

May 2009

State-sponsored Homophobia

A world survey of laws prohibiting
same sex activity between
consenting adults

Daniel Ottosson

an ILGA report

Content

Page

Afghanistan 12

Algeria 12

Angola..... 12

Antigua and Barbuda..... 13

Bangladesh..... 13

Barbados..... 13

Belize 14

Bhutan 14

Botswana 15

Brunei 15

Burundi..... 15

Cameroon..... 16

Comoros 16

Cook Islands (New Zealand associate) 16

Dominica..... 17

Egypt..... 18

Eritrea 18

Ethiopia..... 18

Gambia 19

Gaza Strip (Part of Palestinian Authority)..... 20

Ghana..... 20

Grenada 20

Guinea 20

Guyana 21

India..... 21

Indonesia 21

Iran 22

Iraq 23

Jamaica..... 23

Kenya 24

Kiribati..... 25

Kuwait 25

Lebanon 25

Lesotho 26

Liberia..... 26

Libya 26

Malawi..... 27

Malaysia..... 27

Maldives..... 28

Mauritania 28

Mauritius..... 28

Morocco 29

Mozambique..... 29

Myanmar/Burma 31

Namibia 31

Nauru 31

Nigeria 32

Oman..... 33

Pakistan 33

Palau	33
Papua New Guinea	33
Qatar	34
Saint Kitts and Nevis.....	34
Saint Lucia	35
Saint Vincent and the Grenadines.....	35
Samoa.....	36
São Tomé and Príncipe	36
Saudi-Arabia	37
Senegal.....	37
Seychelles.....	37
Sierra Leone	37
Singapore	38
Solomon Islands.....	38
Somalia.....	38
Sri Lanka	39
Sudan	39
Swaziland	40
Syria	40
Tanzania.....	41
Togo.....	41
Tonga	42
Trinidad and Tobago	42
Tunisia	43
Turkish Republic of Northern Cyprus (unrecognised state).....	43
Turkmenistan	43
Tuvalu	44
Uganda	44
United Arab Emirates	45
Uzbekistan	45
Yemen	46
Zambia	46
Zimbabwe	46
LGBTI rights global overview	48
Sources	55
Notes.....	61

Homophobia is the fear of, aversion to, or discrimination against homosexuality or homosexuals. It is the hatred, hostility, or disapproval of homosexual people. While appalling and dangerous – and at times murderous – when it is found in individuals, formal or informal groups, it makes life for Lesbian, gay, bisexual, trans or intersex (LGBTI) persons a misery, often leading these to a devastating feeling of insecurity even within their families of origin. Homophobia is even more appalling and dangerous – and again murderous – when found in the very letter of the law. When discrimination and hatred are enshrined in the texts meant to sanction the social pact embodied by a State, a homosexual knows that there is nowhere to turn to for help.

Many of us have known what it means to live in a State like that – a mixture of terror and sense of betrayal, a disorientation and sheer disbelief when trying to understand what is supposedly wrong with oneself. These feelings, and the knowledge of the physically and mentally painful consequences of State sponsored homophobia, are so unbearable that almost always self-denial seems to be the only possible – albeit deceiving - way out.

Whereas no one should be discriminated against, nor persecuted, nor killed on the basis of sexual orientation, we all know that the chances of a total eradication of homophobia, or racism, or other forms of hatred, from humankind are not too high, to say the least. Probably, there will be always a few individuals infected with the virus of homophobic hatred, as there will be always rapists, torturers and murderers. What is unacceptable, however, is the idea of a State condoning, sanctioning and encouraging these practices, particularly when the same State proclaims to abide by the principles of the Human Rights Declaration. The UN High Commissioner for Human Rights, Navanethem Pillay, said in her historic speech on the occasion of the – equally historic – UN Statement signed in New York last December by 66 countries against the criminalization of homosexuality, that “there are those who argue that because sexual orientation or gender identity are not explicitly mentioned in any of the conventions and covenants, there would be no protection. My response is that such a position is untenable in legal terms, which is confirmed by the evolving jurisprudence. The principle of universality admits no exception. Human rights truly are the birthright of all human beings.”

This is why, for the third year, ILGA is publishing an annual report on state sponsored homophobia throughout the world. We want to name and shame the States, which at the end of the first decade of the 21st century still treat their LGBTI citizens like lesser persons, unworthy of consideration. The unworthiness rests entirely on these States, for theirs is the shame of depriving a significant number of their citizens of dignity, respect and the enjoyment of equal rights.

In this report you will find that no less than 80 countries around the world consider homosexuality illegal and that in 5 of them - Iran, Mauritania, Saudi Arabia, Sudan and Yemen - and in parts of Nigeria and Somalia, homosexual acts are punishable with death. Although many of the countries listed in the report do not systematically implement their homophobic laws, their mere existence reinforces a culture where a significant portion of the citizens needs to hide from the rest of the population out of fear. And this is exactly the problem – many governments may believe that they only cause individual suffering by meting (or by threatening to mete) out their punishment, but what they do not seem to realize is how the homophobic ideology entrenched in their law leads more and more people to take “the law” in their own hands and organize themselves to act against the very life of LGBTI people. These governments may well lull themselves into believing that such acts of violence by non-governmental agents are not their responsibility, but they are indeed. It is the same kind of self-deception which makes them cry out against a homosexual orientation as “totally extraneous” to their national culture, a “poisoned gift imported from the decadent west”, without noticing the paradox of enforcing – at the same time – homophobic laws, which represent the worst legacy of their colonial past or of a religion imported from elsewhere.

The truth is that while the differences in sexual orientation and gender identity or expression are probably inborn – who would be so crazy *to choose* to be a lesbian in an extremely homophobic country? – the same cannot be said for homophobia, which is often the result of a certain time and context in history, a time and a context always marked by a strong inequality between men and women. Indeed, at the heart of homophobia, lesbophobia and transphobia lies the belief that men and women should not be equal, should play roles incompatible with each other and should be confined in a hierarchy where the former dominate the latter. No wonder that in such a context a man perceived as treating another man as a woman or a woman perceived as behaving like a man are considered a threat to a supposedly “natural” order, an order so “natural” that it takes all the force of organized agencies, be it of traditional, religious or governmental kind to maintain itself. But if homophobia is a cultural phenomenon, something which is learned, it is every decent person's duty to fight and isolate those who are teaching it.

This is why ILGA will continue to publish annual reports and maps on State sponsored homophobia – and also very soon on State sponsored transphobia – turning them also into constantly updated web pages once the renewal of our site is completed, and fight for the rights of LGBTI people everywhere until the number of countries sponsoring homophobia drops to zero.

Gloria Careaga & Renato Sabbadini
Co-secretaries General

ILGA, the International Lesbian, Gay, Bisexual, Trans and Intersex Association

*ILGA is a world-wide network of national and local groups dedicated to achieving equal rights for lesbian, gay, bisexual, trans and intersex (LGBTI) people everywhere.
Founded in 1978, it now has more than 670 member organizations.
Every continent and approximately 110 countries are represented.*

*ILGA is to this day the only international non-governmental community-based association focused on fighting discrimination on grounds of sexual orientation and gender identity as a global issue.
www.ilga.org*

Information is one of the most important tools in effective human rights work, whether it is performed by protest campaigns, lobbying, parliamentary work or diplomacy. However, to collect information on the legal situation regarding LGBTI issues is not always easy. This can be due to laws being changed all the time, and due to contradicting and non-existent sources. The aim of this report is, therefore, to try to consolidate the latest research on the topic.

The report is based on factual macro and micro studies of the legal systems and the laws in detail, or from second hand sources when the legal texts have not been possible to obtain. Due to the fact that the report aims to present the most updated information, most of the information comes from governmental as well as non-governmental websites on Internet and not from printed material. The report only deals with legislation criminalising consensual sexual acts between persons of the same sex in private above the age of consent. Laws relating to such acts in public, with under aged persons, by force or by any other reason are not included. Nor does it include countries where such acts are legal.

News in this year's report

- **Bahrain** – A new Penal Code was enacted in 1976 and this repealed the old Penal Code of the Persian Gulf imposed by the British. Contrary to the previous second-hand source used in the report the Penal Code allows sodomy from the age of 21, and therefore sodomy was decriminalised as of adoption of the new code.¹
- **Benin** – The previously used source stated that sodomy was criminalised in Benin. It has, however, come to my knowledge that the Penal Code article stated in that source was in fact the Togo sodomy provision from a book published by the University of Benin. The Penal Code in force in Benin seems after further research to be the one adopted in 1877 during the French rule for the Federation of French West Africa, which Benin was a part of, with the 1947 amendment raising the age of consent for same-sex acts to an unequal age of 21 years.^{2 3}
- **Burundi** – In 2009 – for the first time in history – same-sex relations have been criminalised in Burundi.
- **Costa Rica** – Article 382 in the Penal Code was rewritten in 2002 by Law No 8250 of 17 April 2002, and the previous provision which criminalised scandalous sodomy was repealed. The modification came into force on 10 April the same year.⁴
- **Djibouti** – We have found indications that there does not exist any prohibition of same-sex activities in Djibouti, contrary to the sources cited in previous editions of the report. However, it has not been possible to verify this. Therefore the country is placed in the list of unknown legal status.
- **Guinea-Bissau** – The Portuguese Penal Code in force after the independence was repealed in 1993 and with it the sodomy prohibition.⁵

- **Nepal** – The sodomy law was struck down by the Supreme Court on 21 December 2007.⁶
- **Niue and Tokelau** – These New Zealand associates are ruled by the Niue Act. It was amended in by the Niue Amendment Act 2007 to decriminalise sodomy. The act came into force on 20 September 2007.⁷
- **Panama** – Sodomy was decriminalised in 2008 by Presidential Decree No. 332, repealing article 12 of Decree 149 of 1949.⁸

Also, the country sections of Burkina Faso, Democratic Republic of Congo and Niger have been removed from this year's report. This due to the fact that the laws in these countries previously cited in no way are directed towards same-sex relations, or to sexual acts in private. To this date there are no known reports indicating that the laws have been used to specifically target LGBTI people.

A major piece of news for this year's report is the United Nations declaration supporting the rights of LGBTI people. It was presented at the UN General Assembly on 18 December 2008, and has the support of 66 countries from all continents. Amongst others the declaration reaffirms that the principle of non-discrimination applies to all human beings regardless of sexual orientation or gender identity, condemns human rights violations of LGBTI people, and urges all states to decriminalise consensual adult relations between persons of the same sex.

References to all legislation can be found in the foot notes, the foot note list and the source list at the end of the survey.

For the second year in a row, ILGA has also included in this report a list of countries according to their legislations affecting LGBTI people. This will allow readers to get a quick and comprehensive overlook on the legal situation in the world: from countries penalising homosexual activity with death penalty to the few ones allowing adoption for same sex couples. Along the same line, ILGA has published a map on LGBTI rights that can be used to raise awareness of people on the many laws affecting LGBTI people in the world. It is available on www.ilga.org.

If you have any additional information not available in this report, we would be grateful if you could contact us at information@ilga.org, and we will investigate the matter.

The research is conducted by Daniel Ottosson, Södertörn University College, Stockholm, Sweden. This ILGA report is copyright free provided you mention both the author and ILGA, the International Lesbian, Gay, Bisexual, Trans and Intersex Association. Free digital versions of the report in Word format are available for groups to print. We wish to thank the many volunteers who translated this report in Spanish, French and Portuguese.

“There remain too many countries which continue to criminalize sexual relations between consenting adults of the same sex in defiance of established human rights law”.

**Ms. Navanethem Pillay,
United Nations High Commissioner for Human Rights**

2008 ended with a very special moment for our movement worldwide with a UN declaration on human rights, sexual orientation and gender identity signed by 66 countries. The Statement read by Argentina followed similar ones given at the UN Council of Human Rights in 2005 (led by New Zealand–32 countries) and 2006 (Norway – 54 countries). The statement led by the French government was the first one ever given at the General Assembly of the United Nations.

A panel event on Human Rights, Sexual Orientation and Gender Identity organised on behalf of the Governments of Argentina, Brazil, Croatia, France, Gabon, the Netherlands and Norway followed the reading of the declaration. **Mrs. Navanethem Pillay, High Commissioner for Human Rights** delivered the following statement in a pre-recorded video. The text of the declaration follows.

Excellencies,
Ladies and Gentlemen,
Dear friends,

I regret that I am unable to be with you in person today, but I am glad that I can at least send this message to express my full support at this important and extremely timely event.

As we commemorate this month the 60th anniversary of the Universal Declaration of Human Rights, it is timely to remember the spirit and intent behind that most vital of instruments, which demands that all human beings have equal rights and prohibits discrimination in the enjoyment of them.

The UDHR is not just aspirational – most of the rights are customary law, with universal applicability. Whilst there is clarity in its terms, there has been resistance to its implementation and sadly, 60 years later we are still having to face the contention that whilst it applies to everyone it does not do so equally; the ageless cliché that everyone is equal but some are more equal than others is not acceptable. No human being should be denied their human rights simply because of their perceived sexual orientation or gender identity. No human being should be subject to discrimination, violence,

criminal sanctions, or abuse simply because of their perceived sexual orientation or gender identity.

The protection of the rights of those who identify as lesbian, gay or bisexual, and those who are transgender, transsexual or intersex, has attracted extremities of thought and passions. There has been considerable progress in terms of legal recognition, including the interpretation by treaty bodies, in particular the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. There is now a considerable body of decisions affirming that discrimination on the basis of sexual orientation is contrary to international human rights law.

The position of the human rights courts is becoming similarly homogeneous with the courts upholding rights of privacy, freedom of expression and bodily integrity as well as principles of non-discrimination. And I would pause a moment on this element, as there are those who argue that because sexual orientation or gender identity are not explicitly mentioned in any of the conventions and covenants, there would be no protection. My response is that such a position is untenable in legal terms, which is confirmed by the evolving jurisprudence. The principle of universality admits no exception. Human rights truly are the birthright of all human beings.

Within the realms of soft law, the special procedures mandate holders are increasingly ensuring consideration of these issues within their respective mandates, and indeed, have consistently identified that human rights violations based on sexual orientation or gender identity reflect a protection gap that needs to be closed.

Sadly, despite this progress, there remain too many countries which continue to criminalize sexual relations between consenting adults of the same sex in defiance of established human rights law. Ironically, many of these laws, like the Apartheid laws that criminalized sexual relations between consenting adults of different races, are relics of the colonial era, and are increasingly becoming recognized as anachronistic, and as inconsistent both with international law and with traditional values of dignity, inclusion, and respect for all.

At the global level, some ten countries still have laws making homosexual activity punishable by death. These laws legalize violence and are used to justify threats, attacks to the physical and moral integrity of persons, including their exposure to torture. Human rights defenders are particularly vulnerable. The stigma attached to these issues means that violence and discrimination often go unpunished, as victims dare not report their cases and the authorities do not pay sufficient attention to those who do.

In South Africa, the right to be protected from discrimination based on sexual orientation is guaranteed by the Constitution, and as a member of the

Women's National Coalition, I was proud to have contributed to the inclusion in the Constitution of the equality clause which prohibits discrimination on grounds of *inter alia*, sexual orientation. We would do well to remember the words of the South African Minister of Health to the Beijing 4th World Conference on Women, who stated:

"To show that we do not have a short memory regarding matters of discrimination, our Constitution has a non discriminatory clause and discrimination on the basis of sexual orientation is prohibited. Though the number of people may be small, we do not discriminate against them, as we do not discriminate against anyone."

It is an example of where law is seeking to lead society by showing how the universality of human rights must be made to work in practice. It is not easy for decades of prejudice and intolerance to disappear by the stroke of the legislators' pen, but change must be started. It is our task and our challenge to move beyond a debate on *whether* all human beings have rights – for such questions were long ago laid to rest by the Universal Declaration – and instead to secure the climate for implementation.

I am delighted and encouraged that there are so many member states, from every region of the globe and reflecting different religious and cultural perspectives, who are supporting this statement; It is exactly a reflection of the UDHR and how human rights protections work, and indicative of the fact that it is the United Nations which must show leadership in protecting what it has crafted. Those who are lesbian, gay or bisexual, those who are transgender, transsexual or intersex, are full and equal members of the human family, and are entitled to be treated as such.

I support absolutely the statement on sexual orientation, gender identity and human rights to be read at the General Assembly, and I hope that it will have resonance and impact on the issue and guarantee that my Office will continue to work to uphold the human rights of everyone.

My very best wishes.

Ms. Navanethem Pillay,
United Nations High Commissioner for Human Rights
New York, 18 December 2008

Afghanistan

Male/Male Illegal

Female/Female Illegal

Penal Code, 1976⁹

CHAPTER EIGHT: Adultery, Pederasty, and Violations of Honour

Article 427:

“(1) A person who commits adultery or pederasty shall be sentenced to long imprisonment. (2) In one of the following cases commitment of the acts, specified above, is considered to be aggravating conditions:

a. In the case where the person against whom the crime has been committed is not yet eighteen years old.

b. ...”

In Afghan legal terminology “pederasty” appears to refer to intercourse between males regardless of age. The fact that paedophilia or sexual relations with persons under the age of consent falls under subsection 2(a) of article 427 indicates that this is the case. Terming sexual acts between adult men “pederasty” has previously not been uncommon; this occurred for example in the translations of the Criminal Codes of Albania (1977) and Latvia (1933), and in the old Russian legal tradition a “pederast” usually referred to a male who had anal intercourse with another male, regardless of age.¹⁰

Islamic Sharia law, criminalising homosexual acts with a maximum of death penalty, is applied together with the codified Penal law. However, no known cases of death sentences have been handed out for homosexual acts after the end of Taliban rule.

Algeria

Male/Male Illegal

Female/Female Illegal

Penal Code (Ordinance 66-156 of June 8, 1966)^{11 12}

Art. 338 - “Any person guilty of a homosexual act shall be punished with a term of imprisonment of between two months and two years and a fine of between 500 and 2,000 Algerian dinars.”

Angola

Male/Male Illegal

Female/Female Illegal

Penal Code of September 16, 1886, as amended in 1954 (Inherited from the Portuguese colonial era)¹³

Articles 70 and 71 ad security measures on people who habitually practice acts against the order of nature, stating that such people shall be sent to labor camps.

For text of the law in Portuguese – see Mozambique section!

Antigua and Barbuda

Male/Male Illegal

Female/Female Illegal

Sexual Offences Act of 1995 (Act No. 9) ¹⁴

Buggery

Article 12.

“(1) A person who commits buggery is guilty of an offence and is liable on conviction to imprisonment -

(a) for life, if committed by an adult on a minor;

(b) for fifteen years, if committed by an adult on another adult;

(c) for five years, if committed by a minor.

(2) In this section "buggery" means sexual intercourse per anum by a male person with a male person or by a male person with a female person.”

Serious indecency

Article 15. “(1) A person who commits an act of serious indecency on or towards another is guilty of an offence and is liable on conviction to imprisonment -

(a) for ten years, if committed on or towards a minor under sixteen years of age;

(b) for five years, if committed on or towards a person sixteen years of age or more,

(2) Subsection (1) does not apply to an act of serious indecency committed in private between -

(a) a husband and his wife; or

(b) a male person and a female person each of whom is sixteen years of age or more;

(3) An act of "serious indecency" is an act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of genital organ for the purpose of arousing or gratifying sexual desire.”

Bangladesh

Male/Male Illegal

Female/Female Legal

Penal Code, 1860 (Act XLV of 1860) ¹⁵

Section 377 “Unnatural Offences”

“Whoever voluntarily has carnal intercourse against the order of nature with man, woman, or animal, shall be punished with imprisonment of either description which may extend to life, or up to 10 years, and shall also be liable to fine.

Explanation: Penetration is sufficient to constitute the offence as described in this section.”

Barbados

Male/Male Illegal

Female/Female Illegal

Sexual Offences Act 1992, Chapter 154 ¹⁶

Buggery

Section 9. “Any person who commits buggery is guilty of an offence and is liable on conviction on indictment to imprisonment for life.”

Serious indecency

Section 12. "(1) A person who commits an act of serious indecency on or towards another or incites another to commit that act with the person or with another person is guilty of an offence and, if committed on or towards a person 16 years of age or more or if the person incited is of 16 years of age or more, is liable on conviction to imprisonment for a term of 10 years.

(2) A person who commits an act of serious indecency with or towards a child under the age of 16 or incites the child under that age to such an act with him or another, is guilty of an offence and is liable on conviction to imprisonment for a term of 15 years.

(3) An act of "serious indecency" is an act, whether natural or unnatural by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire."

Belize

Male/Male Illegal

Female/Female Legal

Criminal Code [CAP. 101] (REVISED EDITION 2003) ¹⁷

Unnatural Crime

Section 53.

"Every person who has carnal intercourse against the order of nature with any person or animal shall be liable to imprisonment for ten years."

Bhutan

Male/Male Illegal

Female/Female Illegal

Penal Code 2004 ¹⁸

Unnatural sex

Section 213. "A defendant shall be guilty of the offence of unnatural sex, if the defendant engages in sodomy or any other sexual conduct that is against the order of nature."

Grading of unnatural sex

Section 214. "The offence of unnatural sex shall be a petty misdemeanor."

Classes of crime

Section 3. "For the purpose of this Penal Code, the classes of crimes shall be as follows:
(c) A crime shall be petty misdemeanor, if it is so designated in this Penal Code or other laws and provides for a maximum term of imprisonment of less than one year and a minimum term of one month for the convicted defendant."

Botswana

Male/Male Illegal

Female/Female Illegal

PENAL CODE [Chapter 08:01] ¹⁹

Section 164. Unnatural offences

“Any person who;

(a) has carnal knowledge of any person against the order of nature;

(b) has carnal knowledge of any animal; or

(c) permits any other person to have carnal knowledge of him or her against the order of nature,

is guilty of an offences and is liable to imprisonment for a term not exceeding seven years.”

Section 165. Attempts to commit unnatural offences

“Any person who attempts to commit any of the offences specified in section 164 is guilty of an offence and is liable to imprisonment for a term not exceeding five years.”

Section 167. Indecent practices between persons

“Any person who, whether in public or private, commits any act of gross indecency with another person, or procures another person to commit any act of gross indecency with him or her, or attempts to procure the commission of any such act by any person with himself or herself or with another person, whether in public or private, is guilty of an offence.”

Brunei

Male/Male Illegal

Female/Female Legal

PENAL CODE, CHAPTER 22, revised edition 2001²⁰

Unnatural offences.

Section 377. “Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine. [S 12/97]

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.”

Burundi

Male/Male Illegal

Female/Female Illegal

On 22 April 2009 the president of Burundi signed into law a revision of the Penal Code which for the first time in history includes a prohibition of same-sex relations. Article 567 now punishes such relations with up to two years imprisonment upon conviction.²¹

Cameroon

Male/Male Illegal

Female/Female Illegal

Penal Code of 1965 and 1967, as amended in 1972 ²²

Section 347. Homosexuality–

“Any person who has sexual relations with a person of the same sex shall be punished with a term of imprisonment of five years and a fine of between 20,000 and 200,000 francs.”

Comoros

Male/Male Illegal

Female/Female Illegal

Penal Code of the Federal Islamic Republic of Comoros ²³

Article 318. –

“(3) Without prejudice to the more serious penalties provided for in the preceding paragraphs or by articles 320 and 321 of this Code, whoever will have committed an improper or unnatural act with a person of the same sex will be punished by imprisonment of between one and five years and by a fine of 50 000 to 1 000 000 francs. If the act was committed with a minor, the maximum penalty will always be applied.”

Cook Islands (New Zealand associate)

Male/Male Illegal

Female/Female Legal

Crimes Act 1969 ²⁴

Section 154. Indecency between males –

“(1) Every one is liable to imprisonment for a term not exceeding five years who, bring a male,-

(a) Indecently assaults any other male; or

(b) Does any indecent act with or upon any other male; or

(c) Induces or permits any other male to do any indecent act with or upon him.

(2) No boy under the age of fifteen years shall be charged with committing or being a party to an offence against paragraph

(b) or paragraph (c) of subsection (1) of this section, unless the other male was under the age of twenty-one years.

(3) It is not defence to a charge under this section that the other party consented.”

Section 155. Sodomy –

“(1) Every one who commits sodomy is liable-

(a) Where the act of sodomy is committed on a female, to imprisonment for a term not exceeding fourteen years;

(b) Where the act of sodomy is committed on a male, and at the time of the act that male is under the age of fifteen years and the offender is of over the age of twenty-one years, to imprisonment for a term not exceeding fourteen years;

(c) In any other case, to imprisonment for a term not exceeding seven years.

(2) This offence is complete upon penetration.

- (3) Where sodomy is committed on any person under the age of fifteen years he shall not be charged with being a party to that offence, but he may be charged with being a party to an offence against section 154 of this Act in any case to which that section is applicable.
- (4) It is no defence to a charge under this section that the other party consented."

Note that Cook Islands is a New Zealand associate, and that the laws in Cook Islands are only applicable to the islands, and not to New Zealand!

Dominica

Male/Male Illegal

Female/Female Illegal

Sexual Offences Act 1998 ²⁵

Section 14. Gross Indecency

- "(1) Any person who commits an act of gross indecency with another person is guilty of an offence and liable on conviction to imprisonment for five years.
- (2) Subsection (1) does not apply to an act of gross indecency committed in private between an adult male person and an adult female person, both of whom consent.
- (3) For the purposes of subsection (2) –
- (a) an act shall be deemed not to have been committed in private if it is committed in a public place; and
 - (b) a person shall be deemed not to consent to the commission of such an act if –
 - (i) the consent is extorted by force, threats or fear of bodily harm or is obtained by false and fraudulent representations as to the nature of the act;
 - (ii) the consent is induced by the application or administration of any drug, matter or thing with intent to intoxicate or stupefy the person; or
 - (iii) that person is, and the other party to the act knows or has good reason to believe that the person is suffering from a mental disorder.
- (4) In this section "gross indecency" is an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of genital organs for the purpose of arousing or gratifying sexual desire."

Section 16 Buggery

- "(1) A person who commits buggery is guilty of an offence and liable on conviction to imprisonment for –
- (a) twenty-five years, if committed by an adult on a minor;
 - (b) ten years, if committed by an adult on another adult; or
 - (c) five years, if committed by a minor;
- and, if the Court thinks it fit, the Court may order that the convicted person be admitted to a psychiatric hospital for treatment.
- (2) Any person who attempts to commit the offence of buggery, or is guilty of an assault with the intent to commit the same is guilty of an offence and liable to imprisonment for four years and, if the Court thinks it fit, the Court may order that the convicted person be admitted to the psychiatric hospital for treatment.
- (3) In this section "buggery" means sexual intercourse per anum by a male person with a male person or by a male person with a female person."

Egypt

Male/Male Illegal

Female/Female Unclear

Sexual relations between consenting adult persons of the same sex in private are not prohibited as such. However, Law 10/1961, aimed at combating prostitution, as well as for example Penal Code article 98w on “Contempt for Religion” and article 278 on “Shameless public acts” have been used to imprison gay men in the recent years.²⁶

Law n° 10, 1961 on 'Combating of prostitution, incitement and its encouragement': ²⁷

Article 9 (c) "Anyone who habitually engages in debauchery or prostitution is liable to a penalty of three months to three years imprisonment and/or a fine of LE 25-300".

Eritrea

Male/Male Illegal

Female/Female Illegal

Penal Code of 1957 (Inherited from Ethiopian rule) ²⁸

Art. 600. — Unnatural Carnal Offences.

“(1) Whosoever performs with another person of the same sex an act corresponding to the sexual act, or any other indecent act, is punishable with simple imprisonment.

(2) The provisions of Art. 597 are applicable where an infant or young person is involved.”

Art.105.- Simple Imprisonment.

“(1) simple imprisonment is a sentence applicable to offences of a not very serious nature committed by persons who are not a serious danger to society.

It is intended as a measure of safety to the general public and as a punishment to the offender.

Subject to any special provision of law and without prejudice to conditional release, simple imprisonment may extend for a period of from ten days to three years; such period shall be fixed by the court.

(2) The sentence of simple imprisonment shall be served in such prison or in such section thereof as is appointed for the purpose.”

Ethiopia

Male/Male Illegal

Female/Female Illegal

The Criminal Code of the Federal Democratic Republic of Ethiopia, Proclamation No. 414/2004 ²⁹

Article 629.- Homosexual and other Indecent Acts.

“Whoever performs with another person of the same sex a homosexual act, or any other indecent act, is punishable with simple imprisonment.”

Article 630.- General Aggravation to the Crime.

“(1) The punishment shall be simple imprisonment for not less than one year, or, in grave cases, rigorous imprisonment not exceeding ten years, where the criminal:

a) takes unfair advantage of the material or mental distress of another or of the authority

he exercises over another by virtue of his position, office or capacity as guardian, tutor, protector, teacher, master or employer, or by virtue of any other like relationship, to cause such other person to perform or to submit to such an act; or

b) makes a profession of such activities within the meaning of the law (Art. 92).

(2) The punishment shall be rigorous imprisonment from three years to fifteen years, where:

a) the criminal uses violence, intimidation or coercion, trickery or fraud, or takes unfair advantage of the victim's inability to offer resistance or to defend himself or of his feeble-mindedness or unconsciousness; or

b) the criminal subjects his victim to acts of cruelty or sadism, or transmits to him a venereal disease with which he knows himself to be infected; or

c) the victim is driven to suicide by distress, shame or despair."

Article 106.- Simple Imprisonment.

"(1) Simple imprisonment is a sentence applicable to crimes of a not very serious nature committed by persons who are not a serious danger to society.

Without prejudice to conditional release, simple imprisonment may extend for a period of from ten days to three years.

However, simple imprisonment may extend up to five years where, owing to the gravity of the crime, it is prescribed in the Special Part of this Code, or where there are concurrent crimes punishable with simple imprisonment, or where the criminal has been punished repeatedly.

The Court shall fix the period of simple imprisonment in its judgment.

(2) The sentence of simple imprisonment shall be served in such prison or in such section thereof as is appointed for the purpose."

Gambia

Male/Male Illegal

Female/Female Illegal

Criminal Code 1965, as amended in 2005^{30 31}

Article 144: Unnatural offences

"(1) Any person who—

(a) has carnal knowledge of any person against the order of nature; or

(b) has carnal knowledge of an animal; or

(c) permits any person to have carnal knowledge of him or her against the order of nature;

is guilty of a felony, and is liable to imprisonment for a term of 14 years.

(2) In this section- "carnal knowledge of any person against the order of nature" includes-

(a) carnal knowledge of the person through the anus or the mouth of the person;

(b) inserting any object or thing into the vulva or the anus of the person for the purpose of simulating sex; and

(c) committing any other homosexual act with the person"

Guyana

Male/Male Illegal

Female/Female Legal

Criminal Law (Offences) Act ³⁶

Section 352 - Committing acts of gross indecency with male person:

"Any male person, who in public or private, commits, or is a party to the commission, or procures or attempts to procure the commission, by any male person, of an act of gross indecency with any other male person shall be guilty of misdemeanour and liable to imprisonment for two years."

Section 353 - Attempt to commit unnatural offences:

"Everyone who -

(a) attempts to commit buggery; or

(b) assaults any person with the intention to commit buggery; or

(c) being a male, indecently assaults any other male person,

shall be guilty of felony and liable to imprisonment for ten years."

Section 354 – Buggery:

"Everyone who commits buggery, either with a human being or with any other living creature, shall be guilty of felony and be liable to imprisonment for life."

India

Male/Male Illegal

Female/Female Legal

THE INDIAN PENAL CODE, 1860, ACT NO. 45 ³⁷

Section 377. "Unnatural offences.--Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with 1*[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation.-Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section."

"1. Subs, by Act 26 of 1955, s. 117 and Sch., for "transportation for life."

Indonesia

Male/Male Legal*

Female/Female Legal*

Same-sex relations are not prohibited according to the national Penal Code. The only provision to deal with such relations is article 292 which prohibits sexual acts between persons of the same sex, if committed with a person under the legal age.³⁸ However, in 2002 the national parliament gave the Aceh province the right to adopt Islamic Sharia laws. Such laws do apply to Muslims only. Moreover, for example the city of Palembang in South Sumatra has introduced jail time and hefty fines for same-sex relations.³⁹

Iran

Male/Male Illegal

Female/Female Illegal

Islamic Penal Code of Iran of 1991 ⁴⁰

“Part 2: Punishment for Sodomy

Chapter 1: Definition of Sodomy

Article 108: Sodomy is sexual intercourse with a male.

Article 109: In case of sodomy both the active and the passive persons will be condemned to its punishment.

Article 110: Punishment for sodomy is killing; the Sharia judge decides on how to carry out the killing.

Article 111: Sodomy involves killing if both the active and passive persons are mature, of sound mind and have free will.

Article 112: If a mature man of sound mind commits sexual intercourse with an immature person, the doer will be killed and the passive one will be subject to Ta'azir of 74 lashes if not under duress.

Article 113: If an immature person commits sexual intercourse with another immature person, both of them will be subject to Ta'azir of 74 lashes unless one of them was under duress.”

Chapter 2: Ways of proving sodomy in court

“Article 114: By confessing four lashes to having committed sodomy, punishment is established against the one making the confession.

Article 115: A confession made less than four lashes (to having committed sodomy) does not involve punishment of “Had” but the confessor will be subject to Ta'azir (lesser punishments).

Article 116: A confession is valid only if the confessor is mature, of sound mind, has will and intention.

Article 117: Sodomy is proved by the testimony of four righteous men who might have observed it.

Article 118: If less than four righteous men testify, sodomy is not proved and the witnesses shall be condemned to punishment for Qazf (malicious accusation).

Article 119: Testimony of women alone or together with a man does not prove sodomy.

Article 120: The Sharia judge may act according to his own knowledge which is derived through customary methods.

Article 121: Punishment for Tafhiz (the rubbing of the thighs or buttocks) and the like committed by two men without entry, shall be hundred lashes for each of them.

Article 122: If Tafhiz and the like are repeated three lashes without entry and punishment is enforced after each time, the punishment for the fourth time would be death.

Article 123: If two men not related by blood stand naked under one cover without any necessity, both of them will be subject to Ta'azir of up to 99 lashes.

Article 124: If someone kisses another with lust, he will be subject to Ta'azir of 60 lashes.

Article 125: If the one committing Tafhiz and the like or a homosexual man, repents before

the giving of testimony by the witnesses, his punishment will be quashed; if he repents after the giving of testimony, the punishment will not be quashed.

Article 126: If sodomy or Tafhizis proved by confession and thereafter he repents the Shariajudge may request the leader (Valie Amr) to pardon him."

Part 3: Lesbianism

"Article 127: Mosaheqeh (lesbianism) is homosexuality of women by genitals.

Article 128: The ways of proving lesbianism in court are the same by which the homosexuality (of men) is proved.

Article 129: Punishment for lesbianism is hundred (100) lashes for each party.

Article 130: Punishment for lesbianism will be established vis-a -vis someone who is mature, of sound mind, has free will and intention.

Note: In the punishment for lesbianism there will be no distinction between the doer and the subject as well as a Muslim or non-Muslim.

Article 131: If the act of lesbianism is repeated three lashes and punishment is enforced each time, death sentence will be issued the fourth time.

Article 132: If a lesbian repents before the giving of testimony by the witnesses, the punishment will be quashed; if she does so after the giving of testimony, the punishment will not be quashed.

Article 133: If the act of lesbianism is proved by the confession of the doer and she repents accordingly, the Sharia judge may request the leader (ValieAmr) to pardon her.

Article 134: If two women not related by consanguinity stand naked under one cover without necessity, they will be punished to less than hundred (100) lashes (Ta'azir). In case of its repetition as well as the repetition of punishment, hundred (100) lashes will be hit the third time."

Iraq

Male/Male Unclear

Female/Female Unclear

After the American invasion in 2003 the Penal Code of 1969 was reinstated in Iraq. This code does not prohibit same-sex relations.⁴¹ However, various reports have shown that self-proclaimed Sharia judges have sentenced people to death for committing homosexual acts, and that militias frequently have kidnapped, threatened and killed LGBT people. This has been confirmed by the UN-body UNAMI. The situation for LGBT people is all but safe in Iraq as of publication of this report.^{42 43 44}

Jamaica

Male/Male Illegal

Female/Female Legal

The Offences Against the Person Act ⁴⁵

Article 76 (Unnatural Crime)

"Whosoever shall be convicted of the abominable crime of buggery [anal intercourse] committed either with mankind or with any animal, shall be liable to be imprisoned and kept to hard labour for a term not exceeding ten years."

Article 77 (Attempt)

"Whosoever shall attempt to commit the said abominable crime, or shall be guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for a term not exceeding seven years, with or without hard labour."

Article 78 (Proof of Carnal Knowledge)

"Whenever upon the trial of any offence punishable under this Act, it may be necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon proof of penetration only."

Article 79 (Outrages on Decency)

"Any male person who, in public or private, commits, or is a party to 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 guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for a term not exceeding 2 years, with or without hard labour."

Kenya

Male/Male Illegal

Female/Female Legal

Cap.63 Penal Code ⁴⁶

"Section 162. Any person who—

(a) has carnal knowledge of any person against the order of nature; or

(b) has carnal knowledge of an animal; or

is guilty of a felony and is liable to imprisonment for fourteen years:

Provided that, in the case of an offence under paragraph (a), the offender shall be liable to imprisonment for twenty-one years if—

(i) the offence was committed without the consent of the person who was carnally known; or

(ii) the offence was committed with that person's consent but the consent was obtained by force or by means of threats or intimidation of some kind, or by fear of bodily harm, or by means of false representations as to the nature of the act."

"Section 163. Any person who attempts to commit any of the offences specified in section 162 is guilty of a felony and is liable to imprisonment for seven years."

"Section 165. Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony and is liable to imprisonment for five years."

(Sections amended by Act No. 5 of 2003)

Kiribati

Male/Male Illegal

Female/Female Legal

Penal Code [Cap 67] Revised Edition 1977 ⁴⁷

Unnatural Offences

Section 153. "Any person who-
(a) commits buggery with another person or with an animal; or
(b) permits a male person to commit buggery with him or her,
shall be guilty of a felony, and shall be liable to imprisonment for 14 years."

Attempts to commit unnatural offences and indecent assaults

Section 154. "Any person who attempts to commit any of the offences it specified in the last preceding section, or who is guilty of any assault with intent to commit the same, or any indecent assault upon any male person shall be guilty of a felony, and shall be liable to imprisonment for 7 years."

Indecent practices between males

Section 155. "Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, shall be guilty of a felony, and shall be liable to imprisonment for 5 years."

Kuwait

Male/Male Illegal

Female/Female Legal

Penal Code, Law No. 16 of June 2, 1960, as amended in 1976 ⁴⁸

Article 193. "Consensual intercourse between men of full age (from the age of 21) shall be punishable with a term of imprisonment of up to seven years."

Such relations with a man under 21 years of age are criminalised by article 192.

Lebanon

Male/Male Illegal

Female/Female Illegal

Penal Code of 1943 ⁴⁹

Article 534. "Any sexual intercourse against nature is punished with up to one year of imprisonment".

Lesotho

Male/Male Illegal

Female/Female Legal

Sodomy is prohibited as a common-law offence. It is defined as “unlawful and intentional sexual relationship per anum between two human males”.^{50 51}

Liberia

Male/Male Illegal

Female/Female Illegal

Penal Law, Revised Liberian Statutes ⁵²

Section 14.74 on ‘VOLUNTARY SODOMY’ makes it an offence to engage in “deviate sexual intercourse” under circumstances that is not covered in Section 14.72 or 14.73. The offence is classified as a first degree misdemeanor.

Libya

Male/Male Illegal

Female/Female Illegal

Penal Code of 1953 ⁵³

Article 407: Sexual assault/rape

“(1) Any individual who has sexual intercourse with another person using violence, by means of threats or through deception shall be punished with a term of imprisonment of a maximum of ten years.

(2) This punishment shall also be imposed on any individual who has had sexual intercourse with the consent of a person who was not yet 14 years of age or with a person who did not resist on account of mental or physical disability. If the victim was not yet 14 years of age or was over 14 years of age but had not yet reached the age of 18, the maximum term of imprisonment shall be 15 years.

(3) If the offender is a relative of the victim, a guardian, a tutor or a custodian, or if the victim is his servant, or if the victim has a special dependant relationship to the offender, a term of imprisonment of between five and 15 years shall be imposed.

(4) If an individual has sexual intercourse with another person with their consent (outside marriage), the two persons involved shall be punished with a term of imprisonment of five years at most.”

Article 408: Lewd acts

“(1) Any individual who commits lewd acts with a person in accordance with one of the methods specified in the preceding article shall be punished with a period of imprisonment of five years at most.

(2) This punishment shall also be imposed if the act has been committed in agreement with a person who was not yet 14 years of age or with a person who did not resist on account of a mental or physical disability. If the victim was between the ages of 14 and 18, the term of imprisonment shall be at least one year.

(3) If the offender belongs to one of the groups of offenders specified in paragraphs (2)

another person, shall be punished with imprisonment for a term which may extend to two years.”

Moreover, several states in Malaysia have instated Islamic Sharia laws, applying to male and female muslims, criminalising homosexual and lesbian acts with up to three years imprisonment and whipping.⁵⁶ The Sharia Penal law in the Malaysian state of Syriah prescribes penalties for sodomy (Liwat) and lesbian relations (Musahaqat) with fines of RM5,000.00, three years imprisonment and 6 lashes of the whip. All these penalties can be combined.⁵⁷

Maldives

Male/Male Illegal

Female/Female Illegal

The Penal Code of Maldives does not regulate sexual conduct.⁵⁸ It is instead regulated by uncodified Muslim Sharia law, which criminalises homosexual acts between both men and between women. For men the punishment is banishment for nine months to one year or a whipping of 10 to 30 strokes, while the punishment for women is house arrest for nine months to one year.⁵⁹ There have been reports of women being sentenced to a whipping as well for lesbian acts.⁶⁰

Mauritania

Male/Male Illegal

Female/Female Illegal

Penal Code of 1984⁶¹

“ART. 308. - Any adult Muslim man who commits an impudent act against nature with an individual of his sex will face the penalty of death by public stoning. If it is a question of two women, they will be punished as prescribed in article 306, first paragraph”.

“ART. 306(1). - Any person who commits an outrage on public decency and Islamic morals or violates the sacred places or assists in the breach, will be punished by a sentence of between three months to two years imprisonment and a fine of 5,000 to 60,000 UM, if such action is not covered by the crimes of Ghissass or Diya.”

(Unofficial translations)

Mauritius

Male/Male Illegal

Female/Female Legal

Criminal Code of 1838⁶²

Section 250 Sodomy and bestiality

“(1) Any person who is guilty of the crime of sodomy or bestiality shall be liable to penal servitude for a term not exceeding 5 years.”

Morocco

Male/Male Illegal

Female/Female Illegal

Penal Code of November 26, 1962 ⁶³

Article 489. "Any person who commits lewd or unnatural acts with an individual of the same sex shall be punished with a term of imprisonment of between six months and three years and a fine of 120 to 1,000 dirhams, unless the facts of the case constitute aggravating circumstances."

Mozambique

Male/Male Illegal

Female/Female Illegal

Penal Code of September 16, 1886, as amended in 1954 (Inherited from the Portuguese colonial era) ⁶⁴

Articles 70 and 71 ad security measures on people who habitually practice acts against the order of nature, stating that such people shall be sent to labor camps.

Original Portuguese text:

ARTIGO 70º

(Medidas de segurança)

São medidas de segurança:

1º. – O internamento em manicómio criminal;

2º. – O internamento em casa de trabalho ou colónia agrícola;

3º. – A liberdade vigiada;

4º. – A caução de boa conduta;

5º. – A interdição do exercício de profissão;

§ 1º. – O internamento em manicómio criminal de delinquentes perigosos será ordenado na decisão que declarar irresponsável e perigoso o delinquente nos termos do § único do artigo 68º.

§ 2º. – O internamento em casa de trabalho ou colónia agrícola entende-se por período indeterminado de seis meses a três anos. Este regime considera-se extensivo a quaisquer medidas de internamento, previstas em legislação especial.

§ 3º. – A liberdade vigiada será estabelecida pelo prazo de dois a cinco anos e implica o cumprimento das obrigações que sejam impostas por decisão judicial nos termos do artigo 121º.

Na falta de cumprimento das condições de liberdade vigiada poderá ser alterado o seu condicionamento ou substituída a liberdade vigiada por internamento em casa de trabalho ou colónia agrícola por período indeterminado mas não superior, no seu máximo, ao prazo de liberdade vigiada ainda não cumprido.

§ 4º. – A caução de boa conduta será prestada por depósito da quantia que o juiz fixar, pelo prazo de dois a cinco anos. Se não puder ser prestada caução, será esta substituída por liberdade vigiada pelo mesmo prazo. A caução será perdida a favor do Cofre Geral dos Tribunais se aquele que a houver prestado tiver comportamento incompatível com as obrigações caucionadas, dentro do prazo que for estabelecido ou se, no mesmo prazo,

der causa à aplicação de outra medida de segurança.

§ 5º. – A interdição dum profissão, mester, indústria ou comércio priva o condenado de capacidade para o exercício de profissão, mester, indústria, ou comércio, para os quais seja necessária habilitação especial ou autorização oficial. A interdição será aplicada pelo tribunal sempre que haja lugar a condenação em pena de prisão maior ou prisão por mais de seis meses por crimes dolosos cometidos no exercício ou com abuso de profissão, mester, indústria ou comércio, ou com violação grave dos deveres correspondentes. A duração da interdição será fixada na sentença, entre o mínimo de um mês e o máximo de dez anos. Quando o crime perpetrado for punível com prisão, a duração máxima da interdição é de dois anos. O prazo da interdição conta-se a partir do termo da pena de prisão. O tribunal poderá, decorrido metade do tempo da interdição, e mediante prova convincente da conveniência da cessação da interdição, substituí-la por caução de boa conduta. O exercício de profissão, mester, comércio ou indústria interditos por decisão judicial é punível com prisão até um ano."

ARTIGO 71º

(Aplicação de medidas de seguranças)

São aplicáveis medidas de segurança:

1º. – Aos vadios, considerando-se como tais os indivíduos de mais de dezasseis anos e menos de sessenta que, sem terem rendimentos com que provejam ao seu sustento, não exercitem habitualmente alguma profissão ou mester em que ganhem efectivamente a sua vida e não provem necessidade de força maior que os justifique de se acharem nessas circunstâncias;

2º. – Aos indivíduos aptos a ganharem a sua vida pelo trabalho, que se dediquem, injustificadamente, à mendicidade ou explorem a mendicidade alheia;

3º. – Aos rufiões que vivam total ou parcialmente a expensas de mulheres prostituídas;

4º. – Aos que se entreguem habitualmente à pratica de vícios contra a natureza;

5º. – Às prostitutas que sejam causa de escândalo público ou desobedeçam continuamente às prescrições policiais;

6º. – Aos que mantenham ou dirijam casas de prostituição ou habitualmente frequentadas por prostitutas, quando desobedeçam repetidamente às prescrições regulamentares e policiais;

7º. – Aos que favoreçam ou excitam habitualmente a depravação ou corrupção de menores, ou se dediquem ao aliciamento à prostituição, ainda que não tenham sido condenados por quaisquer factos dessa natureza;

8º. – Aos indivíduos suspeitos de adquirirem usualmente ou servirem de intermediários na aquisição ou venda de objectos furtados, ou produto de crimes, ainda que não tenham sido condenados por receptadores, se não tiverem cumprido as determinações legais ou instruções policiais destinadas à fiscalização dos receptadores;

9º. – A todos os que tiverem sido condenados por crimes de associação para delinquir ou por crime cometido por associação para delinquir, quadrilha ou bando organizado;

§ 1º. – O internamento, nos termos do n.º. 2º e § 2º do artigo 70º, só poderá ter lugar pela primeira vez quando aos indivíduos indicados nos n.ºs. 1º, 2º, 7º e 9º.

Aos indivíduos indicados nos n.ºs. 3º, 4º, 5º, 6º, e 8º será imposta, pela primeira vez, a caução de boa conduta ou a liberdade vigiada e, pela segunda, a liberdade vigiada com caução elevada ao dobro, ou o internamento.

§ 2º. – Os delinquentes que forem alcoólicos habituais e predispostos pelo alcoolismo para

a prática de crimes, ou abusem de estupefacientes, poderão cumprir a pena em que tiverem sido condenados e ser internados após esse cumprimento em estabelecimento especial, em prisão-asilo ou em casa de trabalho ou colônia agrícola por período de seis meses a três anos.

O internamento só pode ser ordenado na sentença que tiver condenado o delinquente.

§ 3º. – Em relação aos estrangeiros, as medidas de segurança poderão ser substituídas pela expulsão do território nacional.

§ 4º. – A aplicação de medidas de segurança que não devam ser impostas em processo penal conjuntamente com a pena aplicável a qualquer crime ou em consequência de inimputabilidade do delinquente, e bem assim a prorrogação e substituição de medidas de segurança, tem lugar em processo de segurança ou complementar, nos termos da respectiva legislação processual."

Myanmar/Burma

Male/Male Illegal

Female/Female Legal

Penal Code, Act 45/1860, Revised Edition ⁶⁵

Section 377

"Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animals shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to 10 years, and shall be liable to fine."

Namibia

Male/Male Illegal

Female/Female Legal

Sodomy remains a crime in Namibia according to the Roman-Dutch common-law, which was imposed by the South Africans. Common-law is a legal tradition based mainly on precedent court verdicts, why there is no codified sodomy provision in Namibia.⁶⁶

Nauru

Male/Male Illegal

Female/Female Legal

Criminal Code of Queensland in its application to Nauru on 1 July 1921 ^{67 68}

Section 208. Unnatural Offences

"Any person who:

- (1) Has carnal knowledge of any person against the order of nature; or
- (2) Has carnal knowledge of an animal; or
- (3) Permits a male person to have carnal knowledge of him or her against the order of nature;

is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years"

Section 209. Attempt to commit Unnatural Offences

"Any person who attempts to commit any of the crimes defined in the last preceding section is guilty of a crime, and is liable to imprisonment with hard labour for seven years. The offender cannot be arrested without warrant."

Section 211. Indecent Practices between Males

“Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.”

Nigeria

Male/Male Illegal

Female/Female Legal*

Criminal Code Act, Chapter 77, Laws of the Federation of Nigeria 1990 ⁶⁹

Section 214. “Any person who-

(1) has carnal knowledge of any person against the order of nature; or

(2) has carnal knowledge of an animal; or

(3) permits a male person to have carnal knowledge of him or her against the order of nature;

is guilty of a felony, and is liable to imprisonment for fourteen years.”

Section 215. “Any person who attempts to commit any of the offences defined in the last preceding section is guilty of a felony, and is liable to imprisonment for seven years. The offender cannot be arrested without warrant.”

Section 217. “Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony, and is liable to imprisonment for three years. The offender cannot be arrested without warrant.”

Note that several Northern Nigerian states have adopted Islamic Sharia laws, criminalising sexual activities between persons of the same sex. The maximum penalty for such acts between men is death penalty, while the maximum penalty for such acts between women is a whipping and/or imprisonment. These laws differ from the federal law, as most of these prohibit also sexual relations between women.

The states which have adopted such laws are:⁷⁰

Bauchi (the year 2001), Borno (2000), Gombe (2001), Jigawa (2000), Kaduna (2001), Kano (2000), Katsina (2000), Kebbi (2000), Niger (2000), Sokoto (2000), Yobe (2001) and Zamfara (2000).

Oman

Male/Male Illegal

Female/Female Illegal

Penal Code, 1974 ⁷¹

Article 223. "Any individual who commits sexual acts with a person of the same sex shall be prosecuted, even if no complaint is made, for committing homosexual or lesbian acts if the act causes a public nuisance and shall be punished with a term of imprisonment of between six months and three years."

Pakistan

Male/Male Illegal

Female/Female Legal

Penal Code (Act XLV of 1860) ⁷²

Section 377 'Unnatural offences'

"Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to a fine."

Palau

Male/Male Illegal

Female/Female Legal

Palau National Code; Penal Code ⁷³

§ 2803. Sodomy.

"Every person who shall unlawfully and voluntarily have any sexual relations of an unnatural manner with a member of the same or the other sex, or shall have any carnal connection in any manner with a beast, shall be guilty of sodomy, and upon conviction thereof be imprisoned for a period of not more than 10 years; provided, that the term "sodomy" shall embrace any and all parts of the sometimes written "abominable and detestable crime against nature"".

Papua New Guinea

Male/Male Illegal

Female/Female Legal

Criminal Code 1974, as amended in 2002 ⁷⁴

Section 210. UNNATURAL OFFENCES.

"(1) A person who–

(a) sexually penetrates any person against the order of nature; or

(b) sexually penetrates an animal; or

(c) permits a male person to sexually penetrate him or her against the order of nature, is guilty of a crime.

Penalty: Imprisonment for a term not exceeding 14 years.

(2) A person who attempts to commit an offence against Subsection (1) is guilty of a crime. Penalty: imprisonment for a term not exceeding seven years.”

Section 212. INDECENT PRACTICES BETWEEN MALES.

“(1) A male person who, whether in public or private–

(a) commits an act of gross indecency with another male person; or

(b) procures another male person to commit an act of gross indecency with him; or

(c) attempts to procure the commission of any such act by a male person with himself or with another male person, is guilty of a misdemeanour.

Penalty: Imprisonment for a term not exceeding three years.”

Qatar

Male/Male Illegal

Female/Female Illegal

The Penal Code (Act No. 11 of 2004) ⁷⁵

Sexual acts with a female over the age of 16 are prohibited by article 281, while sexual acts with a male are prohibited by article 284. The penalty is up to seven years imprisonment for both female and male acts.

Along with the civil Penal Code also Islamic Sharia law is in force in Qatar, although only applicable to Muslims. The offence of “Zina” makes any sexual act by a married person outside of marriage punishable by death, while sexual acts by non-married persons are punished by flogging – both offences no matter if they were heterosexual or homosexual.⁷⁶

Saint Kitts and Nevis

Male/Male Illegal

Female/Female Legal

Offences against the Person Act ^{77 78}

Section 56

“The abominable crime of buggery” - up to 10 years imprisonment, with or without hard labour.

Section 57

“Whosoever attempts to commit the said abominable crime, or is guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, is guilty of misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four (4) years with or without hard labour.”

Saint Lucia

Male/Male Illegal

Female/Female Illegal

Criminal Code, No. 9 of 2004 (Effective January 1, 2005) ⁷⁹

Gross Indecency

Section 132.— “(1) Any person who commits an act of gross indecency with another person commits an offence and is liable on conviction on indictment to imprisonment for ten years or on summary conviction to five years.

(2) Subsection (1) does not apply to an act of gross indecency committed in private between an adult male person and an adult female person, both of whom consent.

(3) For the purposes of subsection (2) —

(a) an act shall be deemed not to have been committed in private if it is committed in a public place; and

(b) a person shall be deemed not to consent to the commission of such an act if —

(i) the consent is extorted by force, threats or fear of bodily harm or is obtained by false and fraudulent representations as to the nature of the act;

(ii) the consent is induced by the application or administration of any drug, matter or thing with intent to intoxicate or stupefy the person; or

(iii) that person is, and the other party to the act knows or has good reason to believe that the person is suffering from a mental disorder.

(4) In this section “gross indecency” is an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.”

Buggery

Section 133.— “(1) A person who commits buggery commits an offence and is liable on conviction on indictment to imprisonment for —

(a) life, if committed with force and without the consent of the other person;

(b) ten years, in any other case.

(2) Any person who attempts to commit buggery, or commits an assault with intent to commit buggery, commits an offence and is liable to imprisonment for five years.

(3) In this section “buggery” means sexual intercourse per anus by a male person with another male person.”

Saint Vincent and the Grenadines

Male/Male Illegal

Female/Female Illegal

Criminal Code, 1990 Edition ⁸⁰

Section 146

“Any person who —

(a) commits buggery with any other person;

(b) commits buggery with an animal; or

(c) permits any person to commit buggery with him or her;

is guilty of an offence and liable to imprisonment for ten years.”

Section 148

"Any person, who in public or private, commits an act of gross indecency with another person of the same sex, or procures or attempts to procure another person of the same sex to commit an act of gross indecency with him or her, is guilty of an offence and liable to imprisonment for five years."

Samoa

Male/Male Illegal

Female/Female Legal

Crimes Ordinance 1961, Consolidated Acts of Samoa 2007-2008 ⁸¹

Section 58D. Indecency between males –

"(1) Everyone is liable to imprisonment for a term not exceeding 5 years who, being a male:

(a) Indecently assaults any other male; or

(b) Does any indecent act with or upon any other male; or

(c) Induces or permits any other male to do any indecent act with or upon him.

(2) No boy under the age of 16 years shall be charged with committing or being a party to an offence against paragraph (b) or paragraph (c) of subsection (1), unless the other male was under the age of 21 years.

(3) It is no defence to a charge under this section that the other party consented."

Section 58E. Sodomy –

"(1) Everyone who commits sodomy is liable:

(a) Where the act of sodomy is committed on a female, to imprisonment for a term not exceeding 7 years.

(b) Where the act of sodomy is committed on a male, and at the time of the act that male is under the age of 16 years and the offender is of or over the age of 21 years, to imprisonment for a term not exceeding 7 years.

(c) In any other case, to imprisonment for a term not exceeding 5 years.

(2) This offence is complete upon penetration.

(3) Where sodomy is committed on any person under the age of 16 years he shall not be charged with being a party to that offence, but he may be charged with being a party to an offence against section 58D of this Act in any case to which that section is applicable.

(4) It is no defence to a charge under this section that the other party consented."

São Tomé and Príncipe

Male/Male Illegal

Female/Female Illegal

Penal Code of September 16, 1886, as amended in 1954 (Inherited from the Portuguese colonial era) ⁸²

Articles 70 and 71 ad security measures on people who habitually practice acts against the order of nature, stating such people shall be sent to labor camps.

For text of the law in Portuguese – see Mozambique section!

Saudi-Arabia

Male/Male Illegal

Female/Female Illegal

There is no codified Penal Law in Saudi-Arabia. Instead, the country applies strict Islamic Sharia law. According to the interpretation sodomy is criminalised. For a married man the penalty is death by stoning, while the penalty for an unmarried man is 100 blows of the whip as well as banishment for a year. For a non-Muslim, who commits sodomy with a Muslim, the penalty is death by stoning. For conviction of sodomy, it must be proved either by confession of the culprit four times, or "testimony of four trustworthy Muslim men". Moreover are all sexual relations outside of marriage illegal in Saudi-Arabia according to the Sharia law, including sexual relations between women. ⁸³

Senegal

Male/Male Illegal

Female/Female Illegal

Penal Code of 1965 ⁸⁴

Article 319:3. "Without prejudice to the more serious penalties provided for in the preceding paragraphs or by articles 320 and 321 of this Code, whoever will have committed an improper or unnatural act with a person of the same sex will be punished by imprisonment of between one and five years and by a fine of 100,000 to 1,500,000 francs. If the act was committed with a person below the age of 21, the maximum penalty will always be applied."

Seychelles

Male/Male Illegal

Female/Female Legal

Criminal Code of 1955 ⁸⁵

Section 151. "Any person who –
a. has carnal knowledge of any person against the order of nature; or
b. has carnal knowledge of an animal; or
c. permits a male person to have carnal knowledge of him or her against the order of nature, is guilty of a felony, and is liable to imprisonment for fourteen years."

Sierra Leone

Male/Male Illegal

Female/Female Legal

Offences against the Person Act 1861 ⁸⁶

Section 61 of the above named act, criminalises buggery and bestiality, with a penalty of life imprisonment.

Singapore

Male/Male Illegal

Female/Female Legal

Penal Code (Chapter 22), Revised Edition 2007 ⁸⁷

Outrages on decency.

Section 377A. "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 2 years."

Section 377 criminalising "carnal knowledge against the order of nature" has been repealed by the Penal Code (Amendment) Act 2007, No. 51, which came into force on 1 February 2008.

Solomon Islands

Male/Male Illegal

Female/Female Illegal

Penal Code (Revised Edition 1996) ⁸⁸

Section 160. Unnatural offences

"Any person who-

(a) commits buggery with another person or with an animal; or

(b) permits a male person to commit buggery with him or her, shall be guilty of a felony, and shall be liable to imprisonment for fourteen years."

Section 161. Attempts to commit unnatural offences

"Any person who attempts to commit any of the offences specified in the last preceding section, or who is guilty of any assault with intent to commit the same, or any indecent assault upon any male person shall be guilty of a felony, and shall be liable to imprisonment for seven years."

Section 162. Indecent practices between persons of the same sex (Inserted by Act 9 of 1990, s. 2)

"Any person who, whether in public or private -

(a) commits any act of gross indecency with another of the same sex;

(b) procures another of the same sex to commit any act of gross indecency; or

(c) attempts to procure the commission of any act of gross indecency by persons of the same sex, shall be guilty of a felony and be liable to imprisonment for five years."

Somalia

Male/Male Illegal

Female/Female Illegal

Penal Code, Decree No. 5/1962 (Effective April 3, 1964) ⁸⁹

Article 409 Homosexuality

"Whoever

(a) has carnal intercourse

(b) with a person of the same sex shall be punished, where the act does not constitute a more serious crime, with imprisonment from three months to three years.

Where

a) the act committed

b) is an act of lust different from carnal intercourse, the punishment imposed shall be reduced by one-third.”

Article 410 Security Measures

“A security measure may be added to a sentence for crimes referred to in Articles 407, 408, and 409.”

Somalia has not had a functioning central government since the fall of the dictator Mohamed Siad Barre in 1991, and the enforcement of the national Penal Code can be questioned. In the southern parts Islamic courts rule, having imposed Islamic Sharia law punishing homosexual acts with death penalty or flogging. However, Somaliland in the north has declared itself independent, and it still applies the Penal Code.⁹⁰

Sri Lanka

Male/Male Illegal

Female/Female Illegal

Penal Code of 1883 No 2 (Cap. 19) ⁹¹

Article 365 – “Voluntarily carnal intercourse with man, woman or animal against the order of nature - imprisonment for a term which may extend ten years.”

Article 365A (as introduced by the “Penal Code ([Amendment](#)) Act, No. 22 of 1995”)⁹²

“Any person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any person of any act of gross indecency with another person, shall be guilty of an offence and shall be punished with imprisonment of either description for a term which may extend to two years or with a fine, or with both and where the offence is committed by a person over eighteen (18) years of age in respect of any person under sixteen (16) years of age shall be punished with rigorous imprisonment for a term not less than 10 years and not exceeding 20 years and with a fine and shall also be ordered to pay compensation of amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such a person.”

Sudan

Male/Male Illegal

Female/Female Illegal

The Penal Code 1991 (Act No. 8 1991) ⁹³

Section 148 Sodomy.

“(1) Any man who inserts his penis or its equivalent into a woman's or a man's anus or permitted another man to insert his penis or its equivalent in his anus is said to have committed Sodomy.

(2) (a) Whoever commits Sodomy shall be punished with flogging one hundred lashes and

he shall also be liable to five years imprisonment.

(b) If the offender is convicted for the second time he shall be punished with flogging one hundred lashes and imprisonment for a term which may not exceed five years.

(c) If the offender is convicted for the third time he shall be punished with death or life imprisonment."

Section 151. Indecent Acts

"Whoever commits an act of gross indecency upon the person of another person or any sexual act which does not amount to Zina or Sodomy shall be punished with not more than forty lashes and shall also be liable for imprisonment for a term which may not exceed one year or fine."

In 2003 the south parts of Sudan (also known as New Sudan) gained some autonomy, and adopted its own Penal Code the same year. As the federal Penal Code, this Penal Code criminalises sodomy, however with a milder punishment, according to the following section:

Section 318. Unnatural Offences: "Whoever has carnal intercourse against the order of nature with any person and whoever allows any person to have such intercourse with him commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding ten years and may also be liable to fine; and if such intercourse is done without consent he shall be punished with imprisonment for a term not exceeding fourteen years and may also be liable to fine; provided that a consent given by a person below the age of eighteen years to such intercourse shall not be deemed to be a consent within the meaning of this section.

Explanation: Penetration is sufficient to constitute the carnal knowledge necessary to the offence described in this section." ⁹⁴

Swaziland

Male/Male Illegal

Female/Female Legal

"Sodomy - it is sexual intercourse per anus between two human males" - is prohibited as a common law offence.⁹⁵

The Government has plans to include prohibitions of all male homosexual acts and lesbian acts in it's' revision of the Sexual Offences laws. The proposed penalties are imprisonment for a minimum period of two years, or a minimum fine of E5 000. It has, however, not been adopted as of publication of this report.⁹⁶

Syria

Male/Male Illegal

Female/Female Illegal

Penal Code of 1949 ⁹⁷

Article 520. "Any unnatural sexual intercourse shall be punished with a term of imprisonment of up to three years."

Tanzania

Male/Male Illegal

Female/Female Illegal

Penal Code of 1945 (As amended by the Sexual Offences Special Provisions Act, 1998) ^{98 99}

Section 154. Unnatural of offences

“(1) Any person who-

(a) has carnal knowledge of any person against the order of nature; or

(b) has carnal knowledge of an animal; or

(c) permits a male person to have carnal knowledge of him or her against the order of nature commits an offence, and is liable to imprisonment for life and in any case to imprisonment for a term of not less than thirty years.

(2) where the offence under subsection (1) of this section is committed to a child under the age of ten years the offender shall be sentenced to life imprisonment.”

Section 155. Attempt to commit unnatural offences

“Any person who attempts to commit any of the offences specified under section 154 commits an offences and shall on conviction be sentenced to imprisonment for a term not less than twenty years.”

Section 138A. Gross indecency

“Any person who, in public or private commits, or is a party to the commission of, or procures or attempts to procure the commission by any person of, any act of gross indecency with another person, is guilty of an offence and liable on conviction to imprisonment for a term not less than one year and not exceeding five years or to a fine not less than one hundred thousand and not exceeding three hundred thousand shillings; save that where the offence is committed by a person of eighteen years of age or more in respect of any person under eighteen years of age, a pupil of a primary school or a student of secondary school the offender shall be liable On Conviction to imprisonment for a term not less than ten years, with corporal punishment, and shall also be ordered to pay compensation Of all amount determined by the court to the person in respect of whom the offence was committed or any injuries caused to that person”.

Togo

Male/Male Illegal

Female/Female Illegal

Penal Code of 13 August 1980 ¹⁰⁰

Article 88 – “Impudent acts or crimes against the nature with an individual of the same sex are punished with three (03) years imprisonment and 100,000-500,000 franc in fine.”

(Unofficial translation)

Tonga

Male/Male Illegal

Female/Female Legal

Laws of Tonga, Criminal Offences [Cap 18] 1988 Edition ¹⁰¹

Sodomy and bestiality.

Section 136. "Whoever shall be convicted of the crime of sodomy with another person or bestiality with any animal shall be liable at the discretion of the Court to be imprisoned for any period not exceeding ten years and such animal shall be killed by a public officer."
(Substituted by Act 9 of 1987.)

Attempted sodomy, indecent assault upon a male.

Section 139. "Whoever shall attempt to commit the said abominable crime of sodomy or shall be guilty of an assault with intent to commit the same or of any indecent assault upon any male person shall be liable at the direction of the Court to imprisonment for any term not exceeding 10 years."

Evidence.

Section 140. "On the trial of any person upon a charge of sodomy or carnal knowledge it shall not be necessary to prove the actual emission of seed but the offence shall be deemed complete on proof of penetration only."

Whipping for certain offences.

Section 142. "Whenever any male person shall be convicted of any offence against sections 106, 107, 115, 118, 121, 122, 125, 132, 136 and 139 of this Act the Court may, in its discretion in lieu of or in addition to any sentence of imprisonment authorised under this Act order the person so convicted to be whipped in accordance with the provisions of section 31 of this Act." (Substituted by Act 9 of 1987.)

Trinidad and Tobago

Male/Male Illegal

Female/Female Illegal

Sexual Offences Act 1986, Consolidated Version 2000 ¹⁰²

Section 13. "(1) A person who commits buggery is guilty of an offence and is liable on conviction to imprisonment—

- (a) if committed by an adult on a minor, for life;
- (b) if committed by an adult on another adult, for twenty-five years;
- (c) if committed by a minor, for five years.

(2) In this section "buggery" means sexual inter-course per anum by a male person with a male person or by a male person with a female person."

Section 16. "(1) A person who commits an act of serious indecency on or towards another

Tuvalu

Male/Male Illegal

Female/Female Legal

Laws of Tuvalu, Penal Code [Cap 8] Revised Edition 1978 ¹⁰⁶

Unnatural offences

Section 153. "Any person who-
(a) commits buggery with another person or with an animal; or
(b) permits a male person to commit buggery with him or her,
shall be guilty of a felony, and shall be liable to imprisonment for 14 years."

Attempts to commit unnatural offences and indecent assault

Section 154. "Any person who attempts to commit any of the offences specified in the last proceeding section, or who is guilty of any assault with intent to commit the same, or any indecent assault upon any male person shall be guilty of a felony, and shall be liable to imprisonment for 7 years."

Indecent practices between males

Section 155. "Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, shall be guilty of a felony, and shall be liable to imprisonment for 5 years."

Uganda

Male/Male Illegal

Female/Female Illegal

The Penal Code Act of 1950 (Chapter 120) (as amended) ¹⁰⁷

Section 145. Unnatural offences.

"Any person who—

- (a) has carnal knowledge of any person against the order of nature;
- (b) has carnal knowledge of an animal; or
- (c) permits a male person to have carnal knowledge of him or her against the order of nature, commits an offence and is liable to imprisonment for life."

Section 146. Attempt to commit unnatural offences.

"Any person who attempts to commit any of the offences specified in section 145 commits a felony and is liable to imprisonment for seven years."

Section 148. Indecent practices.

"Any person who, whether in public or in private, commits any act of gross indecency with another person or procures another person to commit any act of gross indecency with him

or her or attempts to procure the commission of any such act by any person with himself or herself or with another person, whether in public or in private, commits an offence and is liable to imprisonment for seven years.”

United Arab Emirates

Male/Male Illegal

Female/Female Illegal

All sexual acts outside of heterosexual marriage are banned in the United Arab Emirates.¹⁰⁸ However, whether sodomy is punished with death penalty remains in dispute. The Arabic text of article 354 is ambiguously phrased and can be translated in different ways. Some sources indicate that the article punishes rape of a woman or forced sodomy with a man, while others indicate that it punishes rape on women and sodomy between men.

The semi-official translation used by attorneys in the Emirates states that “any individual who forcibly compels a woman to carnal copulation or a man to sodomy” is punished by death.¹⁰⁹ In a German parliamentary report the article has been translated as follows: “Irrespective of the provisions of the Act on Delinquent and Vagrant Juveniles, any person who forcibly engages in sexual intercourse with a woman, or a homosexual act with a homosexual, shall be punished with the death penalty. Coercion shall be recognised if the condemned person was fourteen years of age at the time of the commission of the offence.”¹¹⁰ Sofer, on the other hand, means that the article can be translated differently; “Whoever commits rape on a female or sodomy with a male”.¹¹¹ Amnesty International, finally, considers article 354 to apply to rape only, and not to consensual same-sex acts. However, the organization states that the “Zina” provision according to Sharia law, punishing sexual acts by married persons outside of marriage by death, could possibly apply in the UAE, although it is not aware of any such death sentences for consensual same-sex conduct.¹¹²

Apart from federal law, consensual sodomy is criminalised in the emirates of Dubai and Abu Dhabi. Article 80 of the Dubai Penal Code punishes sodomy with a penalty of up to 14 years imprisonment, while article 177 of the Abu Dhabi Penal Code punishes such acts with a penalty of up to ten years imprisonment.¹¹³

Uzbekistan

Male/Male Illegal

Female/Female Legal

Criminal Code of 1994 ¹¹⁴

Article 120. Besoqolbozlik* (Homosexual Intercourse)

“Besoqolbozlik, that is, voluntary sexual intercourse of two male individuals – shall be punished with imprisonment up to three years.”

Yemen

Male/Male Illegal

Female/Female Illegal

Penal Code 1994 ¹¹⁵

Article 264. "Homosexuality between men is defined as penetration into the anus. Unmarried men shall be punished with 100 lashes of the whip or a maximum of one year of imprisonment, married men with death by stoning."

Article 268. "Homosexuality between women is defined as sexual stimulation by rubbing. The penalty for premeditated commission shall be up to three years of imprisonment; where the offence has been committed under duress, the perpetrator shall be punishable with up to seven years detention."

Zambia

Male/Male Illegal

Female/Female Legal

The Penal Code Act, 1995 Edition ¹¹⁶

Section 155. "Any person who-
(a) has carnal knowledge of any person against the order of nature; or
(b) has carnal knowledge of an animal; or
(c) permits a male person to have carnal knowledge of him or her against the order of nature; is guilty of a felony and is liable to imprisonment for fourteen years.
(As amended by No. 26 of 1933) Unnatural offences"

Section 156. "Any person who attempts to commit any of the offences specified in the last preceding section is guilty of a felony and is liable to imprisonment for seven years.
(As amended by No. 26 of 1933) Attempt to commit unnatural offences"

Section 158. "Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony and is liable to imprisonment for five years.
(As amended by No. 26 of 1933) Indecent practices between males"

Zimbabwe

Male/Male Illegal

Female/Female Legal

CRIMINAL LAW (CODIFICATION AND REFORM) ACT (Effective July 8, 2006) ¹¹⁷

Section 73. Sodomy

"(1) Any male person who, with the consent of another male person, knowingly performs with that other person anal sexual intercourse, or any act involving physical contact other than anal sexual intercourse that would be regarded by a reasonable person to be an indecent act, shall be guilty of sodomy and liable to a fine up to or exceeding level

fourteen or imprisonment for a period not exceeding one year or both.

(2) Subject to subsection (3), both parties to the performance of an act referred to in subsection (1) may be charged with and convicted of sodomy.

(3) For the avoidance of doubt it is declared that the competent charge against a male person who performs anal sexual intercourse with or commits an indecent act upon a young male person—

(a) who is below the age of twelve years, shall be aggravated indecent assault or indecent assault, as the case may be; or

(b) who is of or above the age of twelve years but below the age of sixteen years and without the consent of such young male person, shall be aggravated indecent assault or indecent assault, as the case may be; or

(c) who is of or above the age of twelve years but below the age of sixteen years and with the consent of such young male person, shall be performing an indecent act with a young person."

LGBTI rights global overview

The year in brackets refers to the year when the reform came into force. If no year is stated, either there has never been any regulation in the relevant area or is the information unknown.

For legal references, please contact ILGA.

Homosexual acts legal (115 countries)

- Africa** Benin, Burkina Faso, Cape Verde (2004), Central African Republic, Chad, Congo-Brazzaville, Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea (1931), Gabon, Guinea-Bissau (1993), Madagascar, Mali, Niger, Rwanda, South Africa (1998)
- Asia** Bahrain (1976), Cambodia, China (1997),¹¹⁸ East Timor (1975), Indonesia, Israel (1988), Japan (1882), Jordan (1951), Kazakhstan (1998), Kyrgyzstan (1998), Laos, Mongolia, Nepal (2007),¹¹⁹ North Korea, Philippines (1823), South Korea, Taiwan, Tajikistan (1998), Thailand (1957), Turkey (1858), Vietnam, as well as the West Bank (1951) in the Palestinian Authority
- Europe** Albania (1995), Andorra, Armenia (2003), Austria (1971), Azerbaijan (2000), Belgium (1795), Bosnia and Herzegovina (1998),¹²⁰ Bulgaria (1968), Croatia (1977), Cyprus (1998), Czech Republic (1962), Denmark (1933), Estonia (1992), Finland (1971), France (1791), Georgia (2000), Germany (1968/69),¹²¹ Greece (1951), Hungary (1962), Iceland (1940), Ireland (1993), Italy (1890), Kosovo (1994), Latvia (1992), Liechtenstein (1989), Lithuania (1993), Luxembourg (1795), Macedonia (1996), Malta (1973), Moldova (1995), Monaco (1793), Montenegro (1977), Netherlands (1811),¹²² Norway (1972), Poland (1932), Portugal (1983), Romania (1996), Russia (1993), San Marino (1865), Serbia (1994), Slovakia (1962), Slovenia (1977), Spain (1979), Sweden (1944), Switzerland (1942), Ukraine (1991), United Kingdom (see foot note for the UK and associates),¹²³ Vatican City
- North America** Bahamas (1991), Canada (1969), Costa Rica (1971), Cuba (1979), Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Mexico (1872), Nicaragua (01-feb-2008), Panama (31-jul-2008),¹²⁴ United States (2003, for individual states see foot note),¹²⁵ as well as the Dutch associates Aruba and the Netherlands Antilles
- Oceania** Australia,¹²⁶ Fiji (2005),¹²⁷ Marshall Islands (2005), Micronesia, New Zealand (1986), Vanuatu and the New Zealand associates of Niue (2007) and Tokelau (2007)
- South America** Argentina (1887), Bolivia, Brazil (1831), Chile (1999), Colombia (1981), Ecuador (1997), Paraguay (1880), Peru (1924), Suriname, Uruguay (1934), Venezuela

***Same-sex activities have never been criminalised in: Benin, Burkina Faso, Central African Republic, Chad, Congo-Brazzaville, Côte d'Ivoire, Democratic Republic of Congo, Gabon, Madagascar, Mali, Niger and Rwanda.

Homosexual acts illegal (80 countries)

- Africa** Algeria, Angola, Botswana, Burundi, Cameroon, Comoros, Egypt,¹²⁸ Eritrea, Ethiopia, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Libya, Malawi, Mauritania (death penalty), Mauritius, Morocco, Mozambique, Namibia, Nigeria

(death penalty in some states), São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, Sudan (death penalty), Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe

Asia Afghanistan, Bangladesh, Bhutan, Brunei, Burma, India, Iran (death penalty), Kuwait, Lebanon, Malaysia, Maldives, Oman, Pakistan, Qatar, Saudi Arabia (death penalty), Singapore, Sri Lanka, Syria, Turkmenistan, United Arab Emirates, Uzbekistan, Yemen (death penalty), as well as the Gaza Strip in the Palestinian Authority

Europe Turkish Republic of Northern Cyprus (internationally unrecognised)

North America Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Jamaica, St Kitts & Nevis, St Lucia, St Vincent & the Grenadines, Trinidad and Tobago

Oceania Kiribati, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu; as well as the New Zealand associate of Cook Islands

South America Guyana

Legal status of Homosexual acts unclear (2 countries)

Africa Djibouti

Asia Iraq (see Iraq section above)

Europe None

North America None

Oceania None

South America None

Homosexual acts punishable with death penalty (5 countries and some parts of Nigeria and Somalia)

Africa Mauritania, Sudan as well as 12 northern states in Nigeria and the southern parts of Somalia

Asia Iran, Saudi Arabia, Yemen

Europe None

North America None

Oceania None

South America None

Equal age of consent for homosexual and heterosexual acts (97 countries)

Africa Burkina Faso (1996), Cape Verde (2004), Democratic Republic of Congo, Equatorial Guinea (1931), Mali (1961), Guinea-Bissau (1993), South Africa (2007)

Asia Cambodia, China,¹²⁹ Israel (2000), Japan (1882), Jordan (1951), Kazakhstan (1998), Kyrgyzstan (1998), Laos, Mongolia, Nepal (2007), North Korea, Philippines (1822), South Korea, Taiwan, Tajikistan (1998), Thailand (1957), Turkey (1858), Vietnam, as

well as the West Bank (1951) in the Palestinian Authority

Europe	Albania (2001), Andorra, Armenia (2003), Austria (2002), Azerbaijan (2000), Belgium (1985), Bosnia & Herzegovina (1998), Bulgaria (2002), Croatia (1998), Cyprus (2002), Czech Republic (1990), Denmark (1976), ¹³⁰ Estonia (2002), Finland (1999), France (1982, for associates see foot note), ¹³¹ Georgia (2000), Germany (1994/89), ¹³² Hungary (2002), Iceland (1992), Ireland (1993), Italy (1890), Kosovo (2004), Latvia (1999), Liechtenstein (2001), Lithuania (2003), Luxembourg (1992), Macedonia (1996), Malta (1973), Moldova (2003), Monaco (1793), Montenegro (1977), Netherlands (1971), ¹³³ Norway (1972), Poland (1932), Portugal (2007), Romania (2002), Russia (1997), San Marino (1865), Serbia (2006), Slovakia (1990), Slovenia (1977), Spain (1979), Sweden (1978), Switzerland (1992), Ukraine (1991), United Kingdom (2001, for associates see foot note), ¹³⁴ Vatican City
North America	Costa Rica (1999), Cuba (1997), Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Mexico (1872), Nicaragua (2008), Panama (31-jul-2008), United States, as well as the Dutch associates Aruba and the Netherlands Antilles
Oceania	Australia, ¹³⁵ Fiji (2005), Marshall Islands, Micronesia, New Zealand (1986), Vanuatu (2007) and the New Zealand associates of Niue (2007) and Tokelau (2007)
South America	Argentina (1887), Bolivia, Brazil (1831), Colombia (1981), Ecuador (1997), Peru (1924), Uruguay (1934), Venezuela

Un-equal age of consent for homosexual and heterosexual acts (16 countries)

Africa	Benin, Chad, Congo-Brazzaville, Côte d'Ivoire, Gabon, Madagascar, Niger, Rwanda
Asia	East Timor, Indonesia
Europe	Greece (only in seduction cases), as well as some United Kingdom associates ¹³⁶
North America	Bahamas, Canada, as well as some United Kingdom associates, ¹³⁷ and Nevada in the United States
Oceania	The Australian state of Queensland
South America	Chile, Paraguay, Suriname

Prohibition of discrimination in employment based on sexual orientation (48 countries)

Africa	Mauritius (2008), Mozambique (2007), South Africa (1996) (Namibia repealed such a law in 2004)
Asia	Israel (1992), Taiwan (2007), as well as a few cities in Japan.
Europe	Andorra (2005), Austria (2004), Belgium (2003), Bosnia and Herzegovina (2003), ¹³⁸ Bulgaria (2004), Croatia (2003), Cyprus (2004), Czech Republic (1999), Denmark (1996), ¹³⁹ Estonia (2004), Finland (1995), France (2001), Georgia (2006), Germany (2006), Greece (2005), Hungary (2004), Ireland (1999), Italy (2003), Kosovo (2004), Latvia (2006), Lithuania (2003), Luxembourg (1997), Malta (2004), Netherlands (1992), Norway (1998), Poland (2004), Portugal (2003), Romania (2000), Serbia

(2005), Slovakia (2004), Slovenia (1998), Spain (1996), Sweden (1999), United Kingdom (2003, for associates see foot note)¹⁴⁰

North America Canada (1996), Costa Rica (1998), Mexico (2003), Nicaragua (2008), as well as some parts of the United States¹⁴¹

Oceania Australia,¹⁴² Fiji (2007), New Zealand (1994)

South America Colombia (2007), Venezuela (1999), as well as Rosario (1996) in Argentina, and some parts of Brazil¹⁴³

Prohibition of discrimination in employment based on gender identity (16 countries)

Africa None

Asia None

Europe Hungary (2004), Sweden (1-jan-2009). Moreover discrimination of transgender people is covered by the gender discrimination prohibitions in Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Latvia, Netherlands, Poland, Slovakia and United Kingdom.

North America Northwest Territories (2004) in Canada, as well as some parts of the United States¹⁴⁴

Oceania Australia¹⁴⁵

South America The Argentinean city of Rosario (2006)

Constitutional prohibition of discrimination based on sexual orientation (10 countries)

Africa South Africa (1994 and 1997)

Asia None

Europe Kosovo (15-jun-2008), Portugal (2004), Sweden (2003), Switzerland (2000), as well as some parts of Germany¹⁴⁶

North America Canada (1998) and the United Kingdom associate of British Virgin Islands (2007)

Oceania Fiji (1997)

South America Bolivia (7-jan-2009), Colombia (2000), Ecuador (1998),¹⁴⁷ as well as some parts of Argentina¹⁴⁸ and Brazil¹⁴⁹

Hate crimes based on sexual orientation considered an aggravating circumstance (16 countries)

Africa None

Asia	None
Europe	Andorra (2005), Belgium (2003), Croatia (2006), Denmark (2004), France (2003), ¹⁵⁰ Netherlands (1992), Portugal (2007), Romania (2006), Spain (1996), Sweden (2003), United Kingdom (2004/05) ¹⁵¹
North America	Canada (1996), Nicaragua (2008), as well as several parts of the United States ¹⁵²
Oceania	New Zealand (2002)
South America	Colombia (2001), Uruguay (2003)

Hate crimes based on gender identity considered an aggravating circumstance (1 country)

Africa	None
Asia	None
Europe	None
North America	Some parts of the United States ¹⁵³
Oceania	None
South America	Uruguay (2003) ¹⁵⁴

Incitement to hatred based on sexual orientation prohibited (17 countries)

Africa	None
Asia	None
Europe	Belgium (2003), Croatia (2003), Denmark (1987), ¹⁵⁵ Estonia (2006), France (2005), ¹⁵⁶ Iceland (1996), Ireland (1989), Lithuania (2003), Luxembourg (1997), Netherlands (1992), Norway (1981), Portugal (2007), Romania (2000), Spain (1996), Sweden (2003), as well as Northern Ireland (2004) in the United Kingdom
North America	Canada (2004)
Oceania	Some parts of Australia ¹⁵⁷
South America	Uruguay (2003) ¹⁵⁸

Marriage open for same-sex couples (7 countries)

Africa	South Africa (2006)
Asia	None
Europe	Belgium (2003), Netherlands (2001), Norway (1-jan-2009), Spain (2005), Sweden (1-may-2009)
North America	Canada (2005), as well as Connecticut (2008), Iowa (27-apr-2009), Maine (14-sep-2009), Massachusetts (2004) and Vermont (1-sep-2009) in the United States

Oceania None

South America None

Same-sex couples offered most or all rights of marriage (Civil Partnerships, Registered Partnerships, Civil Unions etc.) (8 countries)

Africa None

Asia None

Europe Denmark (1989)¹⁵⁹, Finland (2002), Germany (2001), Iceland (1996), Switzerland (2007), United Kingdom (2005)

North America Some states in the United States¹⁶⁰

Oceania New Zealand (2005), as well as some parts of Australia¹⁶¹

South America Colombia (2007-2009)

Same-sex couples offered some rights of marriage (12 countries)

Africa None

Asia Israel (1994-)

Europe Andorra (2005), Austria (2003), Croatia (2003), Czech Republic (2006), France (1999),¹⁶² Hungary (1996), Luxembourg (2004), Portugal (2001), Slovenia (2006)

North America The Mexican states of Coahuila (2007) and Federal District (2007), as well as a few states¹⁶³ and a number cities and towns in the United States

Oceania Australia (2008-2009)¹⁶⁴

South America Uruguay (10-jan-2008) as well as Buenos Aires (2003), Rio Negro (2003) and Villa Carlos Paz (2007) in Argentina, and Rio Grande do Sul (2004) in Brazil

Joint adoption by same-sex couples legal (10 countries)

Africa South Africa (2002)

Asia Israel (2008)

Europe Andorra (2005), Belgium (2006), Iceland (2006), Netherlands (2001), Norway (1-jan-2009), Spain (2005), Sweden (2003), United Kingdom (2005)¹⁶⁵

North America Most of the Canadian provinces,¹⁶⁶ and some parts of the United States¹⁶⁷

Oceania Capital Territory (2004) and Western Australia (2002) in Australia

South America The Brazilian city of São Paulo (2005)

Moreover, Second parent adoption by same-sex couples is also legal in Denmark (1999) and Germany (2005), as well as Tasmania (2004) in Australia, and Alberta (1999) in Canada.

Prohibition on entry into the country by LGB people (4 countries)

Africa	Lesotho, ¹⁶⁸ Swaziland
Asia	None
Europe	None
North America	Belize, Trinidad and Tobago
Oceania	None
South America	None

Law on Gender recognition after Gender Reassignment treatment (15 countries)

Africa	South Africa (2004)
Asia	Japan (2004), Turkey (1988)
Europe	Belgium (2007), Finland (2003), Germany (1981), Italy (1982), Netherlands (1985), Romania (1996), Spain (2007), Sweden (1972), United Kingdom (2005)
North America	Panama (1975), as well as most parts of Canada and the United States
Oceania	Australia, ¹⁶⁹ New Zealand (1995)
South America	None

Moreover, a number of other countries recognise the “new” gender as well as the right to marry after Gender Reassignment treatment through general statutes or case-law.

Sources

Printed Sources

Ganzglass, Martin R, 1971, The Penal Code of the Somali Democratic Republic. New Brunswick/New Jersey: Rutgers University Press. ISBN 0-8135-0667-0

Healey, Dan, 2001, Homosexual Desire in Revolutionary Russia. Chicago: Chicago University Press. ISBN 0-226-32233-5

Human Rights Watch, 2003, More Than a Name. State-sponsored Homophobia and Its Consequences in Southern Africa. ISBN 1-56432-286-6

Palau, 1995, Palau National Code Annotated. Koror/Palau: Orakiruu Corporation. Volume 1

Schmitt, Arno and Sofer, Jehoeda, 1992, Sexuality and Eroticism Among Males in Moslem Societies. Binghamton: Harrington Park Press. ISBN 0-918393-91-4

Thompson, Bankole, 1999, The criminal law of Sierra Leone. Lanham: University Press of America. ISBN 0761812989

Internet Sources (Accessed 27 april 2009)

Amnesty International - 2003 Report on Republic of Maldives –
<http://web.amnesty.org/library/Index/ENGASA290022003>

Bahrain Penal Code 1976 –
<http://www.f-law.net/law/archive/index.php?t-7797.html> (in Arabic)

Belize Criminal Code (Revised Edition 2003) –
<http://www.belizeaw.org/lawadmin/PDF%20files/cap101.pdf>

Burundi outlaws homosexuality –
<http://www.pinknews.co.uk/news/articles/2005-12181.html>

Chapter 08:01 PENAL CODE –
www.laws.gov.bw/Docs/Principal/Volume2/Chapter8/Chpt8-01%20Penal%20Code.pdf

Code Pénal (Algeria) –
<http://lexalgeria.free.fr/penal.htm>

Code Pénal (Mauritania) –
<http://www.droit-afrique.com/images/textes/Mauritanie/Mauritanie%20-%20Code%20penal.pdf>

Code Pénal (Togo) –
<http://www.togoforum.com/Societe/DS/DROIT/codepen.htm>

Code Pénal (Tunisia) –
<http://www.jurisitetunisie.com/tunisie/codes/cp/menu.html>

Código Penal da República Guiné-Bissau, Decreto Lei No 4/93 –
<http://www.rjcplp.org/RJCPLP/sections/informacao/legislacao-nacional/anexos/gb-codigo-penal/downloadFile/file/GuineBissau.CodigoPenal.pdf?nocache=1201537046.69>

Código penal de Costa Rica –
http://www.oas.org/juridico/spanish/cr_res4.htm

Código Penal (Mozambique) –
http://www.utrel.gov.mz/word_files/codigo_penal_ultima_versao.doc

Consultation Paper, Malawi Law Commission –
<http://www.lawcom.mw/docs/consultationpaper.pdf>

Convictions for sodomy follow unfair trials –
<http://web.amnesty.org/library/Index/ENGASA280281998?open&of=ENG-347>

Country Reports on Human Rights Practices 2005 - Maldives, US Department of State –
<http://www.glaa.org/archive/2006/CountryReports2005.shtml>

Crimes Act 1969 (Cook Islands) –
http://www.pacii.org/ck/legis/num_act/ca196982/

Crimes Ordinance 1961 –
http://www.pacii.org/ws/legis/consol_act/co1961135/

Criminal Code 1899 –
http://ozcase.library.qut.edu.au/ghlc/documents/CrimCode1899_63Vic_9.pdf

Criminal Code, 1960 (act 29) –
<http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=RSDLEGAL&id=44bf823a4>

Criminal Code 1974 (Papa New Guinea) –
http://www.pacii.org/pg/legis/consol_act/cca1974115//

Criminal Code (Amendment) Act, 2005 –
<http://www.ilo.ch/dyn/natlex/docs/SERIAL/75299/78264/F1686462058/GMB75299.pdf>

Criminal Code, Cap. 195 of 1838 –
<http://www.gov.mu/portal/sites/legaldb/files/criminal.pdf>

Criminal Code of the Federal Republic of Ethiopia, 2004 –
<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70993/75092/F1429731028/ETH70993.pdf>

Criminal Code of the Republic of Turkmenistan (in Russian) –
<http://www.legislationline.org/upload/legislations/b5/a0/69527a67bbb1f854718b09b09a0b.htm>

Criminal Code of the Republic of Uzbekistan –
<http://www.legislationline.org/upload/legislations/34/fc/a45cbf3cc66c17f04420786aa164.htm>

Criminal Code of Saint Vincent and the Grenadines –
<http://www.gov.vc/contentmanager/articlefiles/1278-Copy%20of%20Codes%20Part%201%20Section%201.pdf>

Criminal Code (Saint Lucia) –
<http://www.rslpf.com/site/criminal%20code%202004.pdf>

Criminal Code Ordinance 1936 –
<http://www.palvoice.com/forums/showthread.php?s=c96a85cce822286085a16eb76521d3c5&p=1101626#post1101626>

Criminal Law (Codification and Reform) Act [Chapter 9:23] Act 23/2004 (Zimbabwe) –
http://www.kubatana.net/docs/legisl/criminal_law_code_050603.pdf

Death squads targeting gays in Iraq -
<http://www.advocate.com/> (Type the title in the search engine)

Décret n° 47-2249 du 19 novembre 1947, Journal Officiel du 23 novembre 1947 –
http://www.legifrance.gouv.fr/jopdf/common/jo_pdf.jsp?numJO=0&dateJO=19471123&pageDebut=11567&pageFin=&pageCourante=11568

Decreto Ejecutivo No. 332 que deroga el artículo 12 del Decreto 149 de 1949 –
<http://www.gacetaoficial.gob.pa/pdfTemp/26095/12345.pdf>

Gaykenya.com –

<http://www.gaykenya.com> (Chose article “THE SEXUAL OFFENSES BILL/LAW GAZETTED”)

German Bundestag; Printed Paper 16/3597 –

http://www.volkerbeck.de/cms/files/16_3597_minor_interpellation.pdf

Helem: Lebanese Law and Practice –

<http://www.helem.net/page.zn?id=4>

IGLHRC Congratulates Nepali LGBTI Organizations on Supreme Court Victory –

<http://www.iglhrc.org/site/iglhrc/section.php?detail=820&id=5>

Indian Penal Code, 1860 –

<http://indiacode.nic.in/fullact1.asp?tfnm=186045>

International Covenant on Civil and Political Rights –

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/a82535075c74ab54c1256bd0003080d4/\\$FILE/0059218e.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/a82535075c74ab54c1256bd0003080d4/$FILE/0059218e.pdf)

Initiative Against Homophobia –

<http://www.queercy.org/eng/index.htm>

Iraqi Penal Code of 1969 –

<http://www.ictj.org/static/MENA/Iraq/iraq.penalcode.1969.eng.pdf>

IRAQI LGBT –

<http://iraqilgbtuk.blogspot.com/>

Islamic Penal Code of Iran –

<http://www.freedomhouse.org/religion/country/Iran/Iranian%20Penal%20Code1.pdf>

Jabatan Agama Islam Pulau Pinang –

<http://jaipp.penang.gov.my/jaipp/enakmen.htm>

Laws of Brunei; Penal Code –

<http://www.agc.gov.bn/pdf/Cap22.pdf>

Laws of the Federation of Nigeria 1990; Criminal Code Act; Chapter 77 –

<http://www.nigeria-law.org/Criminal%20Code%20Act-Tables.htm>

Laws of the Gilbert Islands; Penal Code [Cap 67] –

http://www.paclii.org/ki/legis/consol_act/pc66/

Laws of Guyana; Chapter 8:01; Criminal Law (Offences) Act –

http://www.gina.gov.gy/gina_pub/laws/Laws/cap801.pdf

Laws of Jamaica; The Offences Against the Person Act –

<http://www.moj.gov.jm/laws/statutes/Offences%20Against%20the%20Person%20Act.pdf>

Laws of Solomon Islands; Penal Code [Cap 26] –

http://www.paclii.org/sb/legis/consol_act/pc66/

Laws of Sri Lanka; Chapter 22; Penal Code –

<http://www.lawnet.lk/deh/pdf/ch25.pdf>

Laws of Tonga; Criminal Offences [Cap 18] –

http://www.paclii.org/to/legis/consol_act/co136/

Laws of Tuvalu; Penal Code [Cap 8] –

<http://www.tuvalu-legislation.tv/tuvalu/DATA/PRIN/1990-008/PenalCode.pdf>

LGBT Shadow Grenada –

http://huachen.org/english/bodies/hrc/docs/ngos/LGBTShadow_Grenada_annex.pdf

LOI DE BASE N° 65-60 DU 21 JUILLET 1965 PORTANT CODE PENAL –
<http://www.justice.gouv.sn/droitp/CODE%20PENAL.PDF>

Loi N°- 082 P/A.F - Loi 95-012/AF portant Code penal –
<http://www.comores-droit.com/code/penal>

LOI N° 98/036 du 31 Décembre 1998 PORTANT CODE PÉNAL –
<http://www.unhcr.org/> (Type title in the search engine)

Love, hate and the law: decriminalizing homosexuality –
<http://www.amnesty.org/en/library/asset/POL30/003/2008/en/d77d0d58-4cd3-11dd-bca2-bb9d43f3e059/pol300032008eng.html>

Myanmar Penal Code –
<http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html>

Nauru - Legislation - Index of Written Laws -
http://www.vanuatu.usp.ac.fj/library/Paclaw/Nauru/Indices/Nauru_laws.html

Nepal Supreme Court decision – summary note –
<http://www.bds.org.np/decesion.html>

Niue Amendment Act 2007 –
http://www.austlii.edu.au/nz/legis/consol_act/naa2007146.pdf

Pakistan Penal Code (XLV of 1860) –
<http://www.unhcr.org/> (Type the title in the Search Engine)

Penal Code 1991 (Sudan) –
<http://www.ecoi.net/> (Choose "Sudan" and then "National laws")

The Penal Code, 2003 –
<http://www.unsudanig.org/docs/The%20Penal%20Code%20Act,%202003.pdf>

Penal Code, 1860 (Act XLV of 1860) (Bangladesh) –
http://bdlaws.gov.bd/sections_detail.php?id=11§ions_id=3233

Penal Code (Act No. 574) (Malaysia) –
<http://www.unhcr.org/> (Type the title in the Search Engine)

The Penal Code Act (Uganda) –
http://www.ugandaonlinelawlibrary.com/files/free/The_Penal_Code_Act.pdf

Penal Code of Afghanistan –
[http://www.idlo.org/AfghanLaws/Afghan%20Laws/CD%20Laws%201921%20-%20to%20date%20in%20English/Afghan%20Laws%20in%20English%20\(and%20other%20languages\)/Penal%20Code%201976.pdf](http://www.idlo.org/AfghanLaws/Afghan%20Laws/CD%20Laws%201921%20-%20to%20date%20in%20English/Afghan%20Laws%20in%20English%20(and%20other%20languages)/Penal%20Code%201976.pdf)

Penal Code of Bhutan (2004) –
<http://www.judiciary.gov.bt/html/act/PENAL%20CODE.pdf>

The Penal Code of Ethiopia of 1957 -
<http://mail.mu.edu.et/~ethiopiaLaws/criminalcode/criminalcodepage.htm>

[Penal Code of Indonesia \(last amended 1999\)](#) -
<http://www.unhcr.org/> (Type the title in the Search Engine)

Penal Code (Cap. 16) –
http://www.imolin.org/doc/amlid/Tanzania_Penal%20Code_part1.pdf

Penal Code (Chapter 224) (Singapore) –
http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?actno=REVED-224

Penal Code (Maldives) –

<http://www.maldiviandetainees.net/RelevantLegalDocuments/MaldivesPenalCode.htm>

Pour une société sans violence au Bénin –

http://www.wildaf-ao.org/eng/IMG/doc/Societe_sans_violence_Benin.doc

Relatório sobre os Direitos Humanos – 2005 – Angola, Embassy of the United States of America in Luanda, Angola –

<http://luanda.usembassy.gov/wwwhdireitoshumanos05.html>

São Tomé and Príncipe: Oil and tourism threaten to treble rate of HIV infect in five years –

<http://www.irinnews.org> (Type the title in the Search Engine)

Sexual Offences Act 1986, as amended –

<http://rgd.legalaffairs.gov.tt/Laws/Chs.%2010-13/11.28/11.28%20aos.htm>

Sexual Offences Act 1992 –

<http://www.caricomlaw.org/docs/Sexual%20Offences.pdf>

Sexual Offences Act, 1995 (Antigua and Barbuda) -

<http://www.laws.gov.ag/acts/1995/a1995-9.pdf>

Sexual Offences Act 1998 –

<http://www.dominica.gov.dm/laws/1998/act1-1998.pdf>

Sexual Offences Laws, Interpol –

<http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/Default.asp>

Sexual Offences Special Provisions Act, 1998 (Tanzania) –

<http://www.parliament.go.tz/Polis/PAMS/Docs/4-1998.pdf>

Somaliland Criminal Law –

http://www.somalilandlaw.com/Criminal_Law/body_criminal_law.html

Special Report: Indonesia - Exchanging Pluralism For An Islamist State -

<http://www.westernresistance.com/blog/archives/002313.html>

Swaziland Government warns homosexuals or sodomy are liable to imprisonment –

<http://www.africanveil.org/Swaziland.htm>

UNAMI Human Rights report 1 November – 31 December 2006 –

<http://www.uniraq.org/FileLib/misc/HR%20Report%20Nov%20Dec%202006%20EN.pdf>

The Unfizzled Sharia Vector in the Nigerian State –

http://www.nigerdeltacongress.com/uarticles/unfizzled_sharia_vector_in_the_n.htm

UNHCHR - Convention on the Rights of the Child -

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/e4dd78c773fe4ef2c1257185002ec353/\\$FILE/G0642250.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/e4dd78c773fe4ef2c1257185002ec353/$FILE/G0642250.pdf)

UNHCR - Liberia: Information on the Treatment of Homosexuals, Persons with Mental Illness, Liberians of American Descent, and Criminal Deportees in Liberia -

<http://www.unhcr.org> (Type the title in the Search Engine)

UNHCHR Report on Egypt –

<http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/fda8c19f8d15755bc1256cf40033b7d9?Opendocument>

World Policy Reports: Sexual Orientation and Human Rights in the Americas –

http://www.asylumlaw.org/docs/sexualminorities/worldpolicyinstitute_americas_LGBTrights.pdf

Zambian Laws: Volume 7 –

http://www.hurid.org.zm/downloads/Zambian_Laws/volume7.pdf

This report compiled by Daniel Ottosson and published by ILGA is copyright free provided you mention both the author and ILGA, the International Lesbian, Gay, Bisexual, Trans and Intersex Association.

Free digital versions of the report in Word format are available for groups to print.

We wish to thank the many volunteers who translated this report in French, Spanish and Portuguese.

Coordination: Stephen Barris and Rubén Alonso Sanchez.

More information at information@ilga.org

Notes

- ¹ Bahrain Penal Code 1976.
- ² Pour une Société sans violence au Benin.
- ³ Décret n° 47-2249 du 19 novembre 1947, Journal Officiel du 23 novembre 1947.
- ⁴ Código penal de Costa Rica.
- ⁵ Código Penal da República Guiné-Bissau, Decreto Lei No 4/93.
- ⁶ Nepal Supreme Court decision – summary note.
- ⁷ Niue Amendment Act 2007.
- ⁸ Decreto Ejecutivo No. 332 que deroga el artículo 12 del Decreto 149 de 1949.
- ⁹ Penal Code of Afghanistan.
- ¹⁰ Healey (2001), p. 272.
- ¹¹ Code Pénal (Algeria).
- ¹² German Bundestag; Printed Paper 16/3597, p. 6.
- ¹³ Relatório sobre os Direitos Humanos – 2005 – Angola.
- ¹⁴ The Sexual Offences Act, 1995 (Antigua and Barbuda).
- ¹⁵ Penal Code, 1860 (Act XLV of 1860) (Bangladesh)
- ¹⁶ Sexual Offences Act 1992.
- ¹⁷ Belize Criminal Code (Revised Edition 2003).
- ¹⁸ Penal Code of Bhutan (2004).
- ¹⁹ Chapter 08:01 PENAL CODE.
- ²⁰ Laws of Brunei; Penal Code.
- ²¹ Burundi outlaws homosexuality.
- ²² German Bundestag; Printed Paper 16/3597, p. 9.
- ²³ Loi N°- 082 P/A.F - Loi 95-012/AF portant Code penal.
- ²⁴ Crimes Act 1969 (Cook Islands).
- ²⁵ Sexual Offences Act 1998.
- ²⁶ German Bundestag; Printed Paper 16/3597, p. 8-9.
- ²⁷ UNHCHR Report on Egypt.
- ²⁸ The Penal Code of Ethiopia of 1957.
- ²⁹ Criminal Code of the Federal Democratic Republic of Ethiopia.
- ³⁰ German Bundestag; Printed Paper 16/3597, p. 10-11.
- ³¹ Criminal Code (Amendment) Act, 2005.
- ³² Criminal Code Ordinance 1936.
- ³³ Criminal Code, 1960 (Act 29).
- ³⁴ LGBT Shadow Grenada.
- ³⁵ LOI N ° 98/036 du 31 Décembre 1998 PORTANT CODE PÉNAL.
- ³⁶ Laws of Guyana; Chapter 8:01; Criminal Law (Offences) Act.
- ³⁷ Indian Penal Code, 1860.
- ³⁸ [Penal Code of Indonesia \(last amended 1999\)](#).
- ³⁹ Special Report: Indonesia - Exchanging Pluralism For An Islamist State.
- ⁴⁰ Islamic Penal Code of Iran.
- ⁴¹ Iraqi Penal Code of 1969.
- ⁴² [Death squads targeting gays in Iraq](#).
- ⁴³ Iraqi LGBT.
- ⁴⁴ UNAMI Human Rights report 1 November – 31 December 2006.
- ⁴⁵ Laws of Jamaica; The Offences Against the Person Act.
- ⁴⁶ Gaykenya.com.
- ⁴⁷ Laws of the Gilbert Islands; Penal Code [Cap 67].
- ⁴⁸ German Bundestag; Printed Paper 16/3597, p. 15.
- ⁴⁹ Helem: Lebanese Law and Practice.
- ⁵⁰ World Policy Reports: Sexual Orientation and Human Rights in the Americas.
- ⁵¹ International Covenant on Civil and Political Rights.
- ⁵² UNHCR - Liberia: Information on the Treatment of Homosexuals, Persons with Mental Illness, Liberians of American Descent, and Criminal Deportees in Liberia.
- ⁵³ German Bundestag, Printed Paper 16/3597, p. 16
- ⁵⁴ Consultation Paper, Malawi Law Commission.
- ⁵⁵ Penal Code (Act No. 574) (Malaysia).
- ⁵⁶ Convictions for sodomy follow unfair trials.
- ⁵⁷ Jabatan Agama Islam Pulau Pinang.

-
- ⁵⁸ Penal Code (Maldives).
- ⁵⁹ Country Reports on Human Rights Practices 2005 - Maldives, US Department of State.
- ⁶⁰ Amnesty International - 2003 Report on Republic of Maldives.
- ⁶¹ Code Pénal (Mauritania).
- ⁶² Criminal Code, Cap. 195 of 1838.
- ⁶³ German Bundestag; Printed Paper 16/3597, p. 19.
- ⁶⁴ Código Penal (Mozambique).
- ⁶⁵ The Myanmar Penal Code.
- ⁶⁶ Human Rights Watch (2003), p. 265-266.
- ⁶⁷ Nauru - Legislation - Index of Written Laws.
- ⁶⁸ Criminal Code 1899.
- ⁶⁹ Laws of the Federation of Nigeria 1990; Criminal Code Act; Chapter 77.
- ⁷⁰ The Unfizzled Sharia Vector in the Nigerian State.
- ⁷¹ German Bundestag; Printed Paper 16/3597, p. 22.
- ⁷² Pakistan Penal Code (XLV of 1860).
- ⁷³ Palau National Code Annotated.
- ⁷⁴ Criminal Code 1974 (Papua New Guinea).
- ⁷⁵ Sexual Offences Laws, Interpol – Qatar.
- ⁷⁶ Love, hate and the law: decriminalizing homosexuality.
- ⁷⁷ World Policy Reports: Sexual Orientation and Human Rights in the Americas.
- ⁷⁸ Sexual Offences Laws, Interpol – Saint Kitts and Nevis.
- ⁷⁹ Criminal Code (Saint Lucia).
- ⁸⁰ Criminal Code of Saint Vincent and the Grenadines.
- ⁸¹ Crimes Ordinance 1961.
- ⁸² São Tomé and Príncipe: Oil and tourism threaten to treble rate of HIV infect in five years.
- ⁸³ Schmitt/Sofer, 1992, p. 141.
- ⁸⁴ LOI DE BASE N° 65-60 DU 21 JUILLET 1965 PORTANT CODE PENAL.
- ⁸⁵ Sexual Offences Laws, Interpol – Seychelles.
- ⁸⁶ Thompson, Bankole, 1999.
- ⁸⁷ Penal Code (Chapter 224) (Singapore).
- ⁸⁸ Laws of Solomon Islands; Penal Code [Cap 26].
- ⁸⁹ Ganzglass, 1971, p. 456-457.
- ⁹⁰ Somaliland Criminal Law.
- ⁹¹ Laws of Sri Lanka; Chapter 22; Penal Code.
- ⁹² Sexual Offences Laws, Interpol – Sri Lanka.
- ⁹³ Penal Code 1991 (Sudan).
- ⁹⁴ The Penal Code, 2003.
- ⁹⁵ Sexual Offences Laws, Interpol – Swaziland.
- ⁹⁶ Swaziland Government warns homosexuals or sodomy are liable to imprisonment.
- ⁹⁷ German Bundestag. Printed Paper 16/3597, p. 27.
- ⁹⁸ Penal Code (Cap. 16).
- ⁹⁹ Sexual Offences Special Provisions Act, 1998 (Tanzania).
- ¹⁰⁰ Code Pénal (Togo).
- ¹⁰¹ Laws of Tonga; Criminal Offences [Cap 18].
- ¹⁰² Sexual Offences Act 1986, as amended.
- ¹⁰³ Code Pénal (Tunisia).
- ¹⁰⁴ Initiative Against Homophobia.
- ¹⁰⁵ Criminal Code of the Republic of Turkmenistan.
- ¹⁰⁶ Laws of Tuvalu; Penal Code [Cap 8].
- ¹⁰⁷ The Penal Code Act (Uganda).
- ¹⁰⁸ Sexual Offences Laws, Interpol – United Arab Emirates.
- ¹⁰⁹ Schmitt/Sofer (1992), p. 144.
- ¹¹⁰ German Bundestag; Printed Paper 16/3597, p. 29.
- ¹¹¹ Schmitt/Sofer (1992), p. 144.
- ¹¹² Love, hate and the law: decriminalizing homosexuality.
- ¹¹³ Schmitt/Sofer (1992), p. 145.
- ¹¹⁴ Criminal Code of the Republic of Uzbekistan.
- ¹¹⁵ German Bundestag; Printed Paper 16/3597, p. 31.
- ¹¹⁶ Zambian Laws: Volume 7.
- ¹¹⁷ Criminal Law (Codification and Reform) Act [Chapter 9:23] Act 23/2004 (Zimbabwe).
- ¹¹⁸ Homosexual acts are also legal in all Chinese associates; Hong Kong (1991) and Macau (1996).

¹¹⁹ Sodomy decriminalised by a Supreme Court decision on 21 December 2007. See Nepal Supreme Court decision – summary note.

¹²⁰ Republika Srpska in 2000.

¹²¹ East Germany (1968) and West Germany (1969).

¹²² Homosexual acts are also legal in Aruba and the Netherlands Antilles.

¹²³ England & Wales (1967), Northern Ireland (1982), Scotland (1981), Akrotiri & Dhekelia (2000), Anguilla (2001), Bailiwick of Guernsey (1983), Bermuda (1994), British Virgin Islands (2001), Cayman Islands (2001), Falkland Islands (1989), Gibraltar (1993), Isle of Man (1992), Jersey (1990), Montserrat (2001), Pitcairn, South Georgia, St Helena, Turks & Caicos Islands (2001) and all other territories.

¹²⁴ Decree No. 332, Official Gazette of 31 July 2008.

¹²⁵ By Supreme Court verdict. It also struck down the sodomy law in Puerto Rico, which was later repealed in 2005. Previously in: Alaska (1980), Arizona (2001), Arkansas (2002), California (1976), Colorado (1972), Connecticut (1971), Delaware (1973), Georgia (1998), Hawaii (1973), Illinois (1962), Indiana (1977), Iowa (1977), Kentucky (1992), Maine (1976), Minnesota (2001), Montana (1997), Nebraska (1978), Nevada (1993), New Hampshire (1975), New Jersey (1979), New Mexico (1975), New York (1980/2001), North Dakota (1975), Ohio (1974), Oregon (1972), Pennsylvania (1980/1995), Rhode Island (1998), South Dakota (1977), Tennessee (1996), Vermont (1977), Washington (1976), West Virginia (1976), Wisconsin (1983), Wyoming (1977) and District of Columbia (1993), as well as the associates of American Samoa (1980), American Virgin Islands (1985), Guam (1978) and Northern Mariana Islands (1983). Thereto, Missouri repealed its sodomy law from the books in 2006.

¹²⁶ New South Wales (1983), Norfolk Island (1993), Northern Territory (1984), Queensland (1991), South Australia (1972), Tasmania (1997), Victoria (1981), Western Australia (1990).

¹²⁷ The sodomy statutes were declared unconstitutional and unenforceable by Supreme Court Justice Gerard Winter on 26 August 2005, but they are still in the books.

¹²⁸ There is no general prohibition of homosexual acts in the Penal Code. However, statutes on offences against the religion, morality and debauchery are used to prosecute homosexual and bisexual men in particular.

¹²⁹ In mainland of China since decriminalisation in 1997; also in Hong Kong (2005) and in Macau (1996).

¹³⁰ The Faeroe Islands (1988), Greenland (1979).

¹³¹ The law applies to the following overseas departments and territories upon adoption: French Guiana, Martinique, Guadeloupe, Reunion, St Barthélemy, St Martin, St Pierre & Miquelon, as well as to French Polynesia, New Caledonia and Wallis & Futuna in 1984, and Mayotte.

¹³² East Germany (GDR) in 1989 and the rest of Germany in 1994.

¹³³ The age of consent is also equal in the Dutch associates of Aruba (2003) and the Netherlands Antilles (2000).

¹³⁴ Akrotiri & Dhekelia (2003), Falkland Islands (2005), Isle of Man (2006), Jersey (2007), Pitcairn, South Georgia, St Helena as well as all more or less uninhabited islands.

¹³⁵ All states and territories but Queensland: New South Wales (2003), Norfolk Island (1993), Northern Territory (2004), South Australia (1975), Tasmania (1997), Victoria (1981), Western Australia (2002).

¹³⁶ Bailiwick of Guernsey, Gibraltar.

¹³⁷ Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat, Turks & Caicos Islands.

¹³⁸ Such laws are available also in Republika Srpska (2000, 2003).

¹³⁹ The law is not applicable to the Faeroe Islands or Greenland. However, incitement to hatred based on sexual orientation is prohibited in the Faeroe Islands since 2007, and in Greenland from 1 January 2010.

¹⁴⁰ Bailiwick of Guernsey (2005), Gibraltar (2004), Isle of Man (2007).

¹⁴¹ United States: California (1993), Colorado (2007), Connecticut (1991), Hawaii (1992), Illinois (2006), Iowa (2007), Maine (2005), Maryland (2001), Massachusetts (1990), Minnesota (1993), Nevada (1999), New Hampshire (1998), New Jersey (1992), New Mexico (2003), New York (2003), Oregon (2008), Rhode Island (1995), Vermont (1992), Washington (2006), Wisconsin (1982) and D.C. (1973) as well as a number of cities and towns.

¹⁴² Capital Territory (1992), New South Wales (1983), Northern Territory (1993), Queensland (1992), South Australia (1986), Tasmania (1999), Victoria (1996), Western Australia (2002).

¹⁴³ Bahia (1997), Federal District (2000), Minas Gerais (2001), Paraíba (2003), Piauí (2004), Rio de Janeiro (2000), Rio Grande do Sul (2002), Santa Catarina (2003), São Paulo (2001) as well as a number of cities.

¹⁴⁴ United States: California (2004), Colorado (2007), Illinois (2006), Iowa (2007), Maine (2005), Minnesota (1993), New Jersey (2007), New Mexico (2003), (Oregon (2008), Rhode Island (2001), Vermont (2007), Washington (2006) and District of Columbia (2006), as well as a number of cities and towns.

¹⁴⁵ Capital Territory (1992), New South Wales (1996), Northern Territory (1993), Queensland (2003), South Australia (1986), Tasmania (1999), Victoria (2000), Western Australia (2001). The only states using the term "Gender identity" are Queensland and Victoria, whereas Capital Territory uses the terms "Transgender"

and “Intersex”, New South Wales the term “Transgender” and Western Australia the term “Gender history”. The rest of the states use the term “Transsexuality”.

¹⁴⁶ Berlin (1995), Brandenburg (1992), Thuringia (1993).

¹⁴⁷ A new constitution was adopted by referendum in 2008. This protects people from discrimination based both on sexual orientation and gender identity.

¹⁴⁸ Buenos Aires (1996).

¹⁴⁹ Alagoas (2001), Federal District (1993), Mato Grosso (1989), Pará (2003), Santa Catarina (2002), Sergipe (1989).

¹⁵⁰ The law applies to the following overseas departments and territories upon adoption: French Guiana, French Polynesia, Guadeloupe, Martinique, New Caledonia, Réunion, St Barthélemy, St Martin, St Pierre & Miquelon and Wallis & Futuna, but not to Mayotte.

¹⁵¹ The law is only applicable to England and Wales (2005) and Northern Ireland (2004).

¹⁵² Arizona (1995), California (1988), Colorado (2005), Connecticut (1990), Delaware (1997), Florida (1991), Hawaii (2001), Illinois (1991), Iowa (1990), Kansas (2002), Kentucky (1998), Louisiana (1997), Maine (1995), Maryland (2005), Massachusetts (1996), Minnesota (1989), Missouri (1999), Nebraska (1997), Nevada (1989), New Hampshire (1991), New Jersey (1990), New Mexico (2003), New York (2000), Oregon (1990), Rhode Island (1998), Tennessee (2000), Texas (2001), Vermont (1990), Washington (1993), Wisconsin (1988) and District of Columbia (1990), as well as Puerto Rico (2005).

¹⁵³ California (1999), Colorado (2005), Connecticut (2004), Hawaii (2003), Maryland (2005), Missouri (1999), New Mexico (2003), Vermont (1999) and District of Columbia (1990) as well as Puerto Rico (2005).

¹⁵⁴ The legal term used is “Sexual identity”.

¹⁵⁵ The law is applicable to Faeroe Islands (2007), and to Greenland (1-Jan-2010).

¹⁵⁶ The law applies to the following overseas departments and territories upon adoption: French Guiana, French Polynesia, Guadeloupe, Martinique, Mayotte, New Caledonia, Réunion, St Barthélemy, St Martin, St Pierre & Miquelon and Wallis & Futuna.

¹⁵⁷ New South Wales (1993), Queensland (2003), Tasmania (1999).

¹⁵⁸ The law included also “Sexual identity”.

¹⁵⁹ The law was extended to Greenland in 1996, however still not applicable to the Faeroe Islands.

¹⁶⁰ California (several acts from 2000 and onwards), New Hampshire (2008), New Jersey (2007), Oregon (2008), Washington (2007 and 2008) and D.C. (several acts from 2002 and onwards).

¹⁶¹ Australian Capital Territory (2008), Tasmania (2004) and Victoria (1-dec-2008).

¹⁶² The law applies to the following overseas departments and territories upon adoption: French Guiana, Guadeloupe, Martinique, Réunion, St Barthélemy, St Martin, St Pierre & Miquelon, and to New Caledonia in 2007.

¹⁶³ Colorado (1-jul-2009), Hawaii (1997), Maryland (1-jul-2008), New York (several acts from 2003 and onwards), Rhode Island (several acts from 1998 and onwards).

¹⁶⁴ Capital Territory (1994, Civil Partnerships since 2008), New South Wales (several acts from 1999 and onwards), Norfolk Island (2006), Northern Territory (2004), Queensland (several acts from 1999 and onwards), South Australia (2003, 2007), Tasmania (2004), Victoria (2001, 2008), Western Australia (2002).

¹⁶⁵ The law is only applicable to England and Wales. Such a law was adopted in Scotland in 2006, but it has not entered into force yet.

¹⁶⁶ British Columbia (1996), Manitoba (2002), New Brunswick (2008), Newfoundland & Labrador (2003), Northwest Territories (2002), Nova Scotia (2001), Ontario (2000), Quebec (2002), Saskatchewan (2001).

¹⁶⁷ California, Colorado, Connecticut, Illinois, Indiana, Massachusetts, New Hampshire, New Jersey, New York, Oregon, Vermont and District of Columbia.

¹⁶⁸ Only people convicted for sodomy are prohibited from entering the country.

¹⁶⁹ Capital Territory (1998), New South Wales (1996), Northern Territory (1997), Queensland (2004), South Australia (1988), Tasmania (2000), Victoria (1997), Western Australia (2001).