



## **Country Details**

2012 Human Rights Reports  
(U.S. Department of State)

April 2013

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(U.S. Department of State)

## Country Details

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2012 Human Rights Report  
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# Police/State Violence

# AFRICA

## Cameroon

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.

## Congo, Democratic Republic of

Homosexuality remained a cultural taboo, and harassment by SSF was believed to have continued.

## Cote d'Ivoire

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.

## Ethiopia

There were periodic detainments of some in the LGBT community, combined with interrogation and alleged physical abuse.

## Gambia, The

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

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.

## Kenya

Prison officers, who received little applicable training, discriminated against prisoners with mental problems and transgender prisoners.

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.

## Liberia

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.

## **Namibia**

OutRight Namibia claimed police often ridiculed LGBT persons when they reported cases of abuse, and this secondary victimization often dissuaded victims from reporting.

## **Senegal**

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.

## **South Africa**

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.

## **Tanzania**

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.

## **Uganda**

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.

## **Zimbabwe**

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.

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."

## **CENTRAL and SOUTH ASIA**

### **Afghanistan**

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.

### **Bangladesh**

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.

### **India**

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.

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.

### **Kazakhstan**

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

### **Kyrgyz Republic**

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 openly victimized incarcerated gay men.

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.

## **Nepal**

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.

## **Sri Lanka**

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.

## **Tajikistan**

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.

## **EAST ASIA and the PACIFIC**

### **Burma**

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.

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

Individual activists and organizations working on LGBT problems continued to report discrimination and harassment from authorities.

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.

### **Indonesia**

According to media and NGO reports, a number of transgender individuals were abused and forced to pay bribes following detention by local authorities.

Sharia police in Aceh reportedly harassed transgender individuals.

Certain religious groups sporadically disrupted LGBT gatherings, and individuals occasionally were victims of police abuse.

### **Malaysia**

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.



## **Mongolia**

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.

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.

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 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.

## **EUROPE and EURASIA**

### **Albania**

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.

### **Armenia**

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 Mkrtych 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 Sharmazanov and Hovhannes Sahakyan from the ruling Republican Party, praised the actions of the Khapazyan brothers as a justified defense of the Armenian nation.

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.

## **Croatia**

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 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.

## **Georgia**

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.

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...”

## **Moldova**

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.

## **Romania**

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.

## **Serbia**

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.

## **Turkey**

LGBT persons, particularly gay men, were subject to abuse and harassment by police on “moral” grounds.

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.

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.

## **NORTH AFRICA and NEAR EAST**

### **Iran**

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.

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, 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.).

### **Israel and The Occupied Territories**

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**

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.

## **Kuwait**

Transgender persons reported harassment, detention, 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.

## **Lebanon**

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 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.

## **Libya**

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 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.

## **Syria**

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.

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.

## **WESTERN HEMISPHERE**

### **Antigua and Barbuda**

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 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.”

### **Argentina**

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.

### **Bolivia**

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.

### **Chile**

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.

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,

### **Colombia**

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.

## **Ecuador**

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.

## **El Salvador**

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.

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.

## **Guatemala**

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

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.

## **Guyana**

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.

## **Haiti**

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.

## **Jamaica**

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.

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.

## **Paraguay**

CODEHUPY reported widespread police harassment and discrimination against LGBT individuals.

## **Peru**

Government authorities, including police, sometimes harassed and abused LGBT persons.

## **Uruguay**

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.

## **Venezuela**

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.

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."

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# Transgender-Specific Incidents



## **AFRICA**

### **Kenya**

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.

### **Madagascar**

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.

### **Namibia**

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.

### **Sierra Leone**

Men dressed as women were singled out for detention, harassment, and public humiliation but were not formally charged with any crime or misdemeanor.

## **CENTRAL and SOUTH ASIA**

### **India**

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.

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.

### **Kazakhstan**

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.

### **Pakistan**

Society generally shunned transgender persons, eunuchs, and hermaphrodites, referred to as "hijras," who often lived together in slum communities and survived by begging and

# **EAST ASIA and the PACIFIC**

## **Indonesia**

According to media and NGO reports, a number of transgender individuals were abused and forced to pay bribes following detention by local authorities.

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.

Sharia police in Aceh reportedly harassed transgender individuals.

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**

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

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**

There were reports that persons undergoing gender-reassignment procedures had difficulty amending government documents to reflect those changes.

## **Tajikistan**

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.

family registry made it clear that the husband was unable to produce sperm and therefore was not the father.

## **Korea, Republic of**

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.

## **Malaysia**

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.

## **Thailand**

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.

# **EUROPE and EURASIA**

## **Germany**

The NGO Transgender Europe reported one physical assault against a transgender person by a group.

## **Greece**

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.

Transgender individuals were exempt from military service on disability grounds.

## **Malta**

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.

## **Moldova**

Civil society organizations reported discriminatory practices, such as regular bans on public LGBT gatherings, regular harassment of LGBT individuals by police and border authorities, the inability of transgender or transsexual persons to change personal documents during or following gender reassignment, and employment discrimination.

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.

## **Turkey**

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.

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. 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 Guner, 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.

# **NORTH AFRICA and NEAR EAST**

## **Iran**

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.

## **Kuwait**

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.

## **Saudi Arabia**

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.

It is illegal for men "to behave like women" or to wear women's clothes and vice versa.

## **United Arab Emirates**

Cross-dressing is a punishable offense. The government deported cross-dressing foreign residents and referred citizens to public prosecutors.

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.

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 HEMISPHERE

## Argentina

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

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.”

## Bolivia

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.

## Brazil

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.

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.

## Colombia

Colombia Diversa also reported cases of police abuse against persons due to their sexual orientation, with the majority of complaints coming from transgender individuals.

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.

## Dominican Republic

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.

## **El Salvador**

Although the law prohibits discrimination on the basis of sexual orientation, discrimination was widespread. There was also significant discrimination against transgender persons.

## **Guatemala**

Lesbian, gay, bisexual, and transgender (LGBT) rights groups noted that other prisoners often sexually assaulted gay and transgender individuals.

The Presidential Femicide Commission reported that three transgender individuals were killed during the year.

## **Guyana**

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.

## **Mexico**

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**

In October the body of a young transgender woman 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.

In the last two years, the access of men and transgender persons to reproductive health services, especially for HIV/AIDS prevention, has increased.

## **Panama**

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.

## **Uruguay**

Five transvestites were killed during the year, and only one of the cases had been resolved by year's end.

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.

## **Venezuela**

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 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.



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# Lesbian-Specific Incidents

## **AFRICA**

### **Burundi**

During the year two lesbians were briefly arrested and subsequently released.

### **Cameroon**

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.

### **Gambia, The**

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.

### **Malawi**

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.

### **Senegal**

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.

### **Sierra Leone**

Lesbian girls and women were also victims of “planned rapes” that were initiated by family members in an effort to change their sexual orientation.

### **South Africa**

In 2011 the Triangle Project, the country’s largest lesbian and gay rights 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.

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.

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.

## **Swaziland**

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 chieftom-based patronage system, which could result in eviction from one's home.

## **CENTRAL and SOUTH ASIA**

### **Kyrgyz Republic**

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.

## **EASTERN ASIA and the PACIFIC**

### **Laos**

Reports indicated that lesbians faced greater societal stigma and discrimination than gay men.

## **EUROPE and EURASIA**

### **Austria**

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.

## **Croatia**

**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.

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 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.

### **Portugal**

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.

### **Turkey**

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.

## **NORTH AFRICA and NEAR EAST**

### **Israel and The Occupied Territories**

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.

### **Lebanon**

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.

## **WESTERN HEMISPHERE**

### **Brazil**

In the first 10 months of the year, there were 68 reports of violence against lesbians, compared with 31 in all of 2011.

### **Ecuador**

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.

### **Jamaica**

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.

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# Discrimination in Services: Employment, Housing, and Health

## **AFRICA**

### **Gabon**

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.

### **Guinea-Bissau**

However, according to government guidelines for civil servants' housing allowances, only heterosexual married couples were entitled to family-size housing, while same-sex couples received the single person allotment.

### **Kenya**

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 employment and educational opportunities.

### **Lesotho**

LGBT rights groups complained about discrimination in access to health care and participation in religious activities.

### **Madagascar**

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.

### **Mauritius**

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.

### **Namibia**

OutRight Namibia recorded 15 cases of employment discrimination, violence, harassment, threats, or verbal abuse during the year.

### **Sierra Leone**

Adults could lose their leases if their sexual orientation became public.

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. Adults could lose their leases if their sexual orientation became public.

### **South Africa**

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.

### **Swaziland**

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.

### **Tanzania**

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.

## **Togo**

LGBT persons faced societal discrimination in employment, housing, and access to education and health care.

## **Uganda**

LGBT persons were subject to societal harassment, discrimination, intimidation, and threats to their well-being, and were denied access to health services.

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."

## **Zambia**

Societal violence occurred, as did societal discrimination in employment, housing, and access to education or health care.

# **CENTRAL and SOUTH ASIA**

## **India**

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.

## **Kazakhstan**

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.

## **Kyrgyz Republic**

Doctors sometimes refused to treat LGBT individuals.

# **EAST ASIA and the PACIFIC**

## **Burma**

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.

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

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 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.

## **Indonesia**

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.

## **Laos**

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.

## **Philippines**

During the year various NGOs reported incidents of discrimination and abuse, including in employment, education, health care, housing, and social services.

## **Thailand**

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.

# **EUROPE and EURASIA**

## **Bosnia and Herzegovina**

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.

## **Italy**

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.

## **Montenegro**

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.

## **Poland**

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.

## **Russia**

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.

## **Switzerland**

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.

## **Ukraine**

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.

## **NORTH AFRICA and NEAR EAST**

### **Iraq**

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.

## **Israel and The Occupied Territories**

NGOs alleged property owners improperly discriminated against same-sex couples in housing rental decisions.

## **WESTERN HEMISPHERE**

### **Barbados**

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.

### **Bolivia**

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.

### **Chile**

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.

## **Colombia**

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.

## **Costa Rica**

There were cases of discrimination against persons based on sexual orientation, ranging from employment to access to health care.

## **Dominican Republic**

According to various reports, LGBT individuals were arrested without reason, not hired, denied access to rent/own homes, and denied access to health services.

Members of the LGBT community reported at least six cases in which individuals were denied health services in both private and public hospitals.

## **El Salvador**

There was widespread official and societal discrimination based on sexual orientation in employment and access to health care and identity documents.

## **Guatemala**

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.

## **Honduras**

Sexual-minority rights groups asserted that government agencies and private employers engaged in antigay hiring practices.

## **Nicaragua**

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 the last two years, the access of men and transgender persons to reproductive health services, especially for HIV/AIDS prevention, has increased.

## **Panama**

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.

## **Peru**

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.

## **Surinam**

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.

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# Freedoms of Association, Assembly, Speech

## **AFRICA**

### **Mali**

The exercise of the right of free association by LGBT persons was impeded by a law prohibiting association “for an immoral purpose.”

### **Uganda**

Discriminatory aspects of the law prevented LGBT organizations from registering as NGOs.

Police blocked meetings of LGBT persons and members of labor unions

## **EAST ASIA and the PACIFIC**

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

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.

### **Fiji**

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.

### **Indonesia**

Police generally did not investigate cases that involved police intervention during assaults by hard-line groups against LGBT gatherings.

## **EUROPE and EURASIA**

### **Armenia**

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.

### **Belarus**

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.

### **Czech Republic**

‘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.”

### **Hungary**

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.

## **Moldova**

Civil society organizations reported discriminatory practices, such as regular bans on public LGBT gatherings.

## **Romania**

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 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.

## **Russia**

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.”

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.

## **Serbia**

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.

## **Turkey**

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.

## **Ukraine**

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 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.

## **WESTERN HEMISPHERE**

### **Dominican Republic**

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 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.

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# Reparative/Conversion Therapy and “Corrective Rape”

## **AFRICA**

### **Ethiopia**

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.

### **Sierra Leone**

Lesbian girls and women were also victims of “planned rapes” that were initiated by family members in an effort to change their sexual orientation.

### **South Africa**

In 2011 the Triangle Project, the country’s largest lesbian and gay rights 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.

### **Zimbabwe**

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

## **CENTRAL and SOUTH ASIA**

### **Kyrgyz Republic**

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.

## **EAST ASIA and the PACIFIC**

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

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.

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.”

## **EUROPE and EURASIA**

### **Georgia**

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...”



# **NORTH AFRICA and NEAR EAST**

## **Tunisia**

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.

## **United Arab Emirates**

At times the government subjected persons against their will to psychological treatment and counseling for consensual same-sex activity.

# **WESTERN HEMISPHERE**

## **Ecuador**

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.

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# Youth and Schools

## **AFRICA**

### **Burkina Faso**

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

### **Mali**

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.

### **Nigeria**

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.

### **Sierra Leone**

The families of LGBT persons frequently shunned their gay children, leading some children to turn to prostitution to survive.

## **EAST ASIA and the PACIFIC**

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

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.

### **Fiji**

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.

There were reports of bullying of LGBT students in schools.

### **Japan**

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.

### **Korea, Republic of**

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.

### **Malaysia**

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.”

## **Taiwan**

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.”

## **EUROPE and EURASIA**

### **Cyprus**

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.

### **France**

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.

### **Lithuania**

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.

### **Poland**

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.

## **Russia**

St. Petersburg, Ryazan, Archangelsk, Kostroma, Bashkortostan, Samara, Krasnodar, Novosibirsk, and Magadansk had laws that criminalize the “propaganda of homosexuality” to minors, which limits the rights of free expression and assembly for citizens who wish to publicly advocate for LGBT rights.

## **Switzerland**

LGBT children from immigrant families, particularly from the Balkans, Turkey, and the Middle East, suffered serious reprisals, such as exclusion from their families.

## **Turkey**

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.

## **NORTH AFRICA and NEAR EAST**

### **Bahrain**

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.

### **Iraq**

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.

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.

### **Israel and The Occupied Territories**

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.

### **Saudi Arabia**

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.

# WESTERN HEMISPHERE

## Chile

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.

## Costa Rica

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.

## Dominica

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 the issue of crime and violence and inappropriate behavior among our youth of school age."

## Ecuador

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.

## El Salvador

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.

## St. Kitts and Nevis

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.

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# Religion

## **AFRICA**

### **Lesotho**

LGBT rights groups complained about discrimination in access to health care and participation in religious activities.

### **Namibia**

According to OutRight Namibia, the government asserted that its religious and moral position would be compromised by discussions of the subject.

### **Sierra Leone**

Religious groups reportedly promoted discrimination against the LGBT community.

### **Swaziland**

Chiefs, pastors, and members of government criticized same-sex sexual conduct as neither Swazi nor Christian.

### **Zimbabwe**

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.”

## **EAST ASIA and the PACIFIC**

### **Fiji**

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.”

### **Korea, Republic of**

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.

### **Malaysia**

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.”

### **Philippines**

Moreover, the NGO Rainbow Rights Project claimed that LGBT human rights defenders, particularly in Muslim areas, experienced pressure from community authorities to conduct their activities less openly because of increasing religious radicalization.

## **EUROPE and EURASIA**

### **Bulgaria**

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.

## **Georgia**

Social prejudices against LGBT persons were strong, and the Georgian Orthodox Church strongly condemned same-sex sexual activity.

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.

## **Greece**

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.

## **Moldova**

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.

## **Montenegro**

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.

## **NORTH AFRICA and NEAR EAST**

### **Qatar**

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

## **WESTERN HEMISPHERE**

### **Costa Rica**

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 executive branch committed to re-introducing this bill before the Assembly, which has been pending on the plenary floor since December.

### **Grenada**

Society generally was intolerant of same-sex sexual conduct, and many churches condemned it.

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# Internet Freedoms

## **SOUTH and CENTRAL ASIA**

### **Maldives**

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.

## **EAST ASIA and the PACIFIC**

### **Mongolia**

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.

## **EUROPE and EURASIA**

### **Turkey**

Internet activists and the press reported that more than one million Web 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.

## **NORTH AFRICA and NEAR EAST**

### **Oman**

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.

### **United Arab Emirates**

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 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.

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# Positive Developments

## **AFRICA**

### **Congo, Democratic Republic of**

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.

### **Eritrea**

In contrast with previous years, there were no reports that the government rounded up individuals considered gay or lesbian, or that gays or lesbians in the armed forces were subjected to severe abuse.

### **Malawi**

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.

### **Namibia**

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.

### **South Africa**

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.

## **CENTRAL and SOUTH ASIA**

### **Bangladesh**

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.

### **Nepal**

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.

### **Pakistan**

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.

## **EAST ASIA and the PACIFIC**

### **Cambodia**

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.

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.

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

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

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."

## **Mongolia**

The NHRC (Government Human Rights Bodies: The National Human Rights Commission ) has also consistently supported politically contentious human rights issues, such as LGBT rights.

## **Philippines**

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.

## **Singapore**

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.

## **Taiwan**

Employers convicted of discriminating against job seekers on the basis of sexual orientation face fines of up to NT\$1.5 million (\$51,650).

## **Thailand**

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.

## **Tonga**

A subculture of transgender dress and behavior was tolerated, and a prominent NGO's annual festival highlighted transgender identities.

## **Vietnam**

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.

# **EUROPE and EURASIA**

## **Belgium**

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.

## **Croatia**

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**

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.

## **Georgia**

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.

## **Greece**

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.

## **Hungary**

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.

## **Lithuania**

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.

## **Moldova**

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.

## **Montenegro**

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.

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.

## **Netherlands**

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.

## **Poland**

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.

## **Slovakia**

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.

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.

## **United Kingdom**

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.

## **NORTH AFRICA and NEAR EAST**

### **Algeria**

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.

### **Israel and The Occupied Territories**

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.

### **Tunisia**

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**

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.

# WESTERN HEMISPHERE

## Brazil

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.

## Chile

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.

## Colombia

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 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 denunciations 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.

## Cuba

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.

## **El Salvador**

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.

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.

## **Guyana**

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**

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**

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.

## **Panama**

On June 30, gay rights advocates led the annual gay pride parade, and the minister of social development participated for the first time.

## **Peru**

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.