



# Legal Status of Homosexuals

Haiti • Nigeria • Philippines • Uganda • Ukraine

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**LEGAL STATUS OF HOMOSEXUALS**  
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**HAITI**

**LEGAL STATUS OF HOMOSEXUALS**

Haiti does not have a law covering discrimination against homosexuals, bisexual, and transgender individuals. The 1987 Constitution, however, provides that “the state has the absolute obligation to guarantee the right to life, health and respect of human person for all citizens without distinction, in conformity with the Universal Declaration of the Rights of Man.”<sup>1</sup> It does not have a sodomy law, but the age of sexual consent is eighteen.<sup>2</sup>

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January 2006

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<sup>1</sup> CONSTITUTION DE LA RÉPUBLIQUE D’HAÏTI 1987, CODE DE LOIS USUELLES, Vol I., art. 19 (Semis 1998).

<sup>2</sup> *Id.* art. 16-1.

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**NIGERIA**

**LEGAL STATUS OF HOMOSEXUALS**

The law relating to the legal status of homosexual, bisexuals and trans-gendered individuals in Nigeria is contained in sections 214 to 217 and section 231 of the Criminal Code, 1916 as amended.<sup>1</sup> Acts and conduct of homosexuals, bisexuals and other transgender individuals are deemed unnatural offenses under these provisions. Anyone who has carnal knowledge of any person against the order of nature or permits a male person to have carnal knowledge of the person against the order of nature is punished by imprisonment for fourteen years.

Attempts to commit such crimes are subject to a seven-year prison term. Under section 217 of the Criminal Code, acts of homosexuality between males, specifically, that do not arise to unnatural offenses, whether in public or private, are punished by three years in prison if convicted. Furthermore, section 231 of the Criminal Code requires that any person who willfully and without lawful excuse carries out or commits an indecent act that would include prohibited homosexual, bisexual, or transgender conduct in matters of sexuality, even though such acts do not give rise to unnatural offenses, are punished by two years in prison if convicted<sup>2</sup>

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<sup>1</sup> 4 L. Fed. Nig. Ch. C38, C38-1C38-164 (2004). Confirmation of this law also is found in *Sodomy Laws, Laws Around the World*, which is available at <http://www.sodomylaws.org/world/world.htm>.

<sup>2</sup> The Criminal Code of Nigeria, Ch. C38 combines certain provisions of the Penal Code of Nigeria formerly applicable in the northern states also known as Sharia in certain parts of Nigeria. The 2004 version of the Criminal Code has verbatim taken certain relevant provisions from the northern code so that a unified criminal law appears to be applicable in the whole country. This previously was not the case. Northern States had their own Penal Code and the Criminal Code only applied to the southern states of Nigeria. For details, see C. Mwalimu, *The Nigerian Legal System, Volume I: Public Law* 38-39 (2005). The Laws and sources cited are attached to this report.

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**PHILIPPINES**  
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The Philippines House of Representatives is considering legislation that would prohibit discrimination on the basis of sexual orientation and gender identity.<sup>1</sup> The Philippines Senate is also considering legislation on this topic.<sup>2</sup> For your convenience, copies of these legislative initiatives are attached.

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<sup>1</sup> HB00634, An Act Prohibiting Discrimination on the Basis of Sexual Orientation and Gender Identity and Providing Penalties Therefore, History of Bill, [http://www.congress.gov.ph/bis/print\\_history.php?save=1&journal=1&switch=0&bill\\_no=HB00634](http://www.congress.gov.ph/bis/print_history.php?save=1&journal=1&switch=0&bill_no=HB00634) (last visited Jan. 26, 2006). The hyperlink in this footnote connects to the official website of the Philippines House of Representatives. The text of this Act also is attached.

<sup>2</sup> SB 1641, An Act Prohibiting Discrimination on the Basis of Sexual Orientation and Providing Penalties Therefore, <http://www.senate.gov.ph/bills/sbn-1641.pdf> (last visited Feb. 1, 2006). The hyperlink in this footnote connects to the official website of the Philippines Senate. The text of this Act also is attached.

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**UGANDA**

**LEGAL STATUS OF HOMOSEXUALS**

The law relating to the legal status of homosexual, bisexuals, and trans-gendered individuals in Uganda is contained in sections 145 to 146 of the Penal Code, 1950 as amended.<sup>1</sup> Section 145 of the Penal Code of Uganda is identical to section 214 of the Nigerian Criminal Code. Under section 145 of the Penal Code any person who has carnal knowledge of any other person against the order of nature or permits a male person to have carnal knowledge of the person against the order of nature receives life in prison. Attempts to commit such crimes are subject to a seven-year prison term.<sup>2</sup>

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<sup>1</sup> 6 L. Fed. Nig. Ch. 120, 2719-2875 (2005).

<sup>2</sup> Confirmation of this law also is found in *Sodomy Laws, Laws Around the World*, which is available at <http://www.sodomylaws.org/world/world.htm>. The Laws and sources cited are attached to this report.

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**UKRAINE**

**LEGAL STATUS OF HOMOSEXUALS**

Ukrainian legislation does not contain provisions related to homosexual issues and does not provide special rights to or allow discrimination against homosexuals. In fact, these persons are not mentioned anywhere in the country's legislation. The Constitution of Ukraine (art. 24) provides for the equality of all citizens before the law and states that all individuals have equal protection of their constitutional rights. Sexual orientation is not explicitly mentioned as a prohibited basis for discrimination, but the relevant constitutional language identifying groups against which discrimination is banned is open-ended and theoretically could apply to homosexuals.

In 1991, amendments to the Criminal Code of Ukraine decriminalized homosexuality. The amendments repealed Article 122 of the Code, which punished "an intercourse between men" by up to five years imprisonment. Only homosexual acts that are non consensual and performed in a forcible manner are now punishable.<sup>1</sup>

Ukrainian legislation does not restrict gender reassignment, which is legal and performed openly without prosecution. In order to reflect a change in gender, departmental instructions issued by the Ministry of Internal Affairs (police) allow the a individual who has received this operation to receive a new set of documents bearing his or her new identity.

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January 2006

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<sup>1</sup> Vidomosti Verkhovnoi Rady URSR (official gazette) 1991, No. 40, Item 531.