

# Afghanistan

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

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While the constitution prohibits discrimination among citizens and provides for the equal rights of men and women, local customs and practices that discriminated against women prevailed in much of the country. The constitution does not explicitly address equal rights based on race, disability, language, or social status. There were reports of discrimination based on race, ethnicity, religion, and gender.

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

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The law criminalizes consensual same-sex sexual conduct, and there were reports that harassment, violence, and detentions by police increased significantly during the year. NGOs reported that police arrested, robbed, and raped gay men. The law does not prohibit discrimination or harassment on the basis of sexual orientation or gender identity.

Homosexuality was widely seen as taboo and indecent. Members of the lesbian, gay, bisexual, and transgender (LGBT) community did not have access to health services and could be fired from their jobs because of their sexual orientation. Organizations devoted to protecting the freedom of LGBT persons remained underground because they could not be legally registered. Organizations carrying out health-related activities were able to provide services to gay men but not exclusively, due to fear of community reprisals. In one case authorities threatened a health organization's status as a registered NGO and cut off its access to medication until it proved that it did not provide services only to gay men.

# Bangladesh

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

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The law specifically prohibits certain forms of discrimination against women, provides special procedures for persons accused of violence against women and children, calls for harsh penalties, provides compensation to victims, and requires action against investigating officers for negligence or willful failure of duty; however, enforcement was weak. Women, children, minority groups, persons with disabilities, indigenous people, and sexual minorities often confronted social and economic disadvantages.

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

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Consensual same-sex sexual activity is illegal, but the law was not enforced. Lesbian, gay, bisexual, and transgender (LGBT) groups reported police used the law as a pretext to bully LGBT individuals, particularly those seen as effeminate men. The government

acknowledged the existence of the LGBT population during its April Universal Periodic Review, contrary to its stance in the 2009 review during which the foreign minister stated there were no LGBT individuals in the country. Additionally, the government allocated funds for the transgender and hijra (transgender) population in the national budget.

On November 11, the government announced it would consider hijras, who numbered approximately 10,000 according to an MSW survey, as a separate gender, neither male nor female.

There were several informal support networks for gays, but organizations to assist lesbians were rare.

Attacks on LGBT persons occurred occasionally, but those offenses were difficult to document because victims desired confidentiality. The Bandhu Social Welfare Society, a local NGO, reported 69 cases of assault against LGBT persons from January through September, as compared with 137 in all of 2012. Strong social stigma based on sexual orientation was common and prevented open discussion of the subject.

## Bhutan

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

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The constitution prohibits discrimination on the basis of race, sex, disability, language, religion, politics, or social status. The government generally respected these prohibitions in practice, though societal discrimination existed.

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

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The constitution guarantees equal protection of the laws and application of rights but does not explicitly protect individuals from discrimination on the basis of sexual orientation. Although there are no laws that explicitly prohibit same-sex sexual activity, laws against “sodomy or any other sexual conduct that is against the order of nature” exist. The meaning of “against the order of nature” is left ambiguous, though some commentators have argued that it is limited to acts such as bestiality rather than consensual homosexual sex. Under the penal code, a person can be imprisoned for as long as one year for engaging in such acts. One government official noted prosecution under this law was rare, as the prosecution must prove criminal intent. There were no reported cases of such charges.

Homosexuality is a traditionally taboo subject, and the lesbian, gay, bisexual and transgender (LGBT) population has historically remained out of public view without organized advocacy groups. During the year, however, an LGBT group went public via social media. There is no NGO in the country explicitly associated with LGBT issues. No violence directed against members of the LGBT community was reported, though social bias was present.

A small transgendered community exists in the country, and transgendered individuals faced social stigma. The law does not provide any distinct legal status to transgendered individuals, nor does it provide explicit protections.

# India

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

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The law prohibits discrimination on the basis of race, gender, disability, language, place of birth, caste, or social status. The government worked with varying degrees of success to enforce these provisions.

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

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On December 11, a two-person bench of the Supreme Court overturned a 2009 ruling by the Delhi High Court, which had found unconstitutional a colonial-era portion of the penal code (section 377) that described homosexual acts as “against the order of nature” and punishable by up to life in prison. The Supreme Court ruled that only parliament may make changes to the law that bans consensual same-sex sexual activity. The media, activists, prominent members of the public, and government officials reacted strongly against the ruling. The government filed a petition challenging the December 11 ruling, seeking review by a broader bench of the Supreme Court. The appeal was pending at year’s end.

In 2010 the Election Commission officially recognized a gender identity of “other” on voter registration forms for individuals who do not affiliate with the prevailing male-female dichotomy. Subsequently, the Election Commission of New Delhi organized registration booths and registered 439 voters from the transgender community. According to the *Indian Express* newspaper, the total number of transgender persons in the city was 8,500.

Lesbian, gay, bisexual, and transgender (LGBT) persons faced physical attacks, rape, and blackmail. Some police committed crimes against LGBT persons and used the threat of arrest to coerce victims not to report the incidents. Several states, with the aid of NGOs, offered education and sensitivity training to police.

On September 1, the Hyderabad city police raided a party attended by gay men in a local bar on the grounds that “obscene” acts were taking place. Police did not arrest the 56 men who were attending the party but arrested the bar managers under sections 294 of the Indian Penal Code (obscene acts and songs in a public place), 21/76 of the City Police Act (for allowing customers inside the bar after legal closing time), and 34A of the Andhra Pradesh Excise Act (for serving liquor after legal closing time). Although police maintained that the raid had nothing to do with the party being attended by gay men, activists of the LGBT community in Hyderabad asserted that it was a clear case of “moral policing” and that police acted with a “homophobic” mindset. An activist stated that it was a violation of one’s right to have a public life of one’s own and that the raid instilled a sense of fear in the minds of LGBT community members in addition to reinforcing existing stereotypes within society.

On November 30, an art gallery in Hyderabad was forced to close an exhibition on nudity and homosexuality titled, “My Bed of Roses,” by gay artist Balbir Krishan, following threats and objections from right-wing groups and individuals. The curator stated that the activists objected to the paintings on the grounds that they represented “everything against Indian culture.”

LGBT groups were active throughout the country mostly in urban areas. Advocacy groups

and collectives regularly sponsored events and activities, including pride marches, cultural events, and public demonstrations of support for equal rights. LGBT groups reported that they faced widespread discrimination and violence throughout society, particularly in rural areas. Activists reported that transgender persons who were HIV-positive continued to have difficulty obtaining medical treatment. Advocacy organizations, such as the Mission for Indian Gay and Lesbian Empowerment (MINGLE), have documented workplace discrimination against LGBT persons, including slurs by colleagues and supervisors as well as unjustified dismissals. The LGBT community in Hyderabad secured permission from police to hold a pride march, which took place on February 3. The march was the first in Andhra Pradesh, and groups involved in its planning and implementation stated that it marked a new beginning for assertion of their identity.

The benefits accorded to transgender persons varied across the country. In Tamil Nadu a transgender welfare board 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.

## Kazakhstan

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

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The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce the law. Cases of violence against women, trafficking in persons, and discrimination against non-Kazakhs in government, persons with disabilities, and LGBT persons were reported.

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

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The country does not criminalize consensual same-sex sexual activity. Although there were no government statistics on discrimination or violence based on sexual orientation or gender identity, there were reports of such actions. According to representatives of international and local organizations, negative social attitudes towards marginalized groups, including LGBT persons, impeded willingness of these groups to come forward, organize, or seek access to HIV/AIDS programs. LGBT individuals, particularly gay men, were among the most oppressed groups.

According to a 2009 Soros Foundation study, 64 percent of LGBT respondents said they did not face open discrimination in the workplace, although LGBT individuals often concealed their sexual orientation to avoid such discrimination. LGBT individuals whose sexual orientation became publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. A local NGO working on LGBT issues noted that new regulations made gender reassignment more cumbersome but cited a slight improvement in public awareness of LGBT rights. Several LGBT organizations operating in the country reported that government-run HIV clinics occasionally breached confidentiality and reported patients’ sexual orientation to their families and employers. In 2011 and 2012, the NGO Amulet reported 16 attempts on the lives of LGBT persons and 298 cases of physical violence of varying degrees. The

organization also reported 13 instances of LGBT persons dismissed from work on the basis of their sexuality and two cases of landlords refusing to rent property to LGBT persons. In 2011 and 2012, the organization reported 115 cases of LGBT persons denied the right to health care.

NGOs reported that members of the LGBT community seldom turned to law enforcement agencies to report violence against them, because they feared hostility, ridicule, and occasionally violence. Additionally, they did not want law enforcement officers to notify their employers of their sexual orientation.

## Kyrgyz Republic

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

The law prohibits discrimination based on race, gender, disability, language, ethnic origin, creed, age, political or other beliefs, education, background, property, or other status. Although women were active in government, education, civil society, the media, and small business, they encountered gender-based discrimination. Rights activists claimed authorities failed to investigate or punish perpetrators of crimes of discrimination during the year.

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

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

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. Both closeted and known lesbian, gay, bisexual, and transgender (LGBT) persons were susceptible to a continual cycle of police 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 publicly identified, social pressure, as well as police extortion, forced LGBT persons in the southern part of the country to flee.

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. Doctors sometimes refused to treat LGBT individuals. Forced marriages of lesbians and bisexual women to men also occurred. The Labrys Public Foundation noted the practice of rape of lesbians or their partners by their family members to punish or “cure” their homosexuality. The practice was underreported, and its extent was therefore difficult to estimate. Labrys asserted that the police did not seriously investigate crimes against LGBT individuals.

## Maldives

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

The constitution provides for the equality of all citizens, but the law requires citizens to be Sunni Muslims. Women have been historically disadvantaged, particularly in the application of Islamic law in matters such as divorce, education, inheritance, and testimony in legal proceedings. In May 2012 the administration re-established the Ministry of Gender, Family, and Human Rights, which in November was renamed the Ministry of Health and Gender (MHG).

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

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The law prohibits same-sex sexual conduct. The punishment for men includes banishment for nine months to one year or 10 to 30 lashes. For women the punishment is house arrest for nine months to one year. No organizations focused on lesbian, gay, bisexual, or transgender (LGBT) issues in the country. There were no reports of officials complicit in abuses against LGBT persons, although societal stigma likely discouraged individuals from reporting any such problems. Due to societal intolerance of same-sex sexual relationships, there were few openly LGBT individuals in the country and no information on official or societal discrimination based on sexual orientation in employment, housing, access to education, or health care.

## **Nepal**

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

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

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

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No laws specifically criminalize same-sex sexual activity, and lesbian, gay, bisexual, and transgender (LGBT) persons actively and openly advocated for their rights. Four openly LGBT individuals ran in the Constituent Assembly elections, and most mainstream political parties included pro-LGBT legislation in their party manifestos. LGBT activists continued to press for protections for sexual minorities in the new constitution.

In 2007 the Supreme Court directed the government to enact laws to protect LGBT persons' fundamental rights, enable third-gender citizenship, and amend laws that were sexually discriminatory. Implementation of the 2007 decision was slow, however, and it was not until January 22 that the Home Ministry started issuing citizenship certificates with an "others" gender category.

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 Nepal Police HRC confirmed some low-level harassment occurred because many citizens had negative views of LGBT persons, and the Nepal Police were not immune to such social perceptions. Nonetheless, the Nepal Police HRC conducted LGBT rights training and worked closely with the LGBT community to minimize and prevent such harassment. The Nepal Police HRC reported that it did not receive any reports of harassment of LGBT persons.

## Pakistan

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

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The constitution provides for equality for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; however, there was significant discrimination based on each of these factors.

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

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Consensual same-sex sexual conduct is a criminal offense; however, the government rarely prosecuted cases. Lesbian, gay, bisexual, and transgender (LGBT) persons rarely revealed their sexual orientation. No laws protect against discrimination on the basis of sexual orientation or gender identity. Discrimination against LGBT persons was widely acknowledged privately, but insufficient data existed for accurate reporting on these forms of discrimination, due in part to severe societal stigma and fear of recrimination for those who came forward. In September the PTA blocked the country's first online platform for the LGBT community to share views and network.

Society generally shunned transgender persons, eunuchs, and hermaphrodites, referred to as "hijras," who often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some also were involved in prostitution. Hijras often were denied places in schools or admission to hospitals, and landlords often refused to rent or sell property to them. Hijras' families often denied them their fair share of inherited property. A 2012 Supreme Court ruling recognized hijras as a "third gender" and allowed them to obtain accurate national identification cards. Because of the ruling, hijras fully participated in the May 11 elections for the first time as candidates and voters.

## Sri Lanka

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

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The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally respected these rights in practice. There were instances, however, in which gender and ethnic-based discrimination occurred.

#### Societal Abuses, Discrimination, and Acts of Violence Based on

## Sexual Orientation and Gender Identity

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Same-sex sexual activity is punishable by a prison sentence of up to 10 years, and there were no legal safeguards to prevent discrimination based on sexual orientation or gender identity. In practical terms the criminal provisions were very rarely enforced. In recent years human rights organizations reported that, while not actively arresting and prosecuting members of the LGBT community, police harassed and extorted money or sexual favors from LGBT individuals with impunity and assaulted gays and lesbians in Colombo and other areas. Crimes and harassment against LGBT individuals were a problem, although such incidents often went unreported. Social stigma against LGBT persons remained a problem. There were reports that persons undergoing gender-reassignment procedures had difficulty amending government documents to reflect those changes. A civil society group that worked to advance LGBT rights reported close monitoring by security and intelligence forces.

## Tajikistan

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

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The law provides for the rights and freedoms of every person regardless of race, gender, disability, language, or social status, but there was discrimination against women and persons with disabilities. Trafficking in persons for sexual and labor exploitation remained a problem.

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

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Gay and lesbian sexual conduct is legal in the country, and the age of consent is the same as for heterosexual relationships; however, the law does not provide any legal protection against discrimination. Homophobic attitudes and little societal tolerance toward lesbian, gay, bisexual, and transgender (LGBT) persons made it rare for individuals to disclose their sexual orientation. Throughout the country there were reports that LGBT individuals faced physical and psychological abuse, including from the police.

There is no law against discrimination based on sexual orientation or gender identity, and LGBT persons 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 persons by threatening to tell their employers or families of their activities. Hate crimes against members of the LGBT community reportedly went unaddressed.

It was difficult for transgender persons to obtain new official documents from the government. The law allows for changing of gender in identity papers if a medical organization provides an authorized document. Because a document of this form does not exist, however, it was impossible for transgender persons to change their legal identity to match their gender. This created internal problems involving anything requiring government identification and could prevent persons from traveling abroad, since they could not obtain a new passport.

## Turkmenistan

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

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Although the law prohibits discrimination based on race, gender, disability, language, ethnic minority status, or social status, discrimination continued to be a problem, as did violence against women.

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

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Same-sex sexual conduct between men is illegal under a section of the criminal code on pederasty, with punishment of up to two years in prison and the possible imposition of an additional two- to five-year term in a labor camp. Subsequent sections of the law stipulate sentences of up to 20 years for repeated acts of pederasty, homosexual acts with juveniles, or the spread of AIDS or other sexually transmitted infections through homosexual contact. The law does not mention same-sex sexual contact between women. Enforcement of the law was selective. Antidiscrimination laws do not apply to lesbian, gay, bisexual, and transgender (LGBT) individuals. Society does not accept transgender individuals, and the government provides no legal protection or recognition of their gender identity.

There were no recorded cases of violence or other human rights abuses based on sexual orientation and gender identity, but there was one reported case of violence directed at an advocate of LGBT rights. No information was available regarding discrimination against LGBT individuals in employment, housing, statelessness, access to education, or health care. As same-sex sexual activity and nonconforming gender identity were taboo subjects in the country's traditional society, social stigma likely prevented reporting of incidents.

## Uzbekistan

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

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The law and constitution prohibit discrimination on the basis of race, gender, disability, language, and social status. Nonetheless, societal discrimination against women and persons with disabilities existed, and child abuse persisted.

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

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

Same-sex sexual activity is generally a taboo subject in society, and there were no known LGBT organizations. There was also no known violence against the LGBT community. There were no reports of official or societal discrimination based on sexual

orientation or gender identity in employment, housing, statelessness, or access to education or health care, but this may be attributed to the social taboo against discussing same-sex relationships rather than to equality in such matters.