Custom Report Excerpts

Australia

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

Federal laws prohibit discrimination based on disability, race, color, descent or national or ethnic origin, marital status, age, gender, gender identity, sexual orientation, and intersex status. An independent judiciary and a network of federal, state, and territorial equal opportunity offices effectively enforced antidiscrimination laws.

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

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

The HRC received 16 complaints of discrimination based on sexual orientation from July 2012 through June. Information on resolution of the complaints was not available.

In June the Sex Discrimination Act was amended to provide additional protections against discrimination on the basis of sexual orientation, gender identity, and intersex status.

Brunei

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

The law does not contain specific provisions prohibiting discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status.

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

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

Burma

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

Chapter 8 of the constitution prohibits discrimination based on race, birth, religion, official position, status, culture, sex, and wealth, but the government did not effectively enforce antidiscrimination laws.

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

Political reforms in the country led to a more visible LGBT movement, including the formation of LGBT rights organizations and the first semipublic celebration of the International Day Against Homophobia and Transphobia (IDAHO). These changes made it easier for the LGBT community to hold public events and openly participate in society. Despite this progress consensual same-sex sexual activity remains illegal under section 377 of the penal code, which contains provisions against “sexually abnormal” behavior and entails punishments up to life imprisonment. Laws against “unnatural offenses” apply equally to both men and women. These laws were rarely enforced; however, LGBT persons reported that police used the threat of prosecution to extort bribes. In addition LGBT activists reported harassment by police, including arbitrary arrest (for example for loitering), detention, and in some cases rape by security forces and broad societal and familial discrimination.

There were reports of discrimination based on sexual orientation and gender identity 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. In July, Mandalay police publicly harassed and arrested 12 gay men, transgender persons, and NGO outreach workers involved in HIV and AIDS prevention, according to a member of the Myanmar LGBT Rights Network Mandalay. Police reportedly verbally and physically abused the 12 detainees while in custody and denied an HIV-positive woman sentenced to seven days’ imprisonment access to antiretroviral therapy. Police harassment included police touching detainees’ genitals with batons, taking nude photographs, and forcing detainees to perform “frog jumps” and “catwalks.” Reportedly, the police officers involved were not in uniform and the arrests were made without cause. According to LGBT community members, this type of public attack was uncommon, despite societal intolerance for LGBT people. The Myanmar National Human Rights Commission spoke out publicly against the police treatment, and the Myanmar LGBT Rights Network filed a lawsuit against the Mandalay police that was pending as of mid-November.

Cambodia

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

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

Societal Abuses, Discrimination, and Acts of Violence Based on

Sexual Orientation and Gender Identity

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

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

There were no reported incidents of violence or abuse against LGBT individuals, but stigma or intimidation may have inhibited reporting of incidents.

China (includes Tibet, Hong Kong, and Macau)

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

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

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

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

In June 2012 the Beijing LGBT center was notified by property management that its lease would be terminated early due to complaints that it was too noisy. Neighbors reportedly pressured management to terminate the lease after learning that it was an LGBT organization. The center was able to recoup only less than one-half of its investment of RMB 11,000 ($1,800) for the move.

In September organizers of the China Charity Fair in Shenzhen, Guangdong Province, told two gay rights advocacy groups that they could not display their advertisements and informational brochures because they were not registered with the Ministry of Civil Affairs. One of the advocacy groups attempting to participate reported that his organization unsuccessfully sought to register with the ministry for several years, despite making dozens of visits to local government offices.

In contrast with 2012, there reportedly was no government interference with the seventh Beijing Queer Film Festival. Organizers kept a low profile.

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

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

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

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

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

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

The law provides that all permanent residents are equal, and the government enforced this. The EOC is responsible for enforcing the relevant laws.

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

No laws criminalize consensual same-sex sexual activity. In 2005 the Court of First Instance ruled that maintaining the age of consent for male-male relations at 21 rather than 16 violated the Bill of Rights Ordinance. No specific laws govern age of consent for female-female relations.

In November a transgender woman from South America told the media that immigration and customs officers behaved “like animals” during a body search and mocked her during a nine-hour episode and body search--conducted by male staff despite her plea for female officers--at the airport in September. She began the process for applying for asylum in the SAR based on fears she would be killed if she returned to the country in which she was born. Officials denied the allegations and insisted proper procedures were followed amid initial suspicion about her identity and her reason for arriving in the SAR. Following the episode at the airport, she told the media that staff at one of the city’s largest public hospitals diagnosed her as a psychiatric patient and put her in restraints. The hospital claimed the action was necessary because she was suicidal.

While the SAR has laws that ban discrimination on the grounds of race, sex, disability, and family status, no law prohibits companies from discriminating on grounds of sexual orientation. Lesbian, gay, bisexual, and transgender (LGBT) professionals are permitted to bring partners to the SAR only on a “prolonged visitor visa.” Successful applicants,

however, cannot work, obtain an identification card, or qualify for permanent residency. The government claimed public education was sufficient to protect the rights of the LGBT community and that legislation was not necessary.

The SAR elected its first openly gay member to LegCo in September 2012.

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

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

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

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

There are no laws criminalizing sexual orientation and no prohibition against LGBT persons forming organizations or associations. There were no reports of violence against persons based on their sexual orientation.

The Legislative Assembly, dominated by progovernment members, almost unanimously defeated a bill proposed by a prodemocracy member that would have granted same-sex couples the right to form civil unions and claim the same social benefits as heterosexual couples. A pro-Beijing newspaper publicly denounced one pro-LGBT rights activist as being “morally unfit” to participate in public life.

Fiji

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

The new constitution prohibits discrimination based on race, culture, ethnic or social origin, color, place of origin, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status, or pregnancy. The government generally enforced these provisions effectively, although there were problems in some areas.

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

The new constitution provides that sexual orientation, gender, and gender identity and expression are prohibited grounds for discrimination; however, the right to equality and nondiscrimination may be limited for the purposes of adoption, marriage, devolution of property on death and pension, and excluding individuals from holding public office. The crimes decree does not criminalize consensual same-sex sexual conduct and

recognizes male-on-male rape as a crime. The ERP prohibits discrimination in employment based on sexual orientation. There were no laws specifically prohibiting discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons in other areas. While same-sex sexual conduct was abhorrent to some with deeply held religious beliefs, in general attitudes toward LGBT individuals have become more accepting, especially among the young, and articles promoting tolerance appeared regularly in the media.

There was some societal discrimination against persons based on sexual orientation and gender identity, although there was no systemic discrimination. There were reports of bullying of LGBT students in schools. There were no official reports of discrimination against LGBT persons in such areas as employment, housing, or access to health care; however, intimidation or social stigma possibly prevented incidents of discrimination or abuse from being reported.

Indonesia

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

The constitution does not explicitly prohibit discrimination based on gender, race, disability, language, or social status. It provides for equal rights for all citizens, both native and naturalized. The government sometimes failed to defend these rights, particularly for minority communities.

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

The 2008 Pornography Law criminalizes the production of media depicting consensual same-sex sexual activity and classifies such activity as deviant; fines range from IDR 250 million to 7 billion ($21,800-610,000) and sentences from six months to 15 years with increased penalties of one-third for crimes involving minors. In addition local regulations across the country criminalize same-sex sexual activity. For example, the province of South Sumatra and the municipality of Palembang have local ordinances criminalizing same-sex sexual activity together with prostitution. Aceh Province's legislature passed an ordinance regulating "immoral behavior," including consensual same-sex acts between adults, but at year's end the governor had not signed it into law. Additionally, under a local ordinance in Jakarta, security officers regard any transgender person found in the streets at night as a sex worker. According to media and NGO reports, a number of transgender individuals were abused and forced to pay bribes following detention by local authorities. According to NGOs many persons considered LGBT issues as socially taboo. The government took almost no action to prevent discrimination against LGBT persons, and in some cases it failed to protect LGBT individuals from societal abuse. Police corruption, bias, and violence caused LGBT individuals to avoid interaction with police. Sharia Police in Aceh reportedly harassed transgender individuals. NGOs reported religious groups, family members, and the general public sometimes ostracized LGBT individuals.

The antidiscrimination law does not apply to LGBT individuals.

LGBT organizations and NGOs operated openly and frequently held low-key events in public places, although often without proper licenses (see section 2.b.).

In September and October 2012, the Q! Film Festival, subject of protests in 2010, took

place in Jakarta. Festival organizers informed police of their plans to hold the festival, but police declined to provide protection. Police officials stated that the organizers would have to obtain a letter of support from the local Islamic Clerics Council (MUI) if they wanted police support. Organizers chose not to engage with the MUI. As a result of the police decision, three of eight venues originally scheduled to take part in the festival backed out.

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

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

In cases of domestic violence affecting LGBT people, especially young lesbians with disapproving parents, advocates reported that police usually sided with the parents in blaming the minor for deviant behavior or blaming her girlfriend for “corrupting” her. LGBT minors were often put into therapy, confined to their homes by family members, or pressured to marry. At schools, bullying of children perceived to be LGBT was common.

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

Japan

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

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

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

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

On September 13, the Osaka Family Court rejected a claim by a transgender man for recognition of paternity of his one-year-old son who was born through artificial insemination. The court ruled that the child could not have a blood relationship with the father because the father was not biologically capable of reproduction as a male.

NGOs that advocate on behalf of LGBT persons reported no impediments to organization but some instances of bullying, harassment, and violence. Stigma surrounding LGBT persons remained an impediment to self-reporting of such instances, and studies on bullying and violence in schools generally did not take into account the sexual orientation or gender identity of the persons involved. Pervasive societal stigma surrounding LGBT persons also prevented many from being open about their sexual orientation, and attorneys who frequently represent LGBT persons related several cases during the year in which clients were threatened with disclosure of sexual orientation. Self-censorship in the press remained an impediment to bringing LGBT issues into mainstream discourse.

Kiribati

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

The constitution prohibits discrimination on the basis of race, national origin, or color, and the government observed these prohibitions; however, only native I-Kiribati may own land. The law prohibits gender discrimination only with regard to employment, but due mainly to limited resources the government did not effectively enforce this provision during the year. There is no law prohibiting discrimination on the basis of disability, sexual orientation, gender identity, or social status.

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

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

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

Korea, Democratic People's Republic of

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

The constitution grants equal rights to all citizens; however, the government reportedly did not actually grant its citizens most fundamental human rights, and it continued pervasive discrimination based on social status.

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

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

Korea, Republic of

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

There is no comprehensive antidiscrimination law. In October 2012, following the recommendation of the UN Human Rights Council Universal Periodic Review, the Ministry of Justice submitted comprehensive antidiscrimination legislation, but the legislation was withdrawn due to aggressive lobbying primarily from religious groups opposed to efforts to provide protection to gays and pregnant women.

There is a human rights law that forbids discrimination based on race, gender, disability, sexual orientation, and social status, but not discrimination based on language or gender identity. There is no mechanism for punishment under that law, however, and there is no protection for migrant workers against racial discrimination, pregnant women against employment discrimination, or pregnant school-aged girls being denied an education.

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

The Ministry of Justice reported that the constitution's equality principles apply to LGBT persons. The law that established the NHRC prohibits discrimination based on sexual orientation and authorizes the NHRC to review cases of such discrimination, but the law does not specify discrimination based on gender identity. No specific information on LGBT discrimination in employment was available from the government.

No laws either specify punishment for persons found to discriminate against LGBT persons or provide remedy to victims of discrimination or violence. During the first half of the year, the NHRC reported four cases of such alleged discrimination.

While there were no known cases of violence against LGBT persons during the year, LGBT individuals and organizations continued to face societal discrimination. For example, the Mapo District Office in Central Seoul refused to allow the Map Rainbow Coalition to hang two banners designed to raise awareness about LGBT issues. The district office decided not to hang the banners after receiving numerous requests not to do so from parents and church groups, among others.

Consensual same-sex sexual activity between military personnel is prohibited (a prohibition that the Constitutional Court found to be constitutional in 2011). According to the Ministry of National Defense, 13 gay men were confined to a guardhouse for 10 to 15 days during the year.

LGBT groups kept a very low profile because same-sex relationships were not widely accepted. For example, few entertainers were openly gay, and one who was "outed" claimed that various entertainment organizations fired him as a result. In another case, in August a group of Christian lawmakers from both major parties held a news conference to demand an "immediate correction" to a high school textbook, which they said encouraged gay sex. The textbook, new for the 2013-14 school year, states that sexual minorities in South Korea frequently face discrimination and bullying. It teaches that discriminating against such persons violates basic human rights that all people possess and says that such persons should be respected as members of Korean society with normal emotions and abilities. The textbook does not take a position on same-sex marriages.

Laos

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

The constitution provides for equal treatment under the law for all citizens without regard to ethnicity, gender, social status, education, or faith, but there were no prohibitions of discrimination based on language, disability, sexual orientation, or gender identity. The government at times took action when well-documented, obvious cases of discrimination came to the attention of high-level officials, although the legal mechanism whereby citizens may bring charges of discrimination against individuals or organizations was neither well developed nor widely understood.

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

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

There were no legal impediments to lesbian, gay, bisexual, and transgender (LGBT) organizational activities, but the government discouraged those activities.

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

Malaysia

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

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

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

Section 377 of the penal code states that sodomy and oral sex acts are “carnal intercourse against the order of nature” but was rarely enforced. It was, however, the basis for the case against parliamentary opposition leader Anwar Ibrahim (see section

1.e.). Religious and cultural taboos against same-sex sexual conduct were widespread.

Transgender individuals were often charged under Section 21 of the Minor Offences Act of 1955 for “indecent behavior” and “importuning for immoral purposes” in public. Those convicted of a first offense may be fined up to 25RM ($7.65) and up to 14 days in jail. The sentences for subsequent convictions may be up to RM100 ($30.60) and up to three months in jail. Local advocates contended that those imprisoned served their time in the male prison population and were often mistreated verbally and sexually by police and other inmates.

In 2012 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 was born male but acted and dressed as women. They 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, was not applicable to Muslims who violated the relevant portion of the Sharia Criminal Act. One individual appealed the decision and the case was pending at year’s end.

In February seminars on “understanding issues of LGBT” continued and were extended to government officers, including those from the religious department. These parenting seminars against the LGBT “lifestyle” began in 2012 and were endorsed by the Ministry of Education.

In March Asmara Songsang (Abnormal Desire), a controversial play disparaging the LBGT community and sponsored by the Ministry of Information, Communication and Culture, premiered in Kuala Lumpur. The local press quoted the director general of the ministry, Fuad Hassan, as saying, “We will bring the show to public and private higher education institutions in a few states and major cities… that aims to warn young people about the perils of being lesbian, gay, bisexual and transgender.” LGBT and human rights activists condemned the play as derogatory and promoting discrimination against LGBT persons. After Kuala Lumpur, the play was performed around the country in schools and universities.

On October 18, the Friday sermon written by JAKIM alleged that complaints of human rights abuses against LGBT persons in the country were not genuine and actually part of a plan by NGOs to push the LGBT agenda to undermine Islam. The sermon was reportedly in response to reports written by NGOs for the Universal Periodic Review of Malaysia.

In July a transgender Thai national was assaulted by a group of youths armed with steel rods and hockey sticks in Kuantan, Pahang. The victim filed a report and police stated they would investigate the incident. The same month, organizers of the banned gay rights festival Seksualiti Merdeka failed for the second time to obtain permission to initiate judicial review against the police to lift the ban on their event first proposed in 2011.

Marshall Islands

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

The constitution prohibits discrimination on the basis of sex, race, color, language, national or social origin, place of birth, and family status or descent, and the government

generally observed these provisions.

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

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

Micronesia, Federated States of

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

The constitution and law provide explicit protection against discrimination based on race, gender, or language, but societal discrimination against women remained a problem. There are no laws against family violence. During the year all four state governments passed laws to combat trafficking in persons. These laws were designed to help implement the national antitrafficking legislation passed in 2012. There are no specific legal protections regarding social status, sexual orientation, or gender identity. There are some protections for persons with disabilities, but they are limited in scope.

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

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

Mongolia

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

The law states that no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status and that men and women shall be equal politically, economically, socially, culturally, and within the family. The government generally enforced these provisions. The Law on the Social Welfare of Disabled Persons protects persons with disabilities from discrimination in all social relations, and the labor law prohibits discrimination on the basis of disability in employment. These rights were not always enforced. The law does not address sexual orientation or gender identity.

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

Consensual same-sex sexual conduct is not specifically proscribed by law; however, AI and the International Lesbian and Gay Association criticized a section of the penal code that refers to “immoral gratification of sexual desires,” arguing that it could be used against persons engaging in same-sex sexual conduct. There is no law prohibiting discrimination on the basis of sexual orientation or gender identity. The Civil Registration Law permits individuals who have had gender reassignment surgery to have their birth certificate and national identity card reissued to reflect the change, and the LGBT Center reported that transgender persons successfully used this law to identify with their new gender.

In a full chapter on the rights of LGBT persons, the NHRC’s report stated that individuals frequently faced violence and discrimination both in public and at home based on their sexual orientation or gender identity, and NGOs reported instances of individuals being assaulted and intimidated in public due to their sexual orientation or gender identity. Some media outlets described gay men, lesbians, and transgender persons in derogatory terms and associated them with HIV/AIDS, pedophilia, and corruption of youth. Additionally, NGOs stated that online media frequently ridiculed LGBT persons, sometimes revealing their names and addresses in internet comments.

The law concerning rape (Article 126 of the Criminal Code) addresses only rape of female persons; rape of males is not a crime under the article, instead being prosecuted under Article 125 (which simply refers to unnatural sexual gratification). Since the Criminal Code does not recognize males as victims, it was difficult to prosecute such rapes.

LGBT persons reported harassment and surveillance by police, and the NHRC report indicated that police sometimes verbally abused LGBT individuals who reported bias-motivated crimes. Despite training in recent years for police and investigators on how to handle cases involving LGBT rights, victims reported harassment by officers responding to initial complaints of alleged crimes. NGOs reported difficulties estimating the extent of crimes committed against LGBT persons due to a combination of limited law enforcement data and a lack of reporting due to social stigma and fear of reprisal. No hate crime law or other criminal justice mechanisms existed to aid in the investigation, prosecution, or sentencing of bias-motivated crimes against the LGBT community. There were also reports of abuse of persons held in police detention centers based on their sexual orientation.

Authorities frequently dismissed charges against those accused of having committed 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, and observers cited lack of confidence in law-enforcement officials as a reason for underreporting.

Discrimination in employment was also reported to be a problem. NGOs and the NHRC reported that companies rarely hired LGBT individuals who were open about their sexual orientation or gender identity, and LGBT persons who revealed their status in the workplace frequently faced discrimination, including the possibility of dismissal. As a result, most individuals hid their sexual orientation from their employers. The government did not take any steps to address discrimination against LGBT persons in the workplace.

In response to NHRC recommendations, the Parliamentary Standing Committee on Legal

Affairs in July passed a resolution calling for the implementation of international recommendations related to the rights of LGBT persons. NGOs working for the rights of LGBT individuals organized the country's first Pride Week in September. The organizers estimated that 1,000 people representing civil society, government, international organizations, and the diplomatic community participated in events during the week. The opening ceremony took place at one of Ulaanbaatar's main hotels, which displayed a Pride Week banner for the duration of the festivities. The week included workshops, an art exhibition, and a film festival. According to the organizers, most members of the LGBT community were uncomfortable with the proposal of an outdoor pride parade, so none was included in the Pride Week program. National television and radio stations reported on Pride Week events. The LGBT Center characterized the reporting as generally factual.

Nauru

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

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

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

Consensual male same-sex sexual conduct is illegal, but there were no reports of prosecutions directed at lesbian, gay, bisexual, or transgender persons. There were no reports of violence or discrimination against persons on the basis of sexual orientation or gender identity, but stigma or intimidation could be a factor in preventing the reporting of discrimination or abuse.

New Zealand

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

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

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

There is no law criminalizing consensual same-sex sexual conduct between adults. The law prohibits abuse, discrimination, and acts of violence based on sexual orientation and gender identity, and the government generally enforced the law. During the July 2012 to June 2013 fiscal year, the HRC received 41 discrimination complaints relating to gender identity or sexual orientation (1 percent of all complaints). The Ministry of Justice received no reports of societal violence or discrimination based on sexual orientation or gender identity.

Palau

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally observed these provisions.

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

There were no laws addressing sexual orientation and gender identity. One law criminalizing sodomy, regardless of the gender of the partners, remains in effect, although there have been no prosecutions under this statute. There were no reports of violence or discrimination based on sexual orientation or gender identity.

Papua New Guinea

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

The constitution provides for equal protection under the law irrespective of race, tribe, place of origin, color, or sex; however, enforcement of the provisions was not effective.

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

Consensual same-sex sexual relations and acts of “gross indecency” between male persons are illegal. The maximum penalty for same-sex sexual relations is 14 years’ imprisonment; for acts of gross indecency between male persons (a misdemeanor), three years. There were no reports of prosecutions directed at lesbian, gay, bisexual, and transgender persons under these provisions during the year. There were no specific reports of societal violence or discrimination against such persons, but they were vulnerable to societal stigmatization, which may have led to underreporting.

Philippines

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

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

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

No national laws criminalize consensual same-sex sexual conduct or prohibit discrimination based on sexual orientation and gender identity.

Transgender individuals are prohibited from self-reporting their gender on passport applications. The sex assigned at birth, as reported on the certificate of birth, is printed in the individual's passport.

NGOs seeking to protect lesbian, gay, bisexual, and transgender (LGBT) individuals from discrimination and abuse continued to criticize the government for the absence of applicable law and policy. Credible NGOs reported incidents of discrimination and abuse, including in employment, education, health care, housing, and social services. The NGO Rainbow Rights Project continued to claim 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.

In August the CHR announced that it would intensify its documentation of discrimination cases against members of the LGBT community. The CHR continued to investigate 13 cases of abuse against LGBT community members covering mostly the period of 2010 to September 2. During the year the CHR continued to collaborate with the NGO TLF SHARE in developing programs to integrate sensitivity for sexual orientation, gender identity, HIV, and AIDS.

Samoa

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

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

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

"Sodomy" and "indecency between males" are illegal, with maximum penalties of seven and five years' imprisonment, respectively, but these provisions were not actively enforced with regard to consensual same-sex sexual conduct between adults.

Although the pre-existing law was not enforced for decades, the Crimes Act 2012, which came into effect in May, decriminalizes the act of "impersonating a woman."

Although there were no reports of societal violence based on sexual orientation or gender identity, there were isolated cases of discrimination.

Singapore

Section 6. Discrimination, Societal Abuses, and Trafficking in

Persons

The constitution states that all persons are equal before the law and entitled to the equal protection of the law, and the government generally respected these provisions; there is no explicit provision granting equal rights to women and minorities. Mindful of the country's history of intercommunal tension, the government took numerous measures to provide for racial, ethnic, religious, and cultural nondiscrimination. Social, economic, and cultural benefits and facilities were available to all citizens regardless of race, religion, or gender.

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

Section 377a of the Penal Code criminalizes and punishes male-to-male sexual relations as follows: "Any male person who, in public or private, commits, or abets the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be punished with imprisonment for a term which may extend to two years."

After the failure of a 2007 attempt to repeal Section 377a, Prime Minister Lee stated that authorities would not actively enforce the statute.

During the year Justice Quentin Loh of the High Court issued rulings on two challenges to Section 377a. One case was brought by a gay couple in November 2012, the other stemmed from the arrest of two men in 2010 for committing "an act of gross indecency in a public space." Justice Loh upheld Section 377a as constitutional, reasoning that since the law is not enforced, there is no need to overturn the legislation; and second, because it was not proven that people are born homosexuals, then Section 377a cannot infringe upon an individual's "born" or constitutional rights.

The law does not criminalize female-to-female sexual relations.

No laws explicitly provide for the protection of the LGBT community from discrimination based on sexual orientation. Gay couples are prevented from purchasing government housing reserved for married couples until age 35, when such housing is available to single persons.

The LGBT community is not barred from military service, but LGBT military personnel are classified by sexual orientation and evaluated on a scale of effeminacy. LGBT citizens are allowed to become government workers, but must declare their sexual orientation on job applications. Changing of gender on official documents is allowed only through sex reassignments. Media censorship perpetuates negative stereotypes of LGBT individuals by restricting portrayals of LGBT life. The MDA continued to censor films and television shows with LGBT themes. According to the MDA website, the broadcast of LGBT themes on television is allowed "as long as the presentation does not justify, promote, or glamorize such a lifestyle."

Solomon Islands

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

The constitution provides that no person – regardless of race, place of origin, color, or disability – shall be treated in a discriminatory manner with respect to access to public

places. The constitution further prohibits any laws that would have discriminatory effects and provides that no person should be treated in a discriminatory manner by anyone acting in an official capacity. Despite constitutional and legal protections, women remained the victims of discrimination in the male-dominated society. Unemployment remained high, and there were limited job opportunities for persons with disabilities.

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

"Sodomy" is illegal, as are "indecent practices between persons of the same sex." The maximum penalty for the former is 14 years' imprisonment and for the latter five years. There were no reports of arrests or prosecutions directed at lesbian, gay, bisexual, or transgender persons under these provisions during the year. There were no reports of violence or discrimination against persons on the basis of sexual orientation or gender identity, although stigma may hinder some from reporting.

Taiwan

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

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

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

There are no laws prohibiting consensual same-sex sexual activity. According to activists for lesbian, gay, bisexual, and transgender (LGBT) rights, violence against LGBT persons with HIV/AIDS was a problem, but instances of police pressure on LGBT-friendly bars and bookstores continued to decrease during the year. The police response to violence against LGBT persons with HIV/AIDS was adequate. The law stipulates that employers cannot discriminate against job-seekers on the basis of sexual orientation. Violators face a fine of NT$300,000 ($10,300) to NT$1.5 million ($51,500). LGBT rights activists alleged that restrictions on doctors providing fertility treatments to unmarried persons unfairly resulted in discrimination against LGBT persons, who were not permitted to marry.

In August the Ministry of Interior reversed its decision to revoke the marriage registration of a transgender couple after protests, saying the marriage was legally valid as long as the couple consisted of a man and a woman at the time they registered their marriage.

Thailand

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

The constitution provides for equal treatment without respect to race, gender, religion, disability, or language; however, some discrimination existed, and government enforcement of equal protection statutes continued to be uneven. The law does not provide

for equal treatment without respect to sexual orientation or gender identity.

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

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

Lesbian, gay, bisexual, and transgender (LGBT) groups were able to register with the government, although there were some restrictions on the wording used in registering their group names. They reported that police treated LGBT victims of crime the same as other persons except in the case of sexual crimes, where there continued to be a tendency to downplay sexual abuse or not to take harassment seriously.

The law does not permit transgender individuals to change their gender on identification documents, which coupled with discrimination in society, limited employment opportunities for transgender individuals. On June 10, the Bangkok Metropolitan Administration began to allow transgender individuals to wear clothing of their chosen gender when they were photographed for their national identification cards in Bangkok district offices.

According to a recent study commissioned by Plan International Thailand in partnership with UNESCO and Mahidol University, in both private and government-operated secondary schools, students teased or bullied other students whose gender expression did not match local gender norms. Secondary schools either did not cover sexual diversity topics or covered them inconsistently and used stigmatizing terminology. They generally lacked explicit antibullying policies, including policies specifically aimed at reducing bullying based on gender identity or sexual orientation.

A local NGO reported that police officials targeted transgender individuals for harassment and discrimination in the tourist city of Pattaya.

The Ministry of Defense continued to comply with the 2011 Bangkok Central Administrative Court's order to stop describing transgender persons as "permanently mentally disabled" in conscription records. Personnel records continued to indicate "current sexual status contrary to sexual status at birth."

University officials allowed transgender students to participate in commencement ceremonies and sit for examinations while wearing gender-specific uniforms of their choice on a case-by-case basis. At the same time, university authorities usually required students to obtain official permission before they could wear their chosen uniform. Such permissions remained voluntary for each school.

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

Timor-Leste

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

Government regulations prohibit all forms of discrimination. Nonetheless, violence against women was a major problem, and discrimination against women, persons with disabilities, and members of minority groups occurred.

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

The law makes no reference to consensual same-sex sexual relations. Lesbian, gay, bisexual, and transgender (LGBT) persons were not highly visible in the country, although there were some openly gay public personalities. There were no formal reports of discrimination based on sexual orientation or gender identity, due in part to limited awareness of the issue and a lack of formal legal protections.

Three LGBT organizations were established in 2012: Fundasaun Timor Hari (FTH), Hywos, and Gayamor. FTH promoted LGBT community health and provides information on HIV and AIDS. Hywos promoted human rights regarding same-sex relationships. Gayamor strove to raise community awareness and knowledge about LGBT rights and nondiscrimination.

Tonga

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

The constitution prohibits general discrimination, but the government did not effectively enforce this provision, and the law confirms the special status of members of the royal family and the nobility. While social, cultural, and economic facilities were available to all citizens regardless of race and religion, members of the hereditary nobility had substantial advantages, including control over most land and a generally privileged status.

The law provides for the unequal treatment of women.

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

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

Tuvalu

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

The law prohibits discrimination based on race, color, and place of origin, and the

government generally enforced these prohibitions. In 2005 the High Court stated that it was a deliberate decision in the constitution originally to omit gender as a prohibited basis of discrimination; thus, there is no constitutional protection against sex discrimination.

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

Sexual conduct between men is illegal, with maximum penalties of seven to 15 years' imprisonment depending on the nature of the offense, but there were no reports of prosecutions of consenting adults under these provisions. There were no reports of violence against persons based on sexual orientation or gender identity, but social stigma or intimidation may have prevented reporting of incidents of discrimination or violence.

Vanuatu

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

While the law prohibits discrimination on the basis of race, place of origin, language, or sex, women remained victims of discrimination in the tradition-based society.

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

There were no reports of societal violence or discrimination against persons based on sexual orientation or gender identity, and the law is silent on the issue.

Vietnam

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

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

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

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

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

In May the Institute for Studies of Society, Economics, and Environment, a nonprofit organization working for the rights of minority groups, released statistics that reported approximately 1.65 million individuals in the country identified as LGBT. In August

approximately 200 activists took part in “Viet Pride 2013,” a gay pride parade in Hanoi.

In November the National Assembly endorsed revisions to the law that would grant same-sex couples the same property, contractual, and child-custody protections afforded to heterosexual married couples.