGBT organizations. As the law does not prohibit discrimination, LGBT issues were not considered "relevant" for official reporting

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by the government and few LGBT persons were open about their sexual orientation or gender identity.

WESTERN HEMISPHERE

Antigua and Barbuda

Respect for the Integrity of the Person, Including Freedom from:

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution specifically prohibits such practices, and the authorities generally respected these prohibitions in practice. Nonetheless, there were occasional reports of use of excessive force and discrimination against persons on the basis of sexual orientation or gender identity by the police. A number of residents also claimed that the police used unnecessary force when making arrests. According to the media, police allegedly “pistol whipped” one youth and held him for nearly five hours before providing medical treatment.

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

Consensual same-sex sexual activity for both sexes is illegal under indecency statutes, and some male same-sex sexual acts are also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years in prison, and anal intercourse carries a maximum penalty of 15 years.

Societal attitudes somewhat impeded operation and free association of LGBT organizations, but there were a few organized groups. The press reported that in 2011, the attorney general stated “there will be no change in the law on buggery, at least not if I can help it. Being gay is morally wrong, and to be honest personally, I am still homophobic.” However, other government officials asserted that the country was mostly tolerant of LGBT persons, noting the law was rarely used except when some other crime was also committed. Societal attitudes remained conflicted on the issue, and while there were several reports of discrimination based on sexual orientation, especially by the police, anecdotal reports suggested these were mostly verbal attacks.

Argentina

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits discrimination based on race, gender, sexual orientation, disability, language, or social status, and the government generally enforced these prohibitions in practice.

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

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

There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Overt societal discrimination generally was uncommon. However, the National Institute Against Discrimination, Xenophobia, and Racism reported cases of discrimination and police brutality toward the transgender community.

Bahamas, The

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 same-sex sexual activity between consenting adults is legal, the law defines the age of consent for same-sex couples as 18 years, compared to 16 years for heterosexual couples. No domestic legislation addresses the human rights concerns of lesbian, gay, bisexual, and transgender (LGBT) persons. LGBT NGOs can openly operate in the country. The 2006 Constitutional Review Commission found that sexual orientation did not deserve protection against discrimination.

The July 2011 murder of photographer Sharvado Simmons remained unsolved, but some members of the LGBT community believed he was killed by a group of men seeking retribution for a previous incident where Simmons solicited and deceived one of the men while dressed “in drag.”

Barbados

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

The law criminalizes consensual same-sex sexual activity between adults, and no laws prohibit discrimination against a person on the basis of real or perceived sexual orientation in employment, housing, education, or health care. A recent study of attitudes toward gay men and lesbians among university students from the University of the West Indies found that stigma against lesbian, gay, bisexual or transgender (LGBT) persons continued to exist. While the overall findings of the study revealed moderately negative attitudes, participants demonstrated a broad range of attitudes toward gay men and lesbians.

Anecdotal evidence suggested LGBT persons faced discrimination in employment, housing, and access to education and health care. LGBT persons were reluctant to report incidents of violence or abuse out of fear of retribution or reprisal due to their sexual orientation. Although statistics were unavailable,

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anecdotal evidence suggested that while many individuals lived open LGBT lifestyles, societal discrimination against gay men and lesbians occurred. Responding to a call by United Kingdom Prime Minister Cameron for reform of anti-LGBT legislation, Attorney General Brathwaite declared the country's "position on homosexuality was not for sale" and that its legislative agenda would be determined at home.

Belize

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. In practice this law was interpreted as including only sex between men. Additionally, the Immigration Act states that no lesbian, gay, bisexual, or transgender (LGBT) persons shall be allowed to enter the country, but immigration authorities did not enforce that law.

The extent of discrimination based on sexual orientation was difficult to ascertain due to lack of reporting instances of discrimination through official channels. United Belize Advocacy Movement (UNIBAM), the country's sole LGBT advocacy organization, reported that continuing harassment and insults by the general public affected its activities, but its members were reluctant to file complaints. The UNIBAM director reported two physical attacks and harassment of members of UNIBAM's board of directors. Harassment of family members of openly LGBT persons was also reported. One attack occurred on February 8, when a well-known UNIBAM member was injured in an attack based on sexual identity. The attackers yelled antigay slurs and one man threw a beer bottle at the victim's face, causing bruises and damage to two of his teeth. Although the UNIBAM member filed a police report, no investigations of the incident were initiated.

There were no gay pride marches organized during the year due to UNIBAM membership concerns over the public's possible adverse reaction. UNIBAM participated in a radio discussion about LGBT issues. Its public awareness campaign also included spots broadcast on several television and radio stations. UNIBAM and one of its members challenged the law on "carnal intercourse" as unconstitutional. In January preliminary arguments were heard and in April the court removed UNIBAM as a claimant on the grounds that organizations do not have enforceable rights. In December the Supreme Court agreed to UNIBAM being introduced as an interested party in the case. While it is a reduced legal status compared with that of a claimant, the organization is on the same legal footing as churches. The substantive arguments of the case were scheduled for May 2013.

Bolivia

Respect for Political Rights: The Right of Citizens to Change Their Government Elections and Political Participation

Advocacy organizations also reported that LGBT persons faced discrimination when participating in the political process. The only known openly gay elected official, Sucre city council member Ronald Cespedes, filed a discrimination charge against a fellow council member on June 1 for homophobic and transphobic acts. The case was pending at year's end.

Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, but the government did not effectively enforce the law to protect all populations.

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

The constitution prohibits discrimination based on sexual orientation and gender identity, and citizens are allowed to change their name and gender on their official identity cards.

Societal discrimination against LGBT persons was common. Credible LGBT organizations reported police violence against and unwillingness to aid LGBT persons. An Emancipation Fund study found that 86 percent of LGBT people in its survey reported suffering physical or verbal abuse by police officers. The study also noted that of those surveyed, 85 percent reported discrimination in educational institutions, 78 percent in health facilities, and 65 percent at work; in addition, nearly half reported discrimination by family members. The transgender community remained particularly vulnerable to abuse and violence. Nearly a third of transgender persons surveyed reported that they had suffered physical abuse, and 75 percent reported having been threatened. LGBT organizations alleged that the October 6 killing of Luisa Duran, who self-identified as transgender, was hate motivated.

Advocacy organizations also reported that LGBT persons faced discrimination when participating in the political process (see section 3).

Brazil

Discrimination, Societal Abuses, and Trafficking in Persons:

The law prohibits and penalizes discrimination on the basis of race, gender, disability, or social status, but discrimination continued against women, Afro-Brazilians, indigenous persons, and gays and lesbians.

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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 have administrative regulations that prohibit such discrimination and provide for equal access to government services.

The NGO Bahia Gay Group reported 338 killings based on sexual orientation and gender identity during the year, compared with 266 in 2011. Fifty-six percent of the victims were gay, 37 percent transvestites, 5 percent lesbian, and 1 percent bisexual. In the first 10 months of the year, there were 68 reports of violence against lesbians, compared with 31 in all of 2011.

According to the SDH, many transgender persons and transsexuals had difficulty formally entering the labor market or study programs, because an apparent discrepancy between the photograph on an individual's labor card and the personal appearance of the individual prevented the individual from obtaining permission to work. On September 6, the state of Bahia passed a law stipulating that public employees would be recognized by their social name instead of their birth name. The federal government began a similar policy for its employees in 2009.

The SDH also implemented a National Lesbian, Gay, Bisexual, and Transgender (LGBT) Council in 2010 to combat discrimination and promote the rights of LGBT people. Fifteen civil society representatives and 15 federal government representatives make up the council and meet every two months to discuss important issues related to the LGBT community. Meetings are open to the public and broadcast over the Internet.

Canada

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and law prohibit discrimination based on race, gender, disability, language, sexual orientation, and social status, and the government enforced these laws effectively.

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

The law prohibits discrimination based on sexual orientation, and the criminal code provides penalties for crimes motivated by bias, prejudice, or hate based on personal characteristics, including sexual orientation. Manitoba and the Northwest Territories prohibit discrimination on the basis of gender identity, and Ontario and Nova Scotia prohibit discrimination on the basis of gender identity and gender expression. Lesbian, gay, bisexual, and transgender organizations

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operated independently and without restriction. There was no official discrimination based on sexual orientation in employment and occupation, housing, statelessness, or access to education or health care.

There were occasions of violence and abuse against individuals based on sexual orientation, but the government generally implemented the law criminalizing such behavior effectively.

Chile

Respect for the Integrity of the Person, Including Freedom from: Prison and Detention Center Conditions

Officials reported 133 prisoner deaths during the year. Violence among inmates accounted for 42 deaths, while accidents took three lives. In isolated instances prisoners died under circumstances appearing to indicate neglect by authorities. For example, in February two prisoners in the El Manzano II prison in the south-central region died after contracting a disease spread by contact with rodent droppings and urine. Prisoners with HIV/AIDS and mental disabilities reportedly failed to receive adequate medical attention in some prisons. Homosexual individuals were mistreated. According to the rights organization Movement for Homosexual Integration and Liberation (MOVILH) and various media outlets, in November an official commission reported that gay prisoners were denied hygienic services and forced to defecate in sacks.

Regional Human Rights Court Decisions

On March 23, the Inter-American Court of Human Rights determined that the government was guilty of discrimination and human rights violations after the Supreme Court stripped Judge Karen Atala of her custody rights for her three daughters because she is a lesbian. The government agreed to pay 24.1 million pesos (\$49,600) to Atala and 5.8 million pesos (\$12,000) in court fees.

Discrimination, Societal Abuses, and Trafficking in Persons:

On July 24, Congress approved the Anti-Discrimination Law, which gives civil legal remedies to victims of discrimination based on race, ethnicity, nationality, socioeconomic situation, language, ideology or political opinion, religion or belief, association or participation in union organizations or lack thereof, gender, sexual orientation, gender identification, marriage status, age, affiliation, personal appearance, and sickness or physical disability. The law also increases criminal penalties for acts of violence based on discrimination. However, such discrimination continued to occur.

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

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MOVILH reported 148 cases of discrimination due to sexual orientation and gender identity during the year, compared with 186 reported cases in 2011. MOVILH noted a worsening in the acts of violence against LGBT individuals between 2011 and 2012, including three killings, 20 acts of physical or verbal aggression, six incidents involving aggression and/or arbitrary police arrest, nine incidents of employment discrimination, 10 incidents of education discrimination, and 12 acts of violence or forced community segregation by family or friendship circles.

On March 4, four alleged neo-Nazis attacked and tortured Daniel Zamudio for approximately six hours because of his sexual orientation and carved a swastika into his body. Zamudio died on March 28 from his injuries. At year's end the alleged perpetrators were charged with murder and remained in detention.

On July 20, seven individuals attacked 16-year-old Valeska Salazar Gajardo in her home in Santa Juana and again in the hospital, leaving the victim with numerous injuries to her scalp and face. The attackers consisted of family and friends of Salazar's former girlfriend. The perpetrators told police that they attacked Salazar for "turning" their relative into a lesbian. A police investigation continued at year's end.

Colombia

Discrimination, Societal Abuses, and Trafficking in Persons:

Although the law specifically prohibits discrimination based on race, gender, disability, language, sexual orientation or gender identity, or social status, in practice many of these prohibitions were not enforced.

National/Racial/Ethnic Minorities

A 2011 antidiscrimination law imposes a penalty of one to three years in prison or a fine of approximately 5.3 million to eight million pesos (\$3,000 to \$4,500). It also adds a chapter on discrimination to the penal code that includes not only racism but discrimination based on ethnic origin, religion, nationality, political ideology, sex, and sexual orientation. Through November the government reported that authorities had charged two persons under the antidiscrimination law.

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

There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Nevertheless, despite government measures to increase the rights and protection of lesbian, gay, bisexual, and transgender (LGBT) persons, there were reports of abuse and discrimination.

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Colombia Diversa, an NGO focused on addressing violence and discrimination due to sexual orientation, issued a preliminary report of at least 28 killings through November due to prejudice regarding sexual orientation or gender identity.

Colombia Diversa also reported cases of police abuse against persons due to their sexual orientation, with the majority of complaints coming from transgender individuals. According to LGBT NGOs, these attacks frequently occurred, but victims did not pursue cases due to fear of retaliation. NGOs also reported several cases of threats against human rights defenders working on LGBT issues as well as a high level of impunity for crimes against members of the LGBT community. Such organizations partially attributed impunity levels to failure of the Prosecutor General's Office to distinguish and follow crimes against the LGBT community effectively.

Members of the transgender community cited barriers to public services when health-care providers or members of the police refused to accept government-issued identification with transgender individuals' names and photos.

NGOs claimed that discrimination in prisons against persons due to their sexual orientation or gender identity remained a problem. In addition there were instances where authorities denied medical services for transgender individuals.

Pursuant to a 2011 Constitutional Court order, INPEC conducted training for staff at seven prison facilities and for the inmate population at 12 facilities.

In response to a 2011 Constitutional Court ruling that the Ministry of Interior, Ombudsman's Office, and Inspector General's Office collaborate to create a national public policy framework on LGBT rights, those entities met with academics and research groups to identify the issues and proposals for the national public policy framework and held hearings at a national level on the subject. The Ministry of Interior's LGBT unit contracted a group that included three academics, three activists, and three professionals in the human sciences to draft a national framework on LGBT issues. The group delivered a draft to the corresponding ministries in November that was awaiting approval and implementation at year's end.

In addition, on September 15, the Ministry of Interior's Office of Indigenous and Minority Affairs formed a working group for urgent cases, with participation by the Prosecutor General's Office and Ministry of Defense. This group formulates public policies, informs civil society about human rights vulnerabilities, follows up with state institutions on cases of crimes committed against members of the LGBT community, including cases of police abuse and failure to protect, and defines protocols and action plans for responding to those vulnerabilities. The group collaborated with the LGBT population to identify the most pressing problems and the best strategies to generate a culture of respect for their human

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rights. The group also worked on identifying hate crimes. For its first project, the working group focused on the department of Atlantico, which had seen a rise in threats and denouncements of violence against LGBT persons. Beginning in May members of the working group initiated visits to the department and defined a series of commitments and mechanisms to reduce discrimination and physical violence against the LGBT community. The working group opened forums for dialogue between civil society, police, and the Prosecutor General's Office and distributed guides to the LGBT community about how to access justice.

The ministry put into place a public information campaign on LGBT rights through national and regional television networks during the year. It also included specific provisions for the LGBT community in the development plans for 27 departmental capitals and 25 departments.

Costa Rica

Respect for the Integrity of the Person, Including Freedom from:

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Ombudsman's Office recorded 187 complaints of police abuse, arbitrary detention, torture, and other inhumane or degrading treatment. In April the owner of a club filed a complaint for aggression and homophobic behavior after uniformed and municipal police conducted a raid. The Constitutional Court subsequently issued a reprimand citing excessive intervention. In December the Ombudsman's Office issued recommendations to both police forces on how to conduct future operations while respecting the rights and dignity of all citizens, including lesbian, gay, bisexual, and transgender (LGBT) persons.

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions effectively. With regard to gender identity, under the General Law on HIV/AIDS, Article 48 prohibits discrimination against sexual options (sexual orientation), and establishes misdemeanor sanctions for non-compliance.

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

There were cases of discrimination against persons based on sexual orientation, ranging from employment to access to health care.

Members of the Legislative Assembly's Human Rights Committee appointed Evangelical legislator Justo Orozco, an outspoken opponent of LGBT recognition, as chairperson. On June 6, this committee fast-tracked and rejected a civil partnership bill providing economic rights to gay couples. On August 7, the

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executive branch committed to re-introducing this bill before the Assembly, which has been pending on the plenary floor since December.

In response to the Ministry of Education's proposed sexual education curriculum, the Constitutional Court ruled in favor of the individual members of the Evangelical Alliance, giving parents the right to decide whether their children received sexual education or not.

Cuba

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

There was no discrimination officially reported or permitted 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.

Mariela Castro, President Castro's daughter, headed the national Center for Sexual Education and continued to be outspoken in promoting the rights of lesbian, gay, bisexual, and transgender (LGBT) persons. In May the government sponsored a march and an extensive program of events to commemorate the International Day Against Homophobia. Nonetheless, nongovernment rights activists asserted that the government had not done enough to stop harassment of LGBT persons. Several unrecognized NGOs worked to promote LGBT issues and faced government criticism, not for their promotion of LGBT issues, but for their independence from official government institutions.

Dominica

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

Consensual same-sex conduct between men is illegal, and no laws prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. There were no legal impediments to organizations for lesbian, gay, bisexual, and transgender (LGBT) persons. Anecdotal evidence suggested that societal discrimination against actual or perceived LGBT persons was common in the socially conservative society. There were very few openly gay men or lesbians.

During the year the minister of education formed a task force with responsibilities that include, according to the ministry's press release, "investigating and identifying the root cause of deviance and the increasing incidents of homosexuality among our student population." The press release further stated that the head of the task force "will be the ministry's champion on

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the issue of crime and violence and inappropriate behavior among our youth of school age.”

In March authorities arrested two men on a gay cruise on suspicion of indecent exposure and sodomy for allegedly having sex on a cruise ship balcony. The two were later charged with indecent exposure, pled guilty, and paid fines of EC\$ 11,000 (\$4,075).

Dominican Republic

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

Treatment of lesbian, gay, bisexual, and transgender (LGBT) individuals ranged from ambivalent tolerance to staunch homophobia. No specific law protects individuals against discrimination based on sexual orientation or gender identity, and NGOs reported widespread social discrimination in areas of society including health care, education, and the workplace. LGBT individuals often faced intimidation and harassment. Transgender individuals were particularly at risk of discrimination. NGOs reported that LGBT persons were reluctant to file official charges or complaints due to fear of reprisals or humiliation.

According to various reports, LGBT individuals were arrested without reason, not hired, denied access to rent/own homes, and denied access to health services. During the first half of the year, NGOs reported that two LGBT persons were detained by police in Villa Mella without charges. They were subsequently released after 24 hours. Members of the LGBT community reported at least six cases in which individuals were denied health services in both private and public hospitals.

The transgender community reported widespread discrimination and violence against transgender persons. In a news article appearing in *El Caribe* in December, the transgender community demanded protection of their rights. The article reported that 18 transgender persons were killed during the year.

On November 20, an unknown assailant stabbed and killed a transgender individual named Joseph William Mendoza Arriaga (known as Kiara Villanueva). Kiara worked as a stylist in a salon on the weekdays and as a performance artist on the weekends. The attack took place in the early hours of the morning as the victim arrived home from a late-night shift. The assailant took the victim's wallet, which was later found a few blocks from the scene. The National Police investigated the case, but at year's end there was no additional information.

Although official permits were granted for LGBT individuals to carry out activities in public spaces, these permits often included special conditions that prevented LGBT organizations from holding their events. Members of the LGBT community often gathered informally in public spaces, especially in Duarte Park

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of the colonial zone in Santo Domingo. However, formal activities of LGBT organizations were generally subjected to approval by the Community Board of Neighbors, an institution influenced by the Catholic Church and its conservative views on LGBT issues.

Since the first gay pride celebration in 2001, authorities have rejected or delayed subsequent parade requests by LGBT organizations. However, in July the LGBT community successfully held a gay pride parade, but participants encountered some resistance from the police, who allegedly argued that using public spaces for such activities brought shame upon the nation.

In November the LGBT community celebrated Santo Domingo Outfest, which was the country's third annual LGBT international film festival. Outfest was an initiative created to generate debate about the realities of LGBT issues in society today through medium of film. The festival, which sought to promote human rights and social coexistence, was organized by the Volunteer Network of Friends Forever Friends with the support of various other local and international organizations.

Ecuador

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution prohibits discrimination based on race, gender, disability, language, or social status. However, the government did not fully enforce these prohibitions. Women; persons with disabilities; indigenous persons; Afro-Ecuadorians; and lesbian, gay, bisexual, and transgender (LGBT) persons continued to face discrimination.

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

The constitution includes the principle of nondiscrimination and the right to decide one's sexual orientation as a right. The law also prohibits hate crimes. Although the law prohibits discrimination based on sexual orientation, gay, lesbian, and transgender persons continued to suffer discrimination from both public and private bodies. LGBT organizations reported that transgender persons suffered more discrimination because they were more visible. A study by the NGO Organization of Ecuadorian Lesbian Women indicated that 47 percent of lesbians surveyed have been the victims of discrimination because they chose not to hide their sexual orientation. LGBT rights organization Equidad estimated that 38 percent of their clients suffered discrimination, but only 8 percent reported such incidents to authorities. LGBT groups claimed that police and prosecutors did not thoroughly investigate deaths of LGBT individuals, including when there was suspicion that the killing was because of sexual orientation or gender identity.

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LGBT organizations continued to report that private treatment centers confined LGBT persons against their will to “cure” or “de-homosexualize” them, although such treatment is illegal. The clinics reportedly used cruel treatments, including rape, in an attempt to change LGBT persons’ sexual orientation. The Ministry of Justice, Human Rights, and Religious Affairs reported that it had closed 16 illegal clinics since January 2011, including eight during the year. The ministry estimated there were approximately 50 illicit clinics, but the clinics were difficult to identify and track. On February 8, LGBT activist Paola Concha maintained that there were 285 illegal clinics in the country.

Members of the LGBT community continued to report that the government frequently denied their right of equal access to formal education. LGBT students were sometimes discouraged from attending classes (particularly in higher education) or denied diplomas at the end of their studies. The LGBT population involved in the commercial sex trade reported abusive situations, extortion, and mistreatment by security forces.

El Salvador

Discrimination, Societal Abuses, and Trafficking in Persons:

Although the constitution and the law provide that all persons are equal before the law and prohibit discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, the government did not effectively enforce these prohibitions. There was discrimination against women, persons with disabilities, LGBT persons, and indigenous people. The Secretariat of Social Inclusion (SIS), headed by First Lady Vanda Pignato, made efforts to overcome traditional bias in all these areas.

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, discrimination was widespread. There was also significant discrimination against transgender persons.

There was widespread official and societal discrimination based on sexual orientation in employment and access to health care and identity documents. The NGO Entre Amigos reported that public officials, including police, engaged in violence and discrimination against sexual minorities. Persons from the LGBT community stated that the agencies in charge of processing identification documents, the PNC and OAG, ridiculed them when they applied for identification cards or 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.

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During the year the PDDH investigated eight cases of possible human rights violations committed against LGBT persons, two of which involved abuses committed by the PNC. The PDDH did not receive any reports of killings of LGBT persons.

On February 1, police officers in the area of Soyapango allegedly verbally and physically abused a 17-year-old gay adolescent, whom they forced to get off a bus and walk several blocks while they physically and verbally abused him. According to the victim's testimony, the police officers then made a telephone call, and three gang members subsequently appeared and beat the victim until he lost consciousness. An investigation continued at year's end.

On May 13, the SIS's Office of Sexual Diversity announced an awareness campaign and training on LGBT rights. Hundreds of government employees attended the training.

Grenada

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

The law criminalizes consensual same-sex sexual activities between men, providing penalties of up to 10 years' imprisonment. The law makes no provision for same-sex sexual activities between women. No laws prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. In June a magistrate dismissed a 2011 case allegedly involving nonconsensual sodomy, but the director of public prosecutions challenged the decision, and the case awaited trial in the High Court at year's end.

Society generally was intolerant of same-sex sexual conduct, and many churches condemned it. Members of sexual minorities rarely acknowledge their sexual orientation openly. The Grenada Caribbean HIV/AIDS Program (GrenCHAP) participated on the National AIDS Council, served as an advocate for sexual minorities and at-risk populations, and experienced no impediments to its operations.

There were no gay pride events. There were no reports of violence linked to real or perceived sexual orientation. However, persons who were subjected to rumors regarding their sexual orientation complained that their livelihoods were affected.

Guatemala

Respect for the Integrity of the Person, Including Freedom from: Prison and Detention Center Conditions

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Conditions for male and female prisoners were usually comparable throughout the country. However, according to media and nongovernmental organizations (NGOs), female and juvenile inmates faced continuing physical and sexual abuse. Female inmates reported unnecessary body searches and verbal abuse by prison guards. Children under three years of age could live in prison with their mothers, although the penitentiary system provided inadequate food for young children, and many suffered from illness. Lesbian, gay, bisexual, and transgender (LGBT) rights groups noted that other prisoners often sexually assaulted gay and transgender individuals.

Arbitrary Arrest or Detention: Role of the Police and Security Apparatus

Police continued to threaten persons engaged in commercial sexual activities with false drug charges to extort money or sexual favors and harassed LGBT persons with similar threats. Critics accused police of indiscriminate and illegal detentions when conducting antigang operations in some high-crime neighborhoods. Security officials allegedly arrested and imprisoned suspected gang members without warrants or on false drug charges. There were press reports of police involvement in kidnappings for ransom. The ORP and the Public Ministry reported that during the year numerous complaints were filed against PNC personnel for kidnapping.

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. However, the government frequently did not enforce these provisions, and there was no protection related to sexual orientation and gender identity discrimination.

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

Antidiscrimination laws exist, but they do not apply to LGBT individuals. LGBT rights groups alleged that members of the police regularly engaged in extortion by waiting outside clubs and bars frequented by LGBT persons to demand that those engaged in sexual activities pay protection money or pay to avoid jail. Police often harassed male and transgender individuals they believed to be sex workers, many of whom were minors. According to LGBT rights groups, gay and transgender individuals often experienced police abuse.

LGBT rights groups reported that on January 27 activists traveled to Quetzaltenango, the country's second-largest city, to investigate police harassment of LGBT individuals. Local police arrested four of the transgender activists and stripped off their clothing, cut their hair, and left them in an outdoor courtyard overnight exposed to cold temperatures. Activists stated that as a result of similar harassment by police in Quetzaltenango, all members of the transgender community abandoned the city.

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A lack of trust in the judicial system and a fear of further harassment or social recrimination discouraged victims from filing complaints. There was general societal discrimination against LGBT persons in access to education, health care, employment, and housing. The government undertook minimal efforts to address this discrimination.

The Presidential Femicide Commission reported that three transgender individuals were killed during the year.

Guyana

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

Consensual same-sex activity between adult men is illegal under gross indecency laws and punishable by up to two years in prison. Anal intercourse is punishable with a maximum sentence of life in prison. A local NGO reported that there were a few prosecutions, but neither the NGO nor the courts provided numbers. Activists reported that it was more common for the police to use the law to intimidate men who were gay or perceived to be gay. There are no laws concerning same-sex sexual activity between women. In 2009 the health minister in a speech to a regional HIV/AIDS conference said that he “must be driven by public health reality,” that “sex between consenting adults in private falls into the category of personal freedom,” and that the law is “in contradiction of this expression of personal freedom.”

While the law protects persons from various types of discrimination, no anti-discrimination legislation exists to protect persons from discrimination based on sexual orientation or gender identity. Following the 2009 incident in which a judge fined several transgender persons 7,500 Guyanese dollars (\$37) for cross-dressing, an NGO and four of the individuals filed a motion in the High Court against the law criminalizing cross-dressing; the case remained pending at year’s end.

NGOs reported widespread discrimination of persons based on their real or perceived sexual orientation. Reports note discrimination in employment, access to education, and in other public settings. An April report noted that lesbian, gay, bisexual and transgender (LGBT) persons were fearful of reporting crimes that had been committed against them because they believed or were told that charges would also be brought against them because of their sexual orientation or gender identity.

In April the government announced that it would begin a national consultation on whether to repeal the laws that affect LGBT persons. In August the prime minister directed parliament to create a committee to direct the consultation and study a proposed prohibition on discrimination against LGBT persons.

Haiti

Discrimination, Societal Abuses, and Trafficking in Persons:

The law does not specifically prohibit discrimination on the grounds of race, gender, language, sexual orientation or gender identity, or social status, but the preamble to the constitution specifically reiterates the importance of adhering to the Universal Declaration of Human Rights, which prohibits all forms of discrimination. However, no effective governmental mechanism administered or enforced such provisions.

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

While there were no confirmed reports of official discrimination against the lesbian, gay, bisexual and transgender (LGBT) community, domestic 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. LGBT community members faced overt discrimination from law enforcement and judicial authorities, particularly in Port-au-Prince.

Serovie and Kouraj, LGBT advocacy groups, provided outreach, counseling, support, and at times legal intervention on behalf of LGBT community members. There were no laws criminalizing consensual same-sex conduct, but Serovie's leadership reported that its constituents faced daily harassment and frequent targeting by law enforcement authorities for violations of "public scandal" laws. According to Serovie, gay men faced an atmosphere of discrimination and, at times, violent rejection from the rest of society. Groups such as Serovie and Kouraj took concrete steps to build a support network and continue their efforts to reach a larger cross section of the LGBT community. The IBESR provided some limited support to the LGBT community and particularly to lesbians.

LGBT community members in rural provinces reported a far more tolerant and accepting attitude from their communities than was the case in urban centers such as Port-au-Prince. For example, there was reportedly tolerance of cohabitation by same-sex couples. Similarly, a long-standing tradition of acceptance of alternative lifestyles allowed some men to dress and live openly as women.

Honduras

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

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There are no laws prohibiting discrimination based on sexual orientation. Social discrimination against persons from sexual minority communities was widespread. Representatives of NGOs focusing on sexual diversity rights asserted that police and others harassed and abused their members.

Sexual-minority rights groups asserted that government agencies and private employers engaged in antigay hiring practices. Although these groups reported intimidation, fear of reprisal, and police corruption, leaders in the lesbian, gay, bisexual, and transgender (LGBT) community began working with the SVU and the Secretariat of State of Security to address their community's concerns.

The Public Ministry reported 41 violent deaths of LGBT individuals during the year. For example, after LGBT activist Erick Martinez was reported missing for several days, colleagues identified his remains at a morgue in Tegucigalpa on May 7. The autopsy report confirmed that Martinez was strangled. The Special Victims Task Force charged one adult and two minors with his murder but had not established the motive for his death.

There were no developments reported in the investigation of the 2009 fatal shooting of LGBT activist Walter Orlando Trochez in Tegucigalpa.

Jamaica

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 persons of the same sex, in public or in private, which are punishable by 10 years in prison. There is also an “antibuggery” law that prohibits consensual same-sex sexual conduct between men, but it was not widely enforced. Homophobia was widespread in the country, and through the songs and the behavior of some musicians, the country's dancehall culture helped perpetuate homophobia.

The Jamaica Forum for Lesbians, All Sexuals, and Gays (J-FLAG) continued to report serious human rights abuses, including assault with deadly weapons, “corrective rape” of women accused of being lesbians, 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 68 reports of sexually motivated harassment or abuse, which included 53 cases of attempted or actual assault, including at least two killings, and 15 reports of displacements. J-FLAG data showed that young people, ages 18 to 29, continued to bear the brunt of violence based on sexual orientation. This violence created a climate of fear that prompted many gay persons to emigrate, while the gross indecency laws meant those who remained were vulnerable to extortion from neighbors who threatened to report them to the police as part of blackmailing schemes.

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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. An assistant commissioner of police claimed just before he retired in July that the country's reputation as homophobic was merely "hype" and that life for lesbian, gay, bisexual, and transgender (LGBT) persons was improving. He suggested the real problem was gay-on-gay crime and members of the community cross-dressing in public. In November two campus security guards beat a reportedly gay university student when he sought refuge in their office from a mob of fellow students who were chasing him. The incident sparked outrage and condemnation across a wide spectrum of society. The security company fired the two guards, and the university established a working group of administrators, teachers, and students to develop a sensitization and education program to deal with intolerance and bullying and to recommend corrective measures.

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 sexual orientation 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.

In September 2011 the group AIDS-Free World filed an anonymous petition on behalf of two gay Jamaican men, challenging the antibuggery law at the Inter-American Commission on Human Rights because the constitution has a provision called the "savings law clause" which protects such law from being contested in Jamaican courts. The petition claimed that the law effectively criminalizes gay men and their sexual orientation and gives license to public officials and private individuals alike to commit violence and abuse against LGBT individuals.

In a December 2011 debate leading up to the national elections, then PNP leader Portia Simpson Miller said that she would appoint cabinet ministers based on ability and that sexual orientation would not be a factor. She also said that she would permit parliament to reexamine the antibuggery law and free members of her party to vote their conscience on this issue.

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, resumed and proceeded slowly during the year.

Mexico

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

The law prohibits discrimination against and lesbian, gay, bisexual, and transgender (LGBT) individuals; however, LGBT persons reported that the government did not always investigate and punish those complicit in abuses. The CNDH received 28 complaints of human rights abuses against LGBT individuals during the year.

Discrimination based on sexual orientation and gender identity was prevalent, despite a growing public acceptance of LGBT individuals. As of October CONAPRED had received 132 complaints of discrimination based on sexual preference against individual persons, and 24 complaints of discrimination based on sexual preferences against federal public servants. Additionally, in a December press release, the IACHR announced that during the months of October and November, the IACHR learned about and condemned the killing of 10 LGBT individuals during the year.

On March 10, the body of gender rights activist Agnes Torres Hernandez was found in a ravine near Atlixco, Puebla. Torres Hernandez was a well-known and outspoken advocate for transgender individuals.

On June 14, Jesus Armando Mendez Mendez, a 17- year-old transgender individual, was found murdered in Altamira, Tamaulipas. At year's end no charges had been brought and no suspects were under investigation.

Nicaragua

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

Although sexual orientation is not mentioned specifically, the law states that all persons are equal before the law and provides for the right to equal protection. However, LGBT persons continued to face widespread societal discrimination and abuse, particularly in employment, housing, and education. While the special prosecutor for sexual diversity was active throughout the year in education, information collection, and collaboration with NGO efforts, the LGBT community generally believed that the office had insufficient resources. In February the press reported that two attackers raped and killed Pablo Reyes Plata, a 40-year-old man in Ticuantepe, allegedly because of his sexual orientation and gender identity. Also in February Eddy Ramirez and his partner were beaten to death in the city of Leon. No arrests were reported for either case. In October the body of a young transgender women who went by the name Nicole was found in Masaya, with signs of sexual assault. Four men were detained soon after the alleged killing, but there were no developments as of year's end.

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Women:

In the past women generally received better access than men to diagnostic services and treatment for sexually transmitted infections because of NGO efforts and government campaigns dedicated to women's reproductive health. In the last two years, the access of men and transgender persons to reproductive health services, especially for HIV/AIDS prevention, has increased.

Panama

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

The law does not prohibit discrimination based on sexual orientation, and 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." Harassment of lesbian, gay, bisexual, and transgender (LGBT) persons by security forces was a major complaint of the New Men and Women of Panama (AHMNP), the country's main LGBT organization, but formal complaints were rare due to the perception that the reports were not taken seriously or that complaints could be used against claimants in the absence of nondiscrimination legislation. On June 30, gay rights advocates led the annual gay pride parade, and the minister of social development participated for the first time.

The Panamanian Association of Transgender People reported regular incidents in which security forces refused to accept complaints of harassment of transgender individuals. As of October the Ombudsman's Office received 10 abuse complaints from transsexuals. AHMNP received three complaints from transgender individuals detained in the airport over gender identity issues.

Paraguay

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution prohibits discrimination based on race, gender, disability, language, or social status, but it was not effectively enforced. Women, LGBT persons, indigenous persons, and persons of African ancestry also faced discrimination in practice. The country has no comprehensive law against discrimination, which undermined enforcement of the constitutional clause against discrimination and the protection and restitution for victims of discrimination and societal abuses.

Children:

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Sexual Exploitation of Children: Sexual exploitation of children, principally in prostitution, was a serious problem. According to the SNNA, many underage children were forced into prostitution or domestic servitude for survival and were sexually abused. The law provides penalties of up to six years' imprisonment for prostitution of victims between the ages of 14 and 17 and eight years' imprisonment for victims younger than 14. The minimum age for consensual heterosexual sex is 14 when married and 16 when not married. While there is a statutory rape law for those under 14, the maximum penalty is a fine for opposite-sex partners and prison for same-sex partners. Enforcement was not vigorous. The penal code prohibits the production, distribution, and possession of child pornography. Production of pornographic images of children can result in a fine or up to three years in prison. Authorities may increase this penalty to 10 years in prison depending on the age of the child and the child's relationship to the abuser.

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

No laws explicitly prohibit discrimination against LGBT individuals in employment, housing, statelessness, access to education, or health care, and all types of such discrimination, including societal discrimination, occurred frequently. CODEHUPY reported widespread police harassment and discrimination against LGBT individuals.

Penalties for the crime of having sex with a minor between the ages of 14 and 16 are more severe if the victim and perpetrator are of the same sex. Same-gender perpetrators are subject to up to two years in prison; the maximum penalty for opposite-gender perpetrators is a fine.

The Public Ministry is responsible for investigating discrimination cases; however, government agents often condoned such discrimination, including discrimination on the basis of sexual orientation.

Peru

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

There are no laws specifically prohibiting discrimination against persons based on sexual orientation, and the ombudsman reported such discrimination occurred occasionally. The Ministry of Interior's Handbook of Human Rights Applied to the Civil Police stipulates that police must respect human rights, especially of the most vulnerable groups, and refers explicitly to the rights of lesbian, gay, bisexual, and transgender (LGBT) individuals. However, during the year there were instances of official and societal discrimination based on sexual orientation in employment, housing, and access to education or health care.

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Government authorities, including police, sometimes harassed and abused LGBT persons.

For the first time, LGBT communities held democratic elections for representatives in Loreto, Ucayali, San Martin, Ica, and Lima to liaise with government on their behalf. More than 800 LGBT individuals participated in the November 22 elections.

Saint Kitts and Nevis

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

There are no laws that prohibit discrimination against a person on the basis of sexual orientation or gender identity. Sexual activity between men is illegal and carries a penalty up to 10 years in prison. The law does not prohibit sexual activity between women.

Societal attitudes towards the LGBT community impeded the operation of LGBT organizations and the free association of LGBT persons. The government asserted it received no reports of violence or discrimination based on sexual orientation; however, unofficial reports indicated that violence and discrimination remained a problem. Anecdotal evidence suggested that LGBT persons were reluctant to report incidents of violence or abuse out of fear of retribution or reprisal due to their sexual orientation.

In January an LGBT minor, attacked multiple times during 2011, was shot and paralyzed; anecdotal evidence suggested the attacks were a result of the victim's LGBT status. Authorities arrested one person in connection with the shooting, and he was awaiting trial at year's end.

Saint Lucia

Discrimination, Societal Abuses, and Trafficking in Persons:

The constitution prohibits discrimination on the basis of sex, race, place of origin, political opinions, color, or creed, but no specific legislation addresses discrimination based on disability, language, sexual orientation or gender identity, or social status.

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

Consensual same-sex sexual activity is illegal under indecency statutes, and some same-sex sexual activity between men is also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse

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carries a maximum penalty of 10 years in prison. No legislation protects persons from discrimination based on sexual orientation or gender identity.

While the indecency statutes and anal intercourse laws were rarely enforced, there was widespread social discrimination against lesbians, gays, bisexual, and transgender (LGBT) persons in the deeply conservative society. There were few openly LGBT persons in the country, but on May 17, as reported widely in the media, several members of the NGO United and Strong demonstrated outside the prime minister's office to denounce homophobia and advocate advancement of human rights for LGBT individuals.

There were few reported incidents of violence or abuse during the year. Civil society representatives noted that LGBT persons were reluctant to report incidents of violence or abuse out of fear of retribution or reprisal due to their sexual orientation.

The October 2011 fire that destroyed the offices of the country's sole LGBT organization, United and Strong, apparently was electrical in nature and not a hate crime.

Saint Vincent and the Grenadines

Discrimination, Societal Abuses, and Trafficking in Persons:

The law provides for equal treatment regardless of race or gender, and the government generally enforced this provision in practice. The constitution does not address equal treatment regarding disability, language, or sexual orientation.

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

No laws prohibit discrimination against a person on the basis of sexual orientation. Consensual same-sex conduct is illegal under indecency statutes, and some sexual activity between men is also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse acts carry a maximum penalty of 10 years in prison, although these laws were rarely enforced.

Anecdotal evidence suggested there was social discrimination against lesbians, gays, bisexual, and transgender persons in the deeply conservative society, although local observers believed such attitudes of intolerance were slowly improving. Members of professional and business classes were more inclined to conceal their sexual orientation.

Suriname

Discrimination, Societal Abuses, and Trafficking in Persons:

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The law prohibits discrimination based on race, ethnicity, sexual orientation, and gender identity but does not address discrimination based on disability, language, or social status. 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.

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

No specific laws protect LGBT persons from discrimination or grant them any specific rights. The government declined to consider specific legislation pertaining to LGBT persons, as it considers existing legislation sufficient. LGBT groups could associate freely and advocate within society under the same laws that pertain to other groups. There were reports of employment discrimination based on sexual orientation, particularly in cases concerning the granting of a job. There were no reports of official discrimination based on sexual orientation or gender identity in housing, access to education, or health care. Stigma could be a contributing factor in LGBT persons not reporting incidents of abuse.

Trinidad and Tobago

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

Although the law criminalizes consensual same-sex sexual activity, providing penalties of up to 25 years' imprisonment, the government generally did not enforce such legislation, except in conjunction 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, and transgender (LGBT) persons and specifically excludes sexual orientation. Other laws exclude same-sex partners from their protections. LGBT rights groups reported that a stigma related to sexual orientation in the country remained. In May activists supporting LGBT rights staged a walk to raise awareness about discrimination and to press for equal protection under the law. LGBT rights groups reported individual cases of violence against LGBT persons, as well as a reluctance to report crimes to police due to fear of harassment by police and court officials.

Uruguay

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

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No laws criminalize sexual orientation, and authorities generally protected the rights of the lesbian, gay, bisexual, and transgender (LGBT) community. Five transvestites were killed during the year, and only one of the cases had been resolved by year's end. There were isolated reports of street violence against individuals leaving gay bars; the police did not intervene in these incidents. Colectivo Ovejas Negras (Black Sheep Collective), an LGBT rights NGO, claimed that police occasionally refused to file reports on discrimination and street violence. The NGO also asserted that in the provinces police committed acts of violence and degradation against transgender persons who were legally registered prostitutes. There were occasional reports of nonviolent societal discrimination based on sexual orientation and gender identity. The Public Health Service Administration in tandem with LGBT NGOs offered workshops and public awareness training for health workers to create health centers free of prejudice and discrimination.

In June a judge found the owner of a bar guilty for “exerting acts of spite and discrimination” against a well-known LGBT activist who was asked to leave the premises for being gay.

Venezuela

Discrimination, Societal Abuses, and Trafficking in Persons:

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.

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 TSJ has ruled that no individual may be discriminated against by reason of sexual orientation. Violence against lesbian, gay, bisexual, and transgender (LGBT) communities reportedly occurred during the year, although nationwide statistics were unavailable. 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 or extortion if they did file official complaints.

In its 2011 report to the UN Human Rights Council in preparation for the UPR, the NGO Diversity and Sexual Equality claimed that, based on 750 interviews conducted in 2008, more than 50 percent of lesbians and gays reported suffering from societal violence or police abuse, and 83 percent of transgender persons reported having been victims of violence or other abuse. The report also stated that the government systematically denied legal recognition to transgender

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persons by preventing them from obtaining identity documents required for accessing education, employment, housing, and health care.

During the first six months of the year, the press reported that nine transgender persons were killed in Caracas, compared with 36 in all of 2011. On June 3, an unknown number of assailants shot and killed Lulu, a transgender woman in the Libertador Municipality of Caracas. The assailants reportedly drove around the corner where Lulu was standing several times before shooting her. On June 7, the IACHR condemned the killing and urged the government to investigate whether it was committed because of her gender or sexual orientation. The IACHR also urged the government to “take actions to prevent and respond to these human rights abuses and ensure that LGBT persons can effectively exercise their right to a life free from discrimination and violence, including the adoption of policies and public campaigns, as well as the necessary reforms to adapt its laws to the inter-American human rights instruments.” There was no known response from the government.

On April 12, Foreign Minister Nicolas Maduro used the homophobic slur “mariconson” to refer to opposition presidential candidate Capriles Radonski. On April 14, the NGO LGBTI Network denounced Maduro’s “homophobic” speech and claimed it showed a “rising homophobia in the government.” Following a public outcry, on April 16, Maduro apologized during a televised interview and declared that the government “constitutionally and beyond has always respected the LGBT community.”