

Brussels, 18 March 2010

Re: OSCE-ODIHR 2009 Hate Crimes Report: submission of information

Dear Madam, Dear Sir,

ILGA-Europe, the European branch of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, is an umbrella organisation with a membership of around 300 national NGOs in Europe. On the ground of the data and the expertise gathered by our team and by our members, we are hereby sending you the following submission, in preparation of the OSCE/ODIHR 2009 Hate Crimes reports.

The document below will provide you with relevant data on homophobic and transphobic incidents recorded in 2009 in many countries of the OSCE region. The sources we quote include a variety of reports published by LGBT organisations in 2009 and 2010. They are explicitly mentioned in our submission. When necessary, we also quoted elements or facts linked to the general legal and social context, which appeared to be necessary for a better comprehension, but may have happened before 2009.

1. When our submission includes quotes from reports or publication providing long developments and analysis on top of factual data, we have not fully quoted them in the document below. However, when possible, we included in our submission the hyperlinks you will need to download them.

The following reports can not be downloaded on-line. They are attached to this document:

- Transphobic Hate Crime in the European Union (see description below);
- European Neighbourhood Policy – EU-Armenia Action Plan implementation, comments of ILGA-Europe and its partners;
- Submission to the United Nations Human Rights Council for its Universal Periodic Review of Italy (7th Session) by ILGA-Europe, Arcilesbica, Arcigay, Crisalide, ILGA;
- European Neighbourhood Policy – EU-Moldova Action Plan implementation, Comments of ILGA-Europe and GenderDoc-M (2009).

2. ILGA-Europe would like to emphasize the importance of several transversal reports published in 2009-2010, due to the data they provide or to the research methodology implemented:

- The second part of the EU Fundamental Rights Agency's report, [Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States: Part II - The Social Situation](#) (March 2009), includes [country reports](#) which are of crucial importance to understand the available data in the EU. Section C.2. of these country reports is dedicated to Criminal Law and Hate Crimes. In particular, the reports are consistent with the last OSCE/ODIHR Hate Crimes Report in mentioning that only a small minority of States have developed a comprehensive recording system for homophobic hate crimes.
- A study by Ms Judith Schuyf, from the Dutch NGO MOVISIE, has been funded by the Ministry of Justice of the Netherlands. It delivers a high quality comparative analysis of homophobic hate incidents figures in Belgium, Germany, the Netherlands, the United Kingdom and Sweden. The analysis includes important data on the profile of the perpetrators, and on the reasons that trigger physical violence. This research is likely to be

translated into English in the coming months. We attach it to this document in its original Dutch version.

- On 11 March 2010, the US department of State published its yearly [Country Reports on Human Rights Practices](#). The 6th Section of all the country reports (“Discrimination, Societal Abuses, and Trafficking in Persons”) includes a paragraph on “Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity”.

3. As regards the situation of transgender persons in the OSCE region, ILGA-Europe considers as particularly important the following researches. They are among the first ones to provide evidence of the need for global data, in a context where the number of reported acts of violence, including murders, is on the rise in a number of countries (including Turkey, Italy...).

- The [Trans murder monitoring project](#) is a research project conducted by the transgender NGO Transgender Europe (TGEU), in cooperation with the multilingual Online-Magazine ["Liminalis - A Journal for Sex/Gender Emancipation and Resistance"](#). The research documents the killings of more than 200 transgender persons in 2008 and 2009, including in the OSCE region.
- In May 2009, a Transphobic Hate Crime in the European Union research was published. It was sponsored by ILGA-Europe and Press for Change, and it provides quantitative evidence of trans people’s experiences of hate crime in European Union member states. As this research provided the opportunity for anonymous self-reporting, it is probably the most accurate picture of the extent of transphobic hate crime to date in the context of the trans people from the EU states that participated

A relevant development in the field of transphobic hate crime in Europe is the adoption, on 3rd June 2009, of a new Offences (Aggravation by Prejudice) Act by the Scottish Parliament. To this day, this law is the only one in Europe to include provisions on the aggravation of offences by prejudice relating to transgender identity.

4. In terms of the initiatives made to combat homophobic and transphobic hate crimes in 2009, ILGA-Europe wanted to mention several institutional developments in the European Union in 2009. These elements are included in the last section of the submission.

5. ILGA-Europe wants to mention the following projects that we have been developing in 2009:

- Following the actions of the previous years, ILGA-Europe has further developed its publications on hate crime reporting and monitoring. While disseminating our [Handbook on Monitoring and Reporting Homophobic and Transphobic Incidents](#) (2008), we worked on the improvement of a [comprehensive reporting strategy](#) for our member organisations.
- On the ground of the data collected by our membership, we are developing a complementary advocacy and awareness raising strategy to call on national and European decision makers to implement policies and enforce legislation to combat hate crimes. In the winter 2009-2010, we published a dedicated issue of our [Destination >> Equality Magazine](#).
- ILGA-Europe has also conducted, in 2009, a research on the best practices of cooperation between LGBT organisations and police forces. This research will provide the basis of dissemination actions to be implemented in 2010, and is part of a broader project, ["Working with the police / Challenging hate Crimes in Europe 2008/2011"](#). It covers the fields of hate crime monitoring, support to victim, prevention and lobbying of public authorities.

**Violence against lesbian, gay, bisexual, transgender and
intersex people in the OSCE region**

Country-by-country information

Sources: submissions and reports by ILGA-Europe, 2009
March 2010

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Albania

ILGA-Europe's submission to the European Commission's 2009 Progress Report on Albania (updated)

US department of State's [Country Report on Human Rights Practices](#)

There is no hate speech and hate crime legislation in Albania. The Albanian Criminal Code does not contain provisions that expressly enable the bias motives of the offenders to be taken into account by the courts as an aggravating circumstance when sentencing.¹

Meanwhile as stated in the Report by the Commissioner for Human Rights Thomas Hammarberg on his visit to Albania (2007) 'LGBT persons are routinely subject to intolerance, physical and psychological violence and seen by many as persons suffering from an "illness". There were reports from the OSCE Mission, human rights NGO's and LGBT groups whom the Commissioner met that the LGBT community suffers abuses not only from the general public, but that there have also been cases of mistreatment by the police'.²

Indeed, arbitrary arrests and harassment by the police of the LGBT people in Albania is a reality that has been well illustrated by Almalak case (relating to the arrest of five individuals in Tirana). Discrimination, arbitrariness, maltreatment of LGBT people by the police continues and no actions have been taken by the government to tackle the issue.

According to the United States Department of State report on Albania (February 2009) 'The government has not taken any actions to protect the rights of homosexuals. As in previous years, NGOs claimed that police targeted the homosexual community for abuse. The Albanian Human Rights Group reported that during the year, police harassed members of the Albanian Gay and Lesbian Association and other known homosexuals.'³

As mentioned by Commissioner Hammarberg 'The People's Advocate holds the mandate to receive complaints from individuals on cases such as discrimination or mistreatment by state authorities including the police. However, there is no single competent body that may accept complaints on the grounds of discrimination on the basis of sexual orientation in Albania in the context of employment. This lacuna, results in victims being dissuaded or discouraged entirely from seeking just satisfaction'.⁴

On 4 February 2010, the Parliament of Albania unanimously adopted all inclusive anti-discrimination law which bans discrimination in on the grounds of various characteristics, including sexual orientation and gender identity.

ILGA-Europe welcomes this development and congratulates Albanian human rights groups and LGBT activists as well as Albanian politicians for making a joint effort to tackle discrimination

Many cases of violence and discrimination in the country, indeed, go unreported.

¹ <http://www.humanrightsfirst.info/pdf/071217-discrim-hc-report-card-2007.pdf>

² Report by the Commissioner for Human Rights Mr. Thomas Hammarberg, Strasbourg, 18 June 2008- <https://wcd.coe.int/ViewDoc.jsp?id=1327977&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

³ United States Department of State, 2008 Country Reports on Human Rights Practices - Albania, 25 February 2009

⁴ Report by the Commissioner for Human Rights Mr. Thomas Hammarberg, Strasbourg, 18 June 2008

II. US department of State's Country Report on Human Rights Practices 2009

There are no laws criminalizing sexual orientation, and the law does not differentiate between types of sexual relationships. There were few lesbian, gay, bisexual, and transgender (LGBT) organizations in the country, although their numbers and activities were starting to grow. The groups operated without interference from police or other state actors, largely because they generally were discrete. There were repeated reports that individuals were beaten, fired from their employment, or subjected to discrimination due to their sexual orientation. Often these cases went unreported.

In June a man allegedly murdered his brother due to his sexual orientation. The murderer pled guilty and was sentenced to eight years in prison. In August four men were arrested in Durres for prostitution and engaging in public sexual activity. The men claimed police discriminated against them, since police officers often did not arrest female prostitutes and their clients when apprehended. Without an antidiscrimination law, societal discrimination based on sexual orientation was a constant. There were several informal reports of harassment, denial of service, and employment discrimination due to sexual orientation. For example, homosexual customers were sometimes denied service in bars and restaurants. There were reports of LGBT persons being harassed on the streets. They often did not report criminal or civil offenses committed against them from fear of economic and physical reprisals. LGBT persons are not a protected class under the law. NGOs claimed that police routinely harassed homosexual persons.

Armenia

Forced Out: LGBT People in Armenia, February 2009
Written by Aengus Carroll and Sheila Quinn for ILGA-Europe and COC
Netherlands

http://www.ilga-europe.org/europe/publications/reports_and_other_materials,

European Neighbourhood Policy – EU-Armenia Action Plan implementation,
Comments of ILGA-Europe and its partners

I. Forced Out: LGBT People in Armenia, February 2009 (quotes)

Introduction

The period since the end of the Second World War has seen the development of international standards and monitoring mechanisms designed to ensure respect and dignity for all sections of the world's population. The key principles were set out in the 1948 Universal Declaration on Human Rights, and were then converted into a series of binding covenants intended to impose concrete obligations on national governments. In many countries these standards are largely ignored, such that the combined pressure of civil society and international organizations is needed to persuade governments to comply with their obligations.

Although Armenia has signed most of the relevant international and regional agreements, in practice respect for human rights principles is generally weak, and work to make them a reality 'on the ground' is limited. As in the other countries of the South Caucasus, this is particularly the case with regard to LGBT rights: failure to respect, protect and fulfill the rights of LGBT people pervades all levels of society - government, judiciary, police, education system, civil service, community and home.

The report is based on information gathered before, during and after a joint COC – ILGA-Europe fact-finding mission in January 2006 by ILGA-Europe's Programmes Director Maxim Anmeghichean. It is the first time a systematic research on the situation of LGBT people in Armenia has been carried out. During the mission several working methods were used. In addition to interviews, meetings and analysis of available literature, a legal expert was contracted and a questionnaire developed.

"Discrimination, harassment and violence" (quoted from Chapter 2.8)

"Psychologically crushed, terrorized, and lost..."

A number of human rights organisations, including Human Rights Watch, Freedom House and the International Helsinki Foundation, as well as the OSCE, CoE, US Department of Labour and others, have reported on LGBT human rights violations recorded in Armenia. For example, in 2004, the IHF wrote that the previous year gays were arbitrarily arrested, taken to the police station and pressed to pay a ransom, sometimes up to the equivalent of €1,226. In other cases, police officers required money in order not to inform the detainees' employers about their sexual orientation. In addition, gays faced harassment by the population, with police remaining inactive in the face of such incidents. The IHF's 2007 report states that on 22 January, 2006, a group of homosexual men was assaulted by officers guarding the French embassy in a park located close to the Italian and French embassies in Yerevan. The guards beat the individuals with batons. No investigations were initiated into the case. The five case studies presented later in this document illustrate the contexts

in which such violations can arise. However, those examples represent a minority of the incidences of discrimination, hatred and violence against LGBT individuals, while many more have gone unreported and unrecorded.

On May 17th 2004, US citizen Joshua Haglund, a gay man who was a visiting professor at the Yerevan State Linguistic University of V. Bryusov, a position he had held since the previous year, was brutally murdered outside his apartment in central Yerevan. Lawyers Tigran and Marine Janoyan represented the interests of the Haglund family in the subsequent case. In a submission to the Yerevan Prosecutor General these lawyers described some of the activities of the Yerevan Centre Police as “unethical, immoral, indicative of behaviour indulged by excess of power, and lacking any sense of responsibility. As a consequence of these activities, the individuals apprehended and detained in the police were morally and psychologically crushed, terrorized, and lost the ability and willingness to provide positive information or facts in support of the case”. The lawyers suggested in their report that the police had a suspect in the case – a military-related person connected to a disgruntled student of Haglund’s – but that they chose not to focus on this suspect but instead to apprehend gay men who knew Joshua, or were thought to know him while trying to suggest that the murder was related to the jealousy of a spurned gay lover. It is unclear exactly how many men were arrested, but it appears there were at least 35. Various testimonies to the HCA and interviews with ILGA-Europe illustrate just how intense the atmosphere of fear of the authorities was in the months after his death. The investigation was formally suspended in late 2004 when police failed to produce a suspect. Three years after his death, a bill was introduced to the US House of Representatives – Joshua Haglund Justice and Peace Act of 2007 – and a scholarship in his name was set up, by way of memorial to him.

In the 2005 survey, carried out for ILGA-Europe, the most frequent place that LGBT people had experienced harassment or violence was in public or on the street (40%), 23% had suffered it at university, 21% at school and 8% at college, 21% at a youth club, 15% in shops, 17% at a cruising area, 13% at home, 13% at a leisure/sports facility, 13% on the gay scene and 17% in pubs, clubs or restaurants. Of the respondents, 8% had experienced violence or harassment at work, 4% at a church or mosque, 6% with the health service, 10% with a housing provider and 2% when engaging with the employment services. Further, 23% had experienced it through email or text messages.

Finally, 23% of respondents had experienced none of the above. This information is illustrated in figure 6. The types of abusive events that respondents underwent include the following: being beaten or assaulted by the police (10%), harassed by the police (without assault)(21%), raped (21%), sexually assaulted (21%), sexually harassed (without assault) (19%), assaulted/wounded with a weapon (21%), punched, kicked, hit or beaten (19%), being left out/ deliberately ignored (29%), spat at (19%), chased or followed (27%), objects thrown at respondent (15%), personal property being damaged or destroyed (13%), threatened with physical violence (31%) and name calling directed at the respondent (40%). One quarter (25%) of the respondents never experienced any of the above – see figure 7. Only 10% of the respondents actually reported the event to a state institution or NGO and none felt that the response was ‘satisfactory’ in that they did not feel that the manner in which the incident was documented by the institution was adequate in seeking redress.

Of those that did not report the incident, the reasons given range from being afraid, not trusting anyone, not believing reporting would change anything, not knowing where to file a report, the violence being by the police or just trying to sort the problem out oneself.

II. European Neighbourhood Policy – EU-Armenia Action Plan implementation, Comments of ILGA-Europe and its partners (quotes)

1. In two editions of August 2009, Iravunk newspaper heavily criticized the Armenian Ministry of Sport and Youth Affairs for providing financial support to “PINK Armenia”

(Public Information and Need of Knowledge NGO) and called the organization the shame of the country. PINK Armenia sent a letter to “Iravunk (Rights)” newsletter and wrote an article as a response, but the newspaper simply responded that the organization was spreading immorality.

2. In February 2009, an MP from the ruling Republican party, and member of the parliamentary Health Care Committee Karen Avagyan gave an [interview to Aravot daily](#) newspaper where he made the following statement: "It's true, the existence of sexual minorities is not accepted by our society although there are such people in this very society. Regardless of whatever documents our country signs, whatever actions are conducted, acceptance will not get materialized, and thanks God that it won't. This conservatism is very necessary for us. I may well have acquaintances with such people too without knowing that they are such people, but if I knew, I won't have any relations/contacts with them."⁵

Physical Violence and Intimidation on grounds of sexual orientation and gender identity

3. Many international human rights bodies have noted the ill-treatment of homosexuals in Armenian institutions, particularly in the army and in prisons. Information gathered on the ILGA-Europe fact-finding mission to Armenia highlighted the extent to which institutional homophobia was both expected as ‘the norm’ and directly experienced by those interviewed.
4. Avetik Ishkhanyan, chair of the Helsinki Rights Committee of Armenia, and member of Independent Observers’ Group of Penitentiary departments, says homosexuals experience the worst troubles within closed spaces like prisons and barracks. “In prison, they have a separate cell and it’s a taboo to shake their hands, take cigarettes from them or even touch their stuff,” he said. “If a detainee uses homosexual’s plates, even by accident, the criminals consider him a ‘pervert’ too. “They are given the most humiliating work to do, like cleaning toilets and drains.” According to Ishkhanian, it is hard to defend homosexuals, as few are willing to publicly complain about their lack of status.⁶
5. For LGBT people there is little recourse available for crimes based on their sexual orientation or gender identity. The option of going to court involves having to deal with personally sensitive aspects of their life with governmental institutions and entails the risk of public exposure through the media. As a result, this is avoided and crimes go unrecorded.

⁵ <http://gayarmenia.blogspot.com/2009/02/introducing-yet-another-bigot-armenian.html>

⁶ <http://gayarmenia.blogspot.com/2009/03/iwpr-armenia-gays-face-long-walk-to.html>

Azerbaijan

The Violations of the Rights of Lesbian, Gay, Bisexual, Transgender Persons in AZERBAIJAN A Shadow Report by ILGA-Europe, Global Rights and Gender and Development [review of the third periodic state report of Azerbaijan on meeting its obligations under the International Covenant on Civil and Political Rights (ICCPR).]

US department of State's [Country Report on Human Rights Practices](#)

I. The Violations of the Rights of Lesbian, Gay, Bisexual, Transgender Persons in AZERBAIJAN, A Shadow Report by ILGA-Europe, Global Rights and Gender and Development

Article 7 of the ICCPR reads in part, “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.” This article includes treatment of prisoners by police or guards. The Constitution of Azerbaijan similarly states that, “Nobody must be subject to tortures and torment, treatment or punishment humiliating the dignity of human beings.” During the recent session of the Universal Periodic Review, the Czech Republic called for Azerbaijan “to provide law enforcement and judicial officials with specific education/sensitivity training towards the protection of... persons of minority sexual orientation or gender identity.”

Based on the self-reported statistics from their periodic report, Azerbaijan has not seen an overall decrease in the reports filed against the police.

Due to the underreporting of police abuses, these numbers only reflects a portion of total abuses by the police. (See Article 14 below) The Forced Out report heard from LGBT people that, “argued they are often intimidated and harassed by the police and live in constant fear”. In 2006 a local news paper reported on the attempted rape by a police official against a young trans woman named Toma:

“A 22 year old [trans woman] was beaten and raped on June 1 in the Police Department of Yassamal Region in Baku. On that particular night Toma and some friends were strolling in the streets of the Yassamal Region. There [Toma] met somebody whom [she] liked. Toma got to know him. Soon after a police car approached them and the policemen arrested everyone, including the stranger in the street. [Toma], however, escaped. Later, when [she] found out that [her] “girl-friends” were taken to the Police Department of the region [she] decided to help, and came to the police station. The “girl-friends” were released, the stranger too, but [Toma] was asked to stay for a “talk”. [She] was then beaten and raped by somebody called Arzuman – Captain of police. To escape the police [Toma] cut open [her] stomach a couple of times with a razor. The police got scared by that and let [her] escape.”

On 13 May 2007, Gender and Development documented the arrest and severe beating of twenty-seven transgender persons and gay men at a location where LGBT people meet in Baku. Everyone arrested was then forced to undergo testing for HIV/AIDS without any warning or preparation. The police then took these individuals on a 3 km (about 2 miles) march, while in handcuffs, from the police station to the court in a police convoy. This is treatment usually reserved highly dangerous criminals. Throughout the journey, they were subjected to humiliating insults from the police and onlookers. That same day, the LGBT people involved received a sentence of three days of incarceration in a pre-detention centre. After the third day of incarceration, they were forcibly transferred to a dispensary for people suffering from gynecological diseases and subjected to more forced medical examinations. All of their personal belonging, including money, mobile phones and

outer clothing, were confiscated and never returned. The police used these mobile phones to contact and blackmail men whose name and phone numbers were stored on the phones. Two years later, Gender and Development has still not managed to recover the stolen items nor stop the blackmail. Abuses by the police of this nature not only violate Article 7, but also Articles 2(1), 6, 9, 10 and 17 as well.

Article 9 of the ICCPR states that individuals are protected from arbitrary treatment and harassment by law enforcement. Articles 9(1) and (2) prohibit police from arresting or interfering with individuals without giving a legitimate purpose. Many of these interferences by the police could also be seen as violations of Article 17 (which is discussed more below).

Harassment, violence, and abuses against LGBT people in Azerbaijan are systemic problems. These activities range from threats on the street, to blackmail, to physical attacks. The *Zerkalo* newspaper in Azerbaijan reported on a typical example of how police disrupt and regularly harass LGBT people:

As one of the officials of Yasamal Regional Department of Internal Affairs (...) said (...), the police periodically carry out spot-checks or raids in places where gays meet. This is, by the way, not only Tbilisi Avenue, but also several central city bars where transvestites and their potential clients prefer to party. However, after short identity checks the police prefer to let them go without causing harm; this is again because of the absence of the actual crime.

One transgender woman described her experiences, saying “Society has a negative approach to us, the police are very aggressive to us, harass us. The police beat us up. The police chief harasses us, physically and verbally.” A pair of transsexual sex-workers described their violent encounter with police,

The Police stopped our car and started to beat us up. I took a knife, stood up in the middle of the road and threatened to commit suicide. Then I cut myself. The ambulance arrived and they took me to the hospital where they refused to treat me. My friends were detained for 15 days. I went to the Council of Europe office to complain about our treatment. They gave me some prints from the Internet from ILGA-Europe.

In January 2008, the organization was approached by a man called Rauf, three months previously his car had been stolen which he had reported to the police. The police found the stolen car and the person who had stolen it who claimed that he had befriended Rauf on an internet site and had subsequently taken his car from outside his house. The thief thought that taking something from a passive homosexual did not constitute a crime. Once the police learnt of Rauf’s sexual orientation, they ignored the theft and attempted to blackmail Rauf. They threatened to inform his parents if he didn’t pay hush money. Gender and Development then accompanied Rauf to the police station with an attorney at which point the police decided to drop the threats of blackmail.

In June 2008, a young man approached Gender and Development for help saying that the police had called him into their station and tried to blackmail him about his sexual orientation. He was unable to give them the money they demanded. As a consequence, the police informed his parents. They threw the young man out of the house, leaving him without any adequate means of support. There have been several such cases, including against the President of Gender and Development. That complaint against the police is still awaiting a verdict one and a half years later, and the police continue to engage in blackmail in the interim. In almost every case, the victims of blackmail buy the silence of the police because many are married with children and afraid of being outed.

These are not isolated incidents, but emblematic of a system that turns a blind eye to human rights violations committed by police. A human rights advocate in Azerbaijan described the system of

paid protection, where police force individuals to pay bribes or face harassment. The police use “tricks to put pressure on them, like the continuous checking of identity papers during patrol and the use of false allegations of involvement in murder” to coerce bribes from transgender or gay sex-workers. LGBT people are not safe from harassment off the street either, according to the Forced Out study, based on “statements of respondents about the authorities often conducting searches of private premises without warrants.”

II. US department of State’s Country Report on Human Rights Practices

There are no laws criminalizing sexual orientation. There were numerous incidents of police brutality against individuals based on sexual orientation. During the year there were no investigations into or punishments of those responsible for these acts, although this was largely due to victims' unwillingness to file claims due to fear of social stigma. In 2007, after an official complaint was made through the ombudsman's office, two police officers were removed from their positions.

During the year police raided gay bars on four occasions and arrested almost 50 persons. Police reportedly held the individuals and threatened to expose their sexuality publicly unless they paid a bribe. The human rights Ombudsman's Office intervened to resolve the incidents.

One NGO worked on lesbian, gay, bisexual, and transgender (LGBT) issues in the country. This NGO worked to prevent the spread of HIV/AIDS, and provided legal advice, psychological assistance, and outreach activities. The NGO reported no official harassment of its work. There were no attempts to organize gay pride marches during the year; however, there was a small gathering on May 17 to commemorate International Anti-Homophobia Day.

There were no reported deaths during the year due to violence based on sexual orientation. However, domestic violence due to sexual orientation remained a large problem.

The government did not officially condone discrimination based on sexual orientation; however, there was societal prejudice against LGBT persons. While being fired from a job for sexual orientation remained illegal, LGBT individuals reported that employers found other reasons to fire them. Discrimination in access to healthcare was also a problem. In 2008 two transgender individuals died from injuries received from a car accident because physicians at Baku Hospital Number 1 refused to treat them.

Belarus

US department of State's [Country Report on Human Rights Practices](#)

Homosexuality is not illegal, but discrimination against members of the LGBT community was widespread, and harassment occurred. According to a local LGBT rights group, government-controlled media discouraged participation in the protests following the 2006 presidential election by saying they were part of a "gay revolution."

In February Homyel authorities denied local gay activists permission to hold a "Right to Love" event on February 12 in which they planned to distribute educational materials and raise public awareness about homophobia and discrimination against homosexuals. A similar request submitted to the Minsk authorities was also denied.

On July 22, Syarhei Androsenka, the head of the GayBelarus project, announced that Belarus customs officials had seized 25 copies of a gay interest magazine that were mailed to him. Officials claimed that they seized the publication because it was not registered in the country.

In the early morning of August 24, following a dispute at a bar, unknown persons followed and assaulted gay rights activist Maksim Tsarkou. During the assault the assailants cursed at the victim and shouted homophobic slurs.

On September 23, the KGB in Homyel informed local gay rights activist Svyataslau Semyantsou that they had opened a criminal case against him for participating in activities of an unregistered group. The KGB also threatened Semyantsou with charges of providing defamatory and discrediting information to a foreign source.

On December 17, a court in Minsk fined LGBT community activist Alyksandr Gagaryn BYR 105,000 (\$35) for participating in an unsanctioned picket in front of the Iranian embassy. The activists demonstrated to protest the capital punishment against LGBT persons in Iran. Police fined Syarhei Androsenka BYR 875,000 (\$300) and Syarhei Pradzed BYR 350,000(\$120) on December 23 for their participation in the same protest.

Bosnia and Herzegovina

ILGA-Europe's submission to the European Commission's 2009 Progress Report on BiH

The Criminal Code of BiH (Article 145), the Criminal Code of FBiH (Article 177), the Criminal Code of RS (Article 162), the Criminal Code of Brčko District (Article 174) include sexual orientation in their anti-discrimination clause.⁷

However, the Criminal Code of BiH does not contain any general provisions that expressly enable the homophobic and transphobic motives of the offenders to be taken into account by the courts as an aggravating circumstance when sentencing. While it enhanced penalties in case of murder, if the murder is committed on “racial, national or religious grounds”, sexual orientation is not included as a bias ground.⁸

The level of homo/transphobia is very high in BiH and almost every public appearance of an organization and/or an individual activist working on LGBT issues is followed by threats or actual violent attacks as demonstrated by violence following the opening of QSF.

Background information (2008):

The Queer Sarajevo Festival stirred wave of homophobic hate speeches and threats directed towards both LGBT activists and their supporters. Death threats that have been continually issued on the Internet against individual gay rights activists constantly month before and after the opening of the Festival, including a YouTube film showing digitally manipulated images of one of the organizers to make them look as if they were beheaded. A number of websites have called for the organizers of the festival to be lynched, stoned, doused with petrol or expelled from the country.

Eight people were injured during the opening night and their safety has been put in danger by the local media, including *Dnevni Avaz*, *Nezavisne Novine* and *Oslobodjenje*, which published the names of all individuals who were injured during the attacks.⁹

Moreover, some politicians and certain parts of the media in Bosnia and Herzegovina legitimated attacks against the organizers and participants of the Festival by their homophobic statements.

In September 2008, unrelated to the Festival, a violent incident occurred, involving physical violence against two gay men, from Sarajevo and Zagreb. Both of them were thrown out from the night club then were chased by a group of men who were present in the club around the city center. While one of them managed to escape and call the police, the other was captured in the park and badly beaten up. Police took the statements from both of them, and although they were given the names and nick names of the attackers, the victims have not received any feedback information regarding this.¹⁰

⁷ The Invisible Q-Organisation Q-Sarajevo, BiH, 2008

⁸ <http://www.humanrightsfirst.info/pdf/071217-discrim-hc-report-card-2007.pdf>

⁹ <http://www.amnesty.org/en/appeals-for-action/fears-violence-surround-sarajevo-queer-festival>

¹⁰ Report on Queer Sarajevo Festival-Organisation Q-Sarajevo, BiH

Bulgaria

US department of State's [Country Report on Human Rights Practices](#)

The law prohibits discrimination on the basis of sexual orientation, but the government did not effectively enforce this prohibition. Reports of violence against lesbian, gay, bisexual, and transgender persons were rare, but societal discrimination, particularly discrimination in employment, remained a problem. The gay-rights organization Gemini reported that individuals continued to be reluctant to pursue legal remedies for discrimination due to the stigma of being openly identified as gay.

On June 27, the second annual gay pride parade in downtown Sofia attracted 300 to 500 participants. In contrast to the first parade in 2008, there were no violent incidents or major antigay protests, thanks in part to strong police cooperation and protection. Gemini reported that on the day of the parade, vandals broke a window in its headquarters and threw Molotov cocktails at a well-known gay club and hotel. In June 2008, police arrested approximately 60 nationalist protesters who attempted to disrupt the parade, and the Patriarch of the Christian Orthodox Church and the Muslim chief mufti condemned the march, calling it immoral and referring to homosexual activity as a disease.

In February the Sofia city court fined the prosecution service for discriminating against a female prisoner who was refused early release. The prosecutor maintained the prisoner's way of life and emotional status were problematic because of her homosexual conduct.

Croatia

ILGA-Europe's submission to the European Commission's 2009 Progress Report on Croatia (updated)

As a result of good advocacy work done by the member organizations in the country the Criminal Code of Croatia was amended in Oct 2006 to include provision on hate crime. Sexual orientation is amongst the bias types covered by the provisions on aggravating circumstances.

However, despite the existing legal framework the level of homo/transphobia is still high in Croatia and LGBT people are often subjected to violence.

During 2008 there have been documented number of cases of threats and attacks on LGBT activists (activist from Lesbian group Kontra and from Iskorak-Center for the Rights of Sexual and Gender Minorities), on LGBT individuals (based on their assumed sexual orientation) in public places (at Railway Station in Zagreb, in front of the 'Global' club, in front of a public toilet etc), on 5 participants of Zagreb Pride. Also, there was a reported case of rape and forced prostitution of a transgender person.¹¹

Similar developments took place in 2009. In its resolution of 10 February 2010 on the 2009 progress report on Croatia, the European Parliament expressed "its concern at the resentment against the LGBT minority in Croatia, evidenced most recently by homophobic attacks on participants in the Gay Pride parade in Zagreb [2009]; urges the Croatian authorities to condemn and prosecute political hatred and violence against any minority; invites the Croatian Government to implement and enforce the Anti-Discrimination Law;

Earlier in 2009, in one scandalous case, a young girl was put in a psychiatric hospital (were she stayed from the age of 18 till 21) and 'treated for being lesbian'. The case has been published in the newspaper Jutarnji List on January 4, 2009. In the newspaper report it was stated that the hospitalisation in this case had been carried out by the then director of the hospital at the request of the parents. During 'the treatment', various psychopharmaceuticals were administered to the victim and she was accommodated in a hospital ward with serious psychiatric patients. It is further stated that after five years in this hospital she was released from it only after the director of the hospital was replaced. The investigation of the case has started but no information is available on the progress of the investigation.

Most cases of violence against LGBT persons go unreported due to the lack of trust in police and the fear of being victimized. Many police officers and public prosecutors in Croatia have homophobic attitudes which are reflected in their refusal to follow up homo/transphobic crimes adequately, or to take seriously threats and dangers to LGBT people. Moreover, police officers themselves are often responsible for the human rights violations of LGBT people.

¹¹ Ibid

Cyprus

US department of State's [Country Report on Human Rights Practices](#)

Male homosexual activity is criminalized in the area administered by Turkish Cypriots under a general sodomy statute that excludes female homosexual activity. The maximum penalty is 14 years' imprisonment. Homosexuality remained highly proscribed socially and rarely discussed. Very few LGBT persons were publicly open about their sexual orientation.

In 2008 members of the LGBT community, including some NGOs, started a group, called the "Initiative Against Homophobia," aimed at legal reform and reducing homophobia. There were no reported impediments to its operation or free association, and it was officially accepted and registered as an association in March. An informal LGBT group, called "The Short Bus Movement," organized cultural activities, such as film screenings. During the year neither police nor "government" representatives condoned or perpetrated violence against the LGBT community.

While there were no recorded cases of official or societal discrimination based on sexual orientation in employment, housing, statelessness, access to education, or health care, some members of the LGBT community explained that an overwhelming majority of LGBT persons hide their sexual orientation to avoid such problems. They also complained that there is no specific antidiscrimination law for LGBT persons.

Czech Republic

The Status of Lesbian, Gay, Bisexual and Transgender Rights in the CZECH REPUBLIC

Submission by ILGA-Europe and Global Rights to the Human Rights Council
for the Universal Periodic Review (1st session)

The Penal Code¹² does presently not allow that homophobic hate may be considered as an aggravating circumstance in the case of an attack against life or physical integrity of the victim motivated by the victim's sexual orientation or gender identity, as the penal legislation establishes in the case of racially motivated crimes. The State does not provide consequently adequate protection against homophobic attacks.

It follows from the fact that hate crimes based on the victim's sexual orientation or gender identity is not recognized by law, that it is virtually impossible to know the number of hate crimes based on sexual orientation and gender identity from the aggregate numbers. Statistics, whether official or un-official, about hate crimes based on sexual orientation and gender identity do not exist in the Czech Republic. This of course does not mean that such crimes do not occur. Based on testimonies of several individuals it is clear that such attacks occur, especially to individuals¹³, and to lesbian and gay clubs. The attacks are often verbal, but physical violence also occurs.¹⁴ The problem with documentation is that victims tend not to file complaints about these attacks with the police, and if they do, the victim's sexual orientation does not play a big role in the investigation.

A new Penal Code is currently being prepared in the Czech Republic. It is expected to include aggravating circumstances in cases of several crimes. According to the draft Penal Code, such circumstances will apply only to those attacks motivated by race, membership to an ethnic group, nationality, political beliefs or religious affiliation. This will not improve the situation for LGBT persons and attacks motivated by hatred against them will not be considered aggravating circumstances. We recommend including sexual orientation and gender identity in the list of aggravating circumstances in the draft Penal Code with a view of ensuring increased protection against violence and harassment for LGBT people.

¹² Act no. 140/1961 Coll., Penal Code in accordance with later legal bylaws.

¹³ Information about one such case from May 2007 is available on <http://www.techno.cz/party/44284/incident-v-plzenskem-ph+?open=21385&show=report>

¹⁴ According to a questionnaire-based research in 2002 and 2003, conducted by the NGO Gay Iniciativa, 15 percent of respondents (39 persons) said that they have experienced physical attacks with homophobic motivation; 38 percent of respondents (100 persons) said that they have encountered verbal attacks in their environments. Prochazka, I., Janik, D., Hromada, J., (2003): Spolecenska diskriminace lesbickych zen, gay muzu a bisexuvalu v CR. Praha. Gay iniciativa v CR. It can be found at

www.gay.iniciativa.cz/www/index.php?page=clanek&id=256

France

Introduction of SOS-Homophobie's yearly "Rapport sur l'homophobie", published on 17 May 2009 (which analysis 1246 acts of homophobic and transphobic violence reported in 2008)

Full report: <http://www.sos-homophobie.org/documents/ra2009.pdf>

On 17 May 2010, SOS-Homophobie will publish its report on 2009

Edito :

2008 aura été une année en demi teinte : si nous avons constaté de réelles avancées dans certaines politiques de lutte contre l'homophobie, nous regrettons aussi une stagnation dans la mise en place d'actions positives sur des aspects pourtant préoccupants. Il y a deux ans, SOS homophobie s'était donné deux axes d'action prioritaire : l'homophobie chez les jeunes et sur le lieu de travail.

Si nous avons choisi de nous pencher sur la violence et le mal-être des adolescents liés à l'orientation sexuelle et l'identité de genre, c'est suite à la publication de plusieurs études qui démontraient que les jeunes homosexuel-le-s ont entre sept et treize fois plus de comportements à risque et conduites suicidaires que les autres. Par ailleurs, notre propre observation révélait que les actes violents envers les homosexuel-le-s semblent majoritairement commis par des moins de vingt-cinq ans. Ainsi, si l'homosexualité semble globalement un peu mieux acceptée dans la société, ce phénomène semble s'inverser chez les jeunes. Les adolescents d'aujourd'hui seront les adultes de demain et ne devons nous pas, en conséquence, nous préparer à un retour en force de la haine ? Malgré les alertes lancées par les associations et les chercheurs sur ce sujet, les politiques de prévention n'avançaient pas, voire se trouvaient bloquées.

En 2008, enfin, avec le soutien de la Halde et de chercheurs, la société civile a réussi à attirer l'attention des ministères concernés, Santé et Éducation nationale notamment, mais aussi des collectivités locales, et à obtenir la mise en place de politiques et des prises de positions claires sur l'urgence de prévenir l'homophobie chez les jeunes. Nous souhaitons que les autorités ne « s'endorment pas sur leur lauriers » et maintiennent ou renforcent les actions positives engagées. Si nous avons mis en exergue l'homophobie au travail, c'est simplement parce que, cette année encore et depuis notre création, ce contexte reste le plus évoqué dans les cas qui nous sont soumis.

Cet ancrage fort a été corroboré par l'enquête du cabinet RCF, commanditée par la Halde, et par de nombreuses observations européennes. Force est de constater que la loi n'a pas toujours d'impact significatif sur les délits. C'est particulièrement le cas dans ce contexte, puisque la modification du droit du travail ne semble pas avoir fait régresser les agressions et discriminations en raison de l'orientation sexuelle dans le milieu professionnel. Les institutions et associations européennes ont alerté les acteurs concernés depuis plusieurs années et si de nombreux pays ont pris en main cette problématique, la France semble creuser son retard. En effet, en 2008, nous avons constaté une quasi-absence de programmes et de politiques allant dans ce sens, que ce soit de la part des entreprises, des syndicats ou des pouvoirs publics. Si l'on peut entendre de belles prises de positions sur la lutte contre toutes les discriminations de la part des entités concernées, les initiatives concrètes restent sporadiques et l'on ne voit apparaître que des "mesurettes", essentiellement centrées sur les droits des pacsés et tournant radicalement le dos à la lutte contre l'homophobie.

Cette situation provient sans doute du manque de visibilité des actes violents ou discriminatoires envers les homosexuel-le-s dans le monde du travail. Si notre Rapport insiste sur l'importance de ce phénomène, si des enquêtes démontrent que ces actes sont commis chaque jour dans les entreprises et les administrations françaises, les cas qui parviennent aux directions des ressources humaines ou

aux délégués syndicaux demeurent extrêmement rares. Pression du marché du travail en période de crise, poids du tabou, manque de confiance dans les voix de recours sont sans doute les raisons de cette rareté. En conséquence, bien des acteurs restent sur une position de déni de l'homophobie au travail. Et ainsi, les recommandations de la Halde aux entreprises tardent à se mettre en place. Si l'on observe les pratiques adoptées chez nos voisins européens, on constate pourtant que des actions simples et peu onéreuses pourraient faire reculer ce fléau.

La différence de traitement de ces deux aspects de l'homophobie nous conduit à nous interroger : faut-il des procès, des scandales, des suicides ou des crimes pour que la société finisse par prendre en compte une problématique, pour que les acteurs et institutions mettent en place une autre politique que celle de l'autruche.

Si le combat pour la visibilité des homosexuel-le-s semble bien engagé, celui de la visibilité de l'homophobie reste d'actualité. C'est pourquoi SOS homophobie s'investit d'ailleurs de plus en plus dans la lutte spécifique contre la lesbophobie : trop souvent, l'homosexualité féminine, et les violences et discriminations que subissent les lesbiennes, sont passées sous silence. Gageons que ce Rapport, comme l'Enquête sur la lesbophobie publiée pour la première fois en France en mai 2008, contribueront à visibiliser ces difficultés que peuvent encore rencontrer les gays et les lesbiennes.

Former Yugoslav Republic of Macedonia

ILGA-Europe's submission to the European Commission's 2009 Progress Report on FYROM (updated)

The law on domestic violence as well as the laws governing hate speech in Macedonia exclude LGBT people. Furthermore, the Criminal Code of Macedonia does not contain any general provisions that expressly enable homophobic motives of the offenders to be taken into account by the courts as an aggravating circumstance when sentencing.¹⁵

There are documented cases of hate speech in media. The national TV channel SITEL and the daily newspaper VECER (both pro-government) are the most homophobic ones¹⁶. The United States Department of State 2008 report on Macedonia has also confirmed that ‘The press carried antigay articles and television stories’¹⁷.

Most cases of violence against LGBT persons go unreported due to the lack of trust in police and the fear of being victimized. Many police officers in Macedonia have homophobic attitudes and are often themselves responsible for the violations of the fundamental human rights of LGBT and other vulnerable groups.

There are documented cases of discrimination, arbitrariness, maltreatment of LGBT people and other marginalized groups by the police. According to the United States Department of State 2008 report on Macedonia ‘Citizens filed 243 complaints related to police conduct with the Office of the Ombudsman during the year’¹⁸.

In November 2008, the special mobile police forces have executed a large-scale raid in a sex work area in Skopje, arresting more than 30 people, detaining them overnight and subjecting to compulsory HIV, Hep B and C testing on the following day. The arrests were on the bases of suspected ‘involvement in prostitution’. Furthermore, the Ministry of Interior has put the pictures of detainees in its website and announced during the press release that 7 people have tested positive for hepatitis C virus (HCV) and are now facing criminal charges for allegedly “transmitting an infectious disease”.¹⁹ This case very much resembles Almalak case in Albania and illustrates the violation of the right to security of the person, the right to privacy and inhuman and degrading treatment of the vulnerable groups by the police.

At the end of 2009, there was still no law against discrimination on the ground of sexual orientation, despite the fact that a bill has recently been tabled by the government. However, this bill contained no mention of sexual orientation, nor of gender identity. In its resolution of 10 February 2010 on the 2009 progress report on the former Yugoslav Republic of Macedonia, the European Parliament regretted “that the bill for a comprehensive anti-discrimination law protecting citizens from discrimination in the fields of employment, access to goods and services, education, public institutions and private life, proposed by the Government of the former Yugoslav Republic of Macedonia on 28 January 2010, does not recognise sexual orientation as a ground of discrimination; points out that such provisions have been included in previous drafts of the legislation seen by the Commission and were mentioned in a report produced by the

¹⁵ <http://www.humanrightsfirst.info/pdf/071217-discrim-hc-report-card-2007.pdf>

¹⁶ LGBT people and policy of the Government in the Republic of Macedonia- Centre for Human Rights and Conflict Resolution-May 2009, Skopje

¹⁷ <http://www.unhcr.org/refworld/country,,,MKD,,49a8f174b9,0.html>

¹⁸ Ibid

¹⁹ LGBT people and policy of the Government in the Republic of Macedonia- Centre for Human Rights and Conflict Resolution-May 2009, Skopje

Ministry of Labour and Social Policy; calls on the government in Skopje to bring the bill into line with the Employment Framework Directive (2000/78/EC) and the proposed directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation”

Georgia

US department of State's [Country Report on Human Rights Practices](#)

There are no laws that criminalize sexual orientation, male-to-male sex, or female-to-female sex; however, homosexuality was not widely accepted in society.

There were a few lesbian, gay, bisexual, or transgender (LGBT) organizations; however, they did not work exclusively as such and instead promoted tolerance more broadly. One reason for this was the strong societal stigma against homosexuality, including its denunciation by the Georgian Orthodox Church. The new public defender (see section 5) stated that among his priorities would be the protection of LGBT groups and individuals, and on July 31, in a debate with another nominee for the post, he said that discrimination on the basis of sexual orientation was unacceptable.

On December 15, the office of an NGO that promotes LGBT equality was searched by police. Reportedly, officials used anti-homosexual slurs, made unnecessary strip searches, unnecessarily damaged organizational posters, and unnecessarily ransacked offices. The Ministry of Internal Affairs denied that any procedural violations took place and maintained that the profile of the organization was irrelevant in terms of the law. The ministry reported that its General Inspection Office gave one officer a reprimand at the "severe" level in accordance with the police code of ethics, as his actions were determined to be non-ethical and inappropriate for police officers. Two other officers were also given a reprimand at the "severe" level for not preventing the above-mentioned officer from making the unethical statements.

Germany

US department of State's [Country Report on Human Rights Practices](#)

Many LGBT rights groups in the country report no impediments to their operations or free association. During the year several gay pride marches occurred around the country without hindrances. However, media and other reports indicated that societal and job-related discrimination against LGBT persons occurred, although such instances were rare. The government reported 54 hate crimes in 2008 in the OSCE's report, *Hate Crimes in the OSCE Region*.

According to a study by the Berlin antiviolence project MANEO, between April 2008 and April 2009 more than 35 percent of LGBT persons surveyed nationwide experienced some form of violence because of their sexual orientation. Approximately 11.9 percent of all cases were registered with the police.

According to federal statistics, there were seven violent and right-wing extremist crimes in 2008 against persons because of their sexual orientation and a total of 42 such crimes between 2001 and 2008 nationwide.

On April 5 in Berlin, five youths attacked a gay couple, evidently because of the victims' sexual orientation. One 42-year-old man suffered swelling, scrapes, and hematoma on his face; his 35-year-old partner suffered bruises and scrapes on his upper arm. The state criminal investigation department took over the investigation.

On July 6, a 45-year-old gay man was attacked with a stone in Berlin. The police were investigating the attack at year's end.

Greece

US department of State's [Country Report on Human Rights Practices](#)

According to law, the age of consent is 15 for heterosexual sex and 17 for male homosexual sex. The law does not specify an age of consent for female homosexual sex. The NGO, Homosexual and Lesbian Community of Greece (OLKE), stated that the higher age of consent for homosexual males and the lack of any legal treatment of female-to-female sex, constituted gender identity discrimination. OLKE also criticized the country's laws against hate speech for not including sexual orientation or gender identity.

OLKE alleged during the year that police often abused and harassed homosexual and transgender persons and subjected them to arbitrary identity checks and body searches in public places. In March organizers of the Athens Pride parade reported that the police did not respond to a series of attacks against gay bars in Athens. OLKE reported that police protection had improved for the parade and that the ombudsman officials had handed out employment antidiscrimination flyers during the event.

NGOs reported that societal discrimination based on sexual orientation was widespread, but focused on gay male relationships. Transgender and HIV-positive persons were exempted from military service on disability and medical grounds, respectively. 45-year-old gay man was attacked with a stone in Berlin. The police were investigating the attack at year's end.

Hungary

Press release by ILGA-Europe: Supporting right to free and peaceful assembly in Hungary, supporting Budapest Pride!

This week the 14th LGBT Pride Festival is taking place in Budapest. One of its main events is a Pride March on Saturday, 5 September. Considering the unfortunate experience of a few previous Pride Marches in Budapest which witnessed increasing violence, ILGA-Europe fully supports the right of LGBT people in Hungary to free and peaceful assembly. ILGA-Europe condemns any attempts to limit this right by individual Hungarian politicians.

As a sign of our concern with the situation in Hungary and our support, ILGA-Europe is sending two representatives to take part in the Pride March: Paata Sabelashvili, member of ILGA-Europe's Executive Board, and Juris Lavrikovs, ILGA-Europe's Communications Manager, will be in Budapest to take part in the March and to address its participants.

Martin K.I. Christensen, Co-Chair of ILGA-Europe's Executive Board, said: *"ILGA-Europe is seriously concerned with the situation in Hungary. For many years LGBT people in Hungary enjoyed peaceful and celebratory Pride Marches. However during the last couple of years the situation changed and there is worrying increase of racist and homophobic sentiments. This year some Hungarian politicians even called for a ban on LGBT Pride March. We welcome the statement by the Hungarian Police Forces that they will do their job to ensure that participants of Budapest Pride March can peacefully and freely exercise their right and to ensure their safety."*

Linda Freimane, Co-Chair of ILGA-Europe's Executive Board, added: *"In 2007, ILGA-Europe's board, staff and members were meeting in Budapest and took part in the Pride March which became violent for the first time in 10 years of Pride organising. We all experienced first hand intimidation and explosives being thrown in our direction. Therefore Budapest Pride has a special meaning for the organisation and we express all our full support to Hungarian LGBT activists and all people taking part in the March this Saturday. We hope that the ugly scenes of violence and threats of 2007 and 2008 will not be repeated this year."*

Italy

Submission to the United Nations Human Rights Council for its Universal Periodic Review of Italy (7th Session)
by ILGA-Europe, Arcilesbica, Arcigay, Crisalide, ILGA

See also "REPORT dei principali atti di violenza omofoba accaduti in Italia nel corso del 2009 tratti dagli articoli comparsi sulla stampa" (attached to the submission)

By Arcigay

The level of violence and attacks against lesbian, gay and transgender persons, or those who are perceived as having a different sexual orientation or gender identity, is present and widespread in the country. Associations report a higher level of attacks in the past three years than in the 10 years before against individuals and the offices of homosexual and transgender organizations. Recently, in August and early September 2009, three serious homophobic attacks took place in Rome:

- *On 22 August 2009, a gay couple were reportedly assaulted by a far-right activist nicknamed "little swastika" after leaving a nightclub in Rome, and being observed kissing in public. One of the victims was allegedly stabbed with a knife and required life-saving surgery.*
- *On 29 August 2009, another nightclub in Rome which organises a well-known weekly gay night was subject to an attempted arson attack, when a window was broken and inflammable liquid ignited. Nobody was hurt, as the building was closed for refurbishment at the time and the flames were rapidly extinguished by the fire-brigade.*
- *On 2 September 2009, two large fire-crackers were thrown by two skin-heads into a crowd of passers-by on San Giovanni in Laterano Street in Rome. The street is well-known for being popular with Rome's LGBT community. Fortunately, only one person was slightly injured. The two attackers were able to escape and a police investigation has been opened.*

Associations denounce the difficulties of collaborating with police forces and widespread homophobia and transphobia in police and armed forces. They also denounce the lack of a strong stand by the government against such actions and the lack of interventions both in terms of proposing adequate legislation and realizing educational interventions (e.g. information campaigns). Attached is a report by Arcigay, the national lesbian and gay association, with the cases of violence and homophobia and transphobia reported in the press so far in 2009.

Recommendations:

We urge the Italian Government to:

- Take all necessary legislative measures to impose appropriate criminal penalties for violence, threats of violence, incitement to violence and related harassment, based on the sexual orientation or gender identity of any person or group of persons
- Take all necessary policing and other measures to prevent and provide protection from all forms of violence and harassment related to sexual orientation and gender identity
- Ensure that perpetration of such violence is vigorously investigated, and that, where appropriate evidence is found, those responsible are prosecuted, tried and duly punished
- Undertake campaigns of awareness-raising, directed to the general public as well as to actual and potential perpetrators of violence, in order to combat the prejudices that underlie violence related to sexual orientation and gender identity

Kazakhstan

Quotations from [“Unacknowledged and unprotected: lesbian, gay, bisexual and transgender people \(LGBT\) in Kazakhstan”](#), December 2009

(2009 Report on the human rights situation of lesbian, gay, bisexual and transgender (LGBT) persons in Kazakhstan, produced with the support from the Law Reform Program of Soros Foundation - Kazakhstan (SFK), with the help of ILGA-Europe)

Types of Physical Violence against LGBT People

Researchers were provided with responses from 95 survey participants detailing specific incidents of violence committed against them because of their sexual orientation or gender identity. In order to focus particularly on homophobic and transphobic assaults, rather than random acts of violence, respondents were specifically asked to provide information about violence they had suffered when their sexual orientation or gender identity was known or suspected by the assailant(s). The accounts given below describe assaults on LGBT people that took place in a variety of settings and circumstances. It is notable, however, that the majority (47.6%) of reported acts of physical assault against LGBT people occurred in public places – in the street, on public transport, in parks, entrances to houses, yards, or near the entrances to gay clubs and other places frequented by LGBT people. In 13.1% of the cases, respondents experienced violence in their own home; 12% of respondents identified school as the location of an attack; and 6.4% reported violence in the workplace. Notably, one out of ten respondents declined to name the location where a given act of violence took place, and 21% of victims indicated other locations, such as a taxi, public bath house or sauna, disco, partner’s or friend’s apartment, a summer cottage, military barracks, police station, youth camp, or the open countryside. The motives for acts of homophobic and transphobic violence are often rooted in heterosexual negation of other sexual orientations or gender identities, the desire to “punish,” to “teach a lesson,” and to change or “correct” people that homophobes view as “abnormal” members of society. From the respondents’ descriptions of the violent assaults on them, it is evident that perpetrators use a wide range of violent methods to harm LGBT people. Abusive acts range from battery and rape to social exclusion and forceful confinement to a mental hospital. One lesbian interviewed for this report had the following perspective on the motives of her abusers:

“The beatings follow the principle of “all against one,” the underlying motive being my “deviation,” my “abnormality. The violence is carried out as an act of tutoring, teaching and correcting me from the viewpoint of their “male power,” which I failed to acknowledge. It’s a way of presenting me with their idea of a “real man.”

Many victims of physical violence declined to give detailed accounts of their experiences because of their highly traumatic character. Typical responses included:

“It’s difficult to go back to it” and “I don’t want to recall all this.”

LGBT people interviewed for this report described being beaten and otherwise physically assaulted by people in their communities because of their sexual orientation or gender identity. In some cases the assailants were known to the victims, but in many cases the violence was committed by strangers on public streets. One interviewee reported:

“Two guys who suspected I was gay caught me at the entrance to my block of flats. They tried to force me to give them blowjobs. When I refused, they beat me up.”

[...] Another respondent described being assaulted by police because of his sexual orientation:

*“I was beaten up by the police when I was coming home from a café. They stopped to check my documents but when they realized who I was and what I was, they dragged me away from the streetlight and began to beat me shouting “you faggot.” Then they stopped and said that if I reported this incident to the police, they would f*ck me right there.”*

In some cases, strangers in private establishments, such as cafés and restaurants, attack LGBT people. One respondent told interviewers:

“I was sitting in a café with a girl. When I went out to the toilet, a guy hit me in the stomach and his friend told me that perverts like me have no right to walk around like normal people.”

[...] LGBT people also reported that attacks took place at schools and universities. In many cases the assailants were known to their victims. One former student reported:

At school where I studied, once I was invited to “talk” after class. Really, there were these guys from another class who had been planning to “give me a talking to.” They didn’t injure me too badly, but they let me know that next time it could be worse.”

[...] There were also instances of battery in the workplace. One survey respondent said:

“A female colleague of mine constantly beats me up when she sees there is no one around.”

In some cases, violent homophobes seek out targets for assault in places where LGBT people are known to gather. In particular, violent assailants and muggers appear to target customers of gay nightclubs. In some cases it may be that club goers are perceived as easy targets and are more vulnerable to theft and violent assault because it is believed they are less likely to report incidents to police, while in other cases it appears that criminals particularly target people near these clubs for violence in retaliation for their sexual orientation. Regardless of the assailants’ motives, the marginalization and ghettoization of the LGBT community puts LGBT people at greater risk for these types of attacks. Several survey respondents described being beaten up or beaten and robbed outside a gay nightclub.

[...] The fact that many LGBT people feel compelled to conceal their sexual orientation can mean it is difficult to meet potential romantic partners and dating is often not conducted out in the open. As a consequence of these circumstances, LGBT people may have less opportunity to vet potential dates and may take on more risk in trying to meet potential partners. Violent homophobes sometimes take advantage of this situation by targeting LGBT people, luring them into dangerous situations under false pretenses, and assaulting them.

[...] LGBT people reported cases of sexual harassment and molestation committed against them because of their sexual orientation or gender identity. Many interviewees described the humiliation, fear and distress that such incidents caused them.

[...] A number of respondents reported that assailants raped or attempted to rape them because of their sexual orientation or gender identity. Several respondents described these serious incidents of sexual assault. Several people interviewed reported that classmates had raped them. One interviewee said:

“My classmates learned about my sexual orientation and began harassing me. First they just mocked me, then one day after class they caught me behind the school, beat me up and gang-

raped me.”

[...] In some cases, LGBT people face homophobic and transphobic violence by those closest to them. Domestic violence against LGBT people appears to be prevalent in Kazakhstan. The incidents reported to researchers involved violent assault by a member of an LGBT person’s immediate or extended family. Numerous respondents reported that their close relatives beat them or otherwise physically assaulted them because of their sexual orientation or gender identity. In some cases, the physical abuse caused serious injury, requiring medical intervention. Several respondents said that family members responded with violence when they discovered, or suspected, the respondents’ orientation or gender identity.

Obstacles to Safety and Justice

LGBT people face obstacles in attempting to obtain safety and justice when they are victims of violent assault. Research found that LGBT people cannot count on witnesses to violent homophobic and transphobic attacks to come to their aid and that police who receive LGBT people’s complaints of violent assault are more likely to respond with hostility than to provide victims with help.

Almost half of the incidents of physical violence against LGBT people that were reported in our survey took place in front of witnesses. The responses of witnesses to such attacks ranged from approval of the assault to apathy to intervention on behalf of the victim. The following are examples taken from 117 reports of attacks where witnesses were present. Some respondents said that bystanders urged on their attackers. One respondent said of witnesses:

“They booed me, supporting the attackers.”

Another respondent reported:

“They wanted to join in.”

[...] One respondent described the reaction of bystanders when they discovered the motive for attacks on him:

“It depends – sometimes they would say that I should be released and when they learned that I was gay, they would say “right, such perverts should be killed.”

In other cases, violence against LGBT people was met with indifference. [...] There were instances also when those who witnessed an attack on an LGBT person took steps to protect the victim. [...] Victims of violence also recalled that sometimes witnesses to the attacks on them had mixed reactions or appeared to be overwhelmed by fear or confusion.

[...] In most cases (74.5%), the victims of violence did not report the incident to the police. Only 14.6% did so, and 10.9% declined to answer this question. Of those who reported an act of homophobic or transphobic violence to the police, 38.5% received a negative reaction from law enforcement officers, 28.3% said law enforcement officers reacted neutrally, and only 5.1% said their complaints were welcomed. Of those respondents who reported violence to the police, about 18% described their situation differently (i.e. neither as negative, neutral nor welcoming), and 10.3% declined to answer the question. Most (66.7%) of those who reported violence to the police declined to tell researchers whether the policemen knew about their sexual orientation. Only 11.6% said that, yes, the police knew about their orientation; 7.5% said police did not know; and other respondents were not sure. The following explanations for the choice not to report a crime to police are taken from 125 responses provided by interviewees. Many LGBT people who were victims of violent crime said they did not turn to police for help because they did not want to reveal their

sexual orientation or they feared the consequences of having their sexual orientation or gender identity discovered. Respondents expressed fear of public exposure or being fired from their jobs.

Kosovo

ILGA-Europe's submission to the European Commission's 2009 Progress Report on Kosovo

The Constitution of Kosovo bans discrimination on a number of grounds, including sexual orientation. Also the Anti-Discrimination law includes sexual orientation as a ground of non-discrimination in a variety of fields, including employment, membership of organizations, education, the provision of goods and services, social security and access to housing.

However, despite the broad protection provided by the legislation, LGBT people in Kosovo continue to suffer discrimination on a regular base and are not aware of the protection provided by the Anti-discrimination law. As a result many LGBT individuals never 'come out of closet' because of the fear of discrimination and social exclusion from family members, friends, employer, police etc.

Indeed, there is a huge gap between the law and its actual implementation. Homophobic and transphobic attitudes are deeply rooted in Kosovo, with the consequence that LGBT people face widespread discrimination not just in the public sphere, but also at the hands of family members.

These attitudes are exacerbated and legitimized by the failure of state authorities to uphold LGBT people's rights. Many police officers and public prosecutors in Kosovo have homophobic attitudes which are reflected in their refusal to follow up homo/transphobic crimes adequately, or to take seriously threats and dangers to LGBT people. Moreover, police officers themselves are often the perpetrators of violence against LGBT people. Because of the fear of double victimization and stigmatization, most of the cases of violence against LGBT people go unreported.

There is no public discussion on the issues of sexual diversity in Kosovo and no steps are taken by the government to enforce the existing legislation.

Kyrgyzstan

US department of State's [Country Report on Human Rights Practices](#)

There is no law against homosexuality; however, according to Human Rights Watch and a local NGO, lesbian, gay, bisexual, and transgender (LGBT) individuals faced severe oppression. Persons whose non-traditional sexual orientation was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. Inmates and officials often openly victimized incarcerated gay men. Forced marriages for lesbian and bisexual women also occurred. According to an October 2008 Human Rights Watch report, the government failed to protect the rights of LGBT individuals.

A single NGO supported advocacy campaigns, conducted training, organized festivals, and operated a community centre and shelter in support of LGBT individuals.

Latvia

US department of State's [Country Report on Human Rights Practices](#)

There were no official reports of societal violence or discrimination based on sexual orientation or gender identity; however, leaders of lesbian, gay, bisexual and transgender (LGBT) organizations complained of widespread intolerance and underreporting of physical attacks. Mozaika was the most prominent LGBT organization in the country. It worked on legal issues surrounding LGBT rights and organized the annual gay pride march.

On May 16, after first revoking a previously approved permit on security grounds, the city of Riga respected a court order to grant a permit and allowed a Baltic gay pride march to take place in the city centre under heavy police protection. An estimated 300 persons took part in the parade. Approximately 500 demonstrators behind police barricades jeered the marchers and carried signs accusing LGBT persons of being linked to AIDS and pedophilia. In contrast to previous years, there were no physical attacks but only minor violations of public order.

Lithuania

Briefing note on the adoption of the “Law on the protection of minors against detrimental effects of public information”, ILGA-Europe, December 2009 (updated)

In December 2009, the Lithuanian Parliament adopted the final version of the Law on the Protection of Minors against the Detrimental Effect of Public Information and began to argue on the issue of sexual minorities. This debate has lasted months.

Even though the purpose of the law is to protect minors against the detrimental effect of public information, the focus of the discussion finally turned out to be the deliberations on whether information on homosexuality has to be prohibited by the law as “homosexual propaganda”. Some participants of the discussion suggested that homosexuals need to undergo medical treatment, while their opponents kept accusing the authors of this idea of homophobia.

The key object of parliamentary arguments became the amendment suggested by the working group formed by the President regarding the elimination from the law of the ban to promote homosexual relations. The said working group suggested replacing the provision highly criticized by the defenders of human rights with the ban to promote sexual relations among minors.

“Why is the rotting European Union so much afraid of this law? Because we are one of the few countries that is still able to withstand the attacks of homosexuals”, said Egidijus Klumbys representing “Order and Justice”. The said Member of Parliament claimed that “it is high time to hold a referendum in Lithuania with the aim to ban the promotion of homosexual lifestyle”. “We have to make our position crystal clear”, said Mr Klumbys.

Eventually, The law was adopted with no explicit mention of homosexuality, but there’s a general clause against propaganda on “all sexual relations”, in order to protect “family values”. This refers to the Civil Code and the Constitution, where the definition of the family is explicitly limited to traditional families.

Other amendments have been tabled to modify The Penal and Administrative Codes, to make the “promotion of homosexual relations in public places” a criminal offence punishable with a fine or arrest. There was a first reading of the amendments in 2009, and the Seimas (Parliament) voted them. However, under the Lithuanian Constitution, there should be 2 more votes of the Seimas before they enter into force. In early 2010, it was not known when the next debates and votes would be scheduled.

Moldova

European Neighbourhood Policy – EU-Moldova Action Plan implementation, Comments of ILGA-Europe and GenderDoc-M (2009)

This feedback highlights areas of concern in the implementation by the Moldovan Government of its European Union Action Plan obligations with respect to human rights and fundamental freedoms²⁰ as applied to Lesbian Gay Bisexual and Transgender (LGBT) people and identifies significant issues which we believe should be raised with the Moldovan authorities. These issues were identified through consultation with ILGA-Europe's partner, Moldovan LGBT organization Gender-Doc-M.

I. High level of social stigmatization of LGBT people

1. The most recent report submitted by the Moldovan Government to the Human Rights Committee under the ICCPR²¹ examined in 2009, includes the following statement recognizing that work is still to be done to ensure the observance of the fundamental human rights of LGBT people in Moldova. It states that blame lies not just with legislation but also with negative attitudes towards LGBT people.

632. In spite of some democratic changes that took place in Moldova recently with respect to the observance of rights of the sexual minorities, the reality is that the behaviour of authorities and the entire society is far from being in compliance with the international standards.

634. The problem is not caused exclusively by the national legal framework or the international conventions on human rights to which Moldova is a party. It is rather linked with the stereotypes and prejudices of members of our society.

The Human Rights Committee in its concluding observations stated that: The State party should take measures to combat discrimination based on sexual orientation, including training programmes for police officers and health-care professionals, as well as campaigns aimed at raising awareness, among potential victims, of their rights and of the existing mechanisms for redress.²²

2. Unfortunately it is a common occurrence for public figures to indulge in homophobic speech while representing public office:
3. On May 15, 2008, Iurie Rosca, Chairman of the Christian-Democratic People's Party and Deputy Speaker of Parliament, gave a speech to other members of parliament, accusing homosexuals of "encroaching on the moral principles of society," declaring that "homosexuality is a moral and existential mistake," and supporting the aggressive actions of counter-demonstrators against the "Rainbow over the Dniester" demonstration.
4. While meeting with teachers and students of the Balti State University Alecu Russo on May 26, 2008, Marian Lupu, Speaker of Parliament, declared that "public events of homosexuals are inadmissible." He also stated that "if tomorrow Brussels declares that one of the

²⁰ Relevant Action Plan objectives are: ensuring respect of human rights and fundamental freedoms, in line with international and European standards; fostering the development of civil society; ensuring respect for the freedom of the media and expression; ensuring respect for rights of persons belonging to national minorities; ensuring equal treatment.

²¹ Republic of Moldova State Report to the UN Human Rights Committee, 632 (2007)

²² <http://www2.ohchr.org/english/bodies/hrc/hrcs97.htm>

conditions for the EU accession is to legalize prides of sexual minorities, it does not mean that Moldova will play along,” emphasizing that “all Moldovan politicians share this unanimous attitude because it reflects the mentality and moral values of the Moldovan society.”

5. One exception to this general rule was a leader from the Social-Democratic party of Moldova who said: “we are glad that we are supported by all the citizens of Moldova, including those who represent the minorities, it does not matter which - religious, sexual or national. So, we will go on to work in order to get the Moldova people’s support, but not look at the eyes or hair color of the people, or at any other personal characteristics of the persons”. The president of GenderDoc-M Alexei Marcicov declared that Moldova now had a politician who had European way of thinking. This declaration was immediately used by several religious organizations, for example the church “Sacred Trinity”, which declared that the true Christian should not vote for party, supporting homosexuality.
6. During the pre-election campaigning, the Mayor of Chisinau Dorin Chirtoaca was asked by a journalist of Radio Free Europe about the things which he personally does not like in the EU. He replied: “the Liberal party, unlike (in contrast to) EU and the European parties, has a different opinion about sexual minorities. We consider that a lot of attention is being given to them. As for gay prides... They are not an example of normal private life. Last year our gay activists tried to do parade, but their intention has failed. In other words, Liberal party has serious remarks to the European parties and the organizations which excessively propagandize homosexuality.
7. Extremist religious organizations, for example “Christian Moldova” and web site «blogosfera.md», took advantage of this declaration. Using the words of Mayor Chirtoaca they began to campaign against the gay-Pride and demonstration of the Moldovan LGBT community in support of the draft antidiscrimination law.
8. On April, 27th 2009 Paul Cameron a doctor of sociology and US citizen, known for his opposition to the human rights of LGBT people, visited Moldova for a second time in connection with the annual Pride festival «Rainbow over the Dniester» organized by GenderDoc-M. On this occasion he attempted to convince Moldovan society that homosexuals have a negative influence on Moldova’s demographics, as the birth rate decreases, which leads finally to the disappearance of an entire people. He was invited to Moldova by a coalition «Pro Familia» and public organization «Orizonturi noi» (New horizons). Paul Cameron also met with representatives of local authorities and civil society in Belts city. He also visited Pedagogical University "Alecu Russo" in Chisinau where he gave a speech to students and professors of the faculty of psychology.

II. Physical Violence and Intimidation on grounds of sexual orientation and gender identity

9. *On March, 29th 2009 GenderDoc-M reported an incident involving the police where two gay men were sitting and chatting in the car near the road. A police car approached them and the police officers demanded documents and asked what they were doing in the car. Having guessed that they were gay, the police began to blackmail and extort money from them. The two young men informed "GenderDoc-M" about this case who sent a letter of complaint to the police department and to the General Commissariat of police. The two men (the victims) were invited to the police department to give evidence. An investigation is now ongoing.*
10. *The President of RFSL (<http://www.rfsl.se/>), Mr Sören Juvas, was attacked and beaten by*

unknown men in Chisinau, Moldova, on the night between 10-11 May. Sören Juvas was in Chisinau to celebrate the Rainbow over the Dniestr Pride event. On Sunday evening he was leaving a bar and was approached by uniformed police who asked him if he was in Chisinau for Moldova Pride and if he was gay. When he confirmed this he was taken to a police station. When he was released he was attacked and beaten outside the police station. The men who attacked him were thought to be police in civilian clothing or men who had been informed by the police that Sören Juvas was going to be outside the police station at that time. Though bruised and scratched Mr Juvas was otherwise fine²³.

11. On October, 31st 2009, 20 members of the LGB community were kicked out from a bar because of their sexual orientation. The owner of the bar seized one girl by the chin and by her clothes and then dragged her out of the bar. Other LGBT people had to leave the bar without having finished the drinks which they had bought. GenderDoc-M has sent a complaint to the police station. The owner of the bar was charged by the Police with 'hooliganism' and was made to pay a fine.

III. Violations of freedom of expression and assembly

12. The 2009 Rainbow on the Dniestr festival fortunately did not see a repeat of the violence which marred the 2008 event with the exception of the attack on Soren Juvas. However the Board of GenderDoc-M took the decision not to hold public events during the 2009 festival given that '...the situation is not favorable for manifestations. After well-known April events in Moldova all political parties and society in general are still in shock. There is neither new stable legislative nor executive power in the country. Chisinau City Hall also ignores our rights for freedom of assembly. Thus, our appeal to the authorities will remain unheard and without any attention. Moreover in such unstable political situation it will be very suitable for someone to find the scapegoat. It is very well known from the history that very often such scapegoat turn out to be vulnerable groups. And now LGBT community could possibly play that unattractive role to satisfy unreleased negative emotions. That is why after long and thoughtful discussions we came to the conclusion that it will be wise to postpone the manifestation for later time.'²⁴

What is needed?

ILGA-Europe and its partners therefore urge the European Union to note in its 2009 progress report that

- there are ongoing problems with discrimination and homophobic attitudes against LGBT people in Moldova;
- that the Moldovan Government ensure that the Law on Freedom of Assembly is properly implemented to enable the GenderDoc-M annual pride event to be held in 2010 without interference by the authorities and that sufficient measures be taken by law enforcement authorities to ensure that violence of 2008 is not repeated;
- that efforts be made so that the draft antidiscrimination law which is currently with the Ministry of Justice be passed; and that the Moldovan Government should invest in education and awareness raising programmes for public employees including law enforcement officers to tackle ignorance and misinformation about LGBT people.

²³ <http://www.sweden.gov.se/sb/d/8811/a/127052>

²⁴ Statement made by the GenderDoc-M board, (Maxim Anmeghichean, Victoria Caraseva, Natalia Mardari, Alexei Marcicov, Serghei Ostaf, Svetlana Rusnac, Mariana Turcan) on 27th April 2009.

Montenegro

ILGA-Europe's submission to the European Commission's 2009 Progress Report on Montenegro

US department of State's [Country Report on Human Rights Practices](#)

I. ILGA-Europe's submission to the European Commission's 2009 Progress Report on Montenegro

General prohibition of discrimination is provided for under Article 8 of the Constitution of Montenegro. However, sexual orientation and gender identity are not mentioned as grounds for non-discrimination. Comprehensive anti-discrimination law is not adopted.

Homophobic and transphobic attitudes are deeply rooted in Montenegro. Suffice is to mention that when in 2005, Serbian gay activist Atile Kovača visited Montenegro he was subjected to stoning because he publicly defended the rights of sexual minorities. Although the police arrested three of the attackers, no charges were brought against them.

In this hostile environment LGBT people face widespread discrimination not just in the public sphere, but also at the hands of family members. These attitudes are exacerbated by the homophobic statements made by leading politicians and are legitimized by the failure of the police, prison officers, public prosecutors, judiciary to uphold LGBT people's rights. Moreover, there are reports of human rights violations by the police against LGBT people that often go unpunished.

The Report on Montenegro to 3rd Round of the Universal Periodic Review describes the case where "Several witnesses have reported that members of the police have brutally beaten two young men from the capital city of Podgorica and left them naked after catching them being intimate with each other in a suburban area of the town. This incident has not been duly investigated, nor the responsible officers punished in any way."

An independent researcher on violations of human rights, Mr. A. Z. has reported that he has been subjected to blackmailing and harassment by a police officers who threatened to reveal his sexual orientation if he doesn't withdraw from public life. Police officers then proceeded to subject Mr. A.Z. to continuous threats and several-month long surveillance. Mr. A.Z. has filed criminal charges against the police force but to date he has not been informed whether any investigative actions are taking place.

Homophobic statements by the leading politicians and health care professionals further exacerbate and legitimize the widespread discrimination against LGBT people in the country.

Professor Dragan Koprivica, the manager of the Socialist National Party media center, expressed in the independent daily newspaper 'Vijesti' on December 25, 2008, that homosexuality as 'social anomaly' which should be cured "but not violently"²⁵.

Leading neuropsychiatrists in Montenegro and persons who occupy important positions in national health system consider that 'homosexuality is a disturbance of instinct and as such it is cured through psychotherapy' and that 'in Montenegro this [homosexuality] is not a common disease'²⁶.

²⁵ Independent daily newspaper 'Vijesti' : <http://www.vijesti.cg.yu/index.php?id=291712>

²⁶ Report on Montenegro – 3rd Round of the Universal Periodic Review – December 2008 - Sexual Rights Initiative and others

II. US department of State's Country Report on Human Rights Practices

The constitution calls for respect for human rights on all grounds and prohibits the instigation of hatred or intolerance on any grounds.

Nevertheless, antipathy toward homosexual persons existed, and at times it was mirrored in the views of leaders. On November 6, Ferhat Dinosa, the minister of human and minority rights, told television *Vijesti* that, "I would be unhappy" if homosexuality were present in Montenegro. The remarks provoked a public reaction, particularly from NGO activists, some of whom demanded his immediate resignation. However, at a November 18 meeting on human rights organized by the European Commission, Dinosa continued to express these views. The Ombudsman's office noted that the country should be devoted to the protection of human rights guaranteed by the constitution.

There were infrequent reports of violence and discrimination directed against gay men; there were no reports that the government condoned such actions. There were no reports that persons were denied equal opportunities in education and employment on the basis of gender orientation. Societal antipathy towards homosexual persons led most of them to conceal their orientation. The print media at times reinforced these attitudes by publishing articles with negative overtones about homosexual conduct.

On March 1, the NGO Juventas opened the country's first Web portal for homosexual persons. In August the Serbian Orthodox Church issued a statement calling for equal treatment for transgender believers.

During the year the NGO Human Rights Action estimated that there were between 30,000 and 62,000 homosexual persons in the country. A group of 14 NGOs wrote to the president requesting that he use his authority to explain to people that homosexual conduct is not a disease.

Poland

[Bulletin Monitoring Discrimination against LGBT people in Poland](#) (quarterly),
by KPH – Campaign against homophobia (2009 issues)

US department of State's [Country Report on Human Rights Practices](#)

I. Bulletin Monitoring Discrimination against LGBT people in Poland, by KPH – Campaign against homophobia (2009 issues)

Reported Hate Crime

Several events have occurred in the past months which underline the urgent need for these efforts. For instance, on Nov. 25, a young man was called a *faggot* and had two teeth knocked out during a homophobic attack at Centrum Metro station in Warsaw. Additionally, in early September, a man was reportedly called homophobic epithets and hit by the Warsaw municipal police at night in a park.

Incitement to hatred and verbal assault

- KPH reacted to a cartoon published in the newspaper *Rzeczpospolita* KPH has sent a formal complaint to *Rzeczpospolita* for a cartoon the newspaper published on June 15, 2009. Andrzej Krauz's 'satirical' cartoon shows a gay couple getting married. Behind them a man tells a goat "Now these guys are getting married and then it's our turn". The cartoon came two days after the Equality Parade which took place on June 13, 2009. The nationwide newspapers therefore commented on the demands of the LGBT community for legalizing same-sex partnerships by comparing it with bestiality.

- *If procreation, rearing children and fidelity are irrelevant in a relationship and the two partners' aim is only their own satisfaction, there are no reasons to differentiate between homosexual and zoophilic relations.* — Tomasz Terlikowski, a conservative journalist in an article referring to a previously published cartoon in which a man and his goat line up behind a gay couple to get married in a registry office. 25 June, "Rzeczpospolita".

- KPH reported that journalist Wojciech Cejrowski acted in violation of the law. Cejrowski delivered a lecture on 24 March 2009 in the assembly hall of the Catholic University of Lublin, in which according to various media reports, he said that "*gay people should be pointed at with fingers since they are disgusting (...) It is about condemning the sin of sodomy that they often commit (...) The sight of a pederast makes a healthy man sick. It is disgusting in the eyes of God. And we should point with fingers at them if their souls could be saved from condemnation in such a way.*" Apart from these insults directed at homosexuals reported by local media, Cejrowski used the term "*we should fight with gays*".

KPH stated in the offence report that such statements fulfill the requirements laid out in article 255 § 2 of the Penal Code which states that it is a crime to publically incite to committing a crime. The Public Prosecutor in Lublin, however, did not find the words in violation of the law and an investigation was not launched. KPH appealed to the Regional Court in Lublin, which also stated that the words do not break the law and upheld the decision of the prosecutor. The court suggested that it would have been possible to investigate whether the words violated article 216 of the Penal Code – the offence paragraph.

II. US department of State's Country Report on Human Rights Practices

The constitution guarantees all persons the right to equal treatment and prohibits all forms of discrimination in the political, social, and economic spheres. There are no laws that criminalize sexual orientation or behaviour.

However, organizations representing LGBT persons reported that discrimination is common in schools, the workplace, hospitals, and clinics. For example, LGBT persons are sometimes prevented from donating blood due to the perception that HIV/AIDS is prevalent in the LGBT community. During the year there were some reports of skinhead violence and societal discrimination against LGBT persons. There are several LGBT organizations operating in the country, with a focus on preventing discrimination of LGBT persons and promoting tolerance.

In May the NGO Campaign Against Homophobia reported that the level of hate speech against persons based on their sexual orientation was still high in the country. The NGO called for revisions to the antidiscrimination law to include sexual orientation among the categories of punishable offenses.

On July 15, the human rights ombudsman intervened in a legal dispute on behalf of a local branch of LAMBDA, an NGO that combats discrimination based on sexual orientation. In June a district court in Bydgoszcz and city authorities had blocked the group's registration. LAMBDA filed a formal complaint against the ruling. In a letter to the court, the ombudsman stated that it had violated rules on registering organizations, and all citizens are equally entitled to participate in public life and to express their views freely. In November the LAMDA branch received its registration.

On August 4, in an unprecedented decision, the Szczecin District Court imposed a 15,000 zloty (\$5,260) fine on a woman who repeatedly harassed a neighbour over his sexual orientation. Her public comments prompted other neighbours to harass the plaintiff verbally and physically. The court also prohibited the woman from making further disparaging public comments about her neighbour's sexual orientation.

On May 16, an estimated 500 persons took part in Krakow's fifth annual gay March for Tolerance to call for an end to prejudice against homosexuals. The event took place without major incident, due in part to the presence of 450 police officers. A small counterdemonstration was organized by the All Youth and National Rebirth of Poland activists. Some counterdemonstrators threw eggs, tomatoes, and chairs at march participants and shouted antigay and anti-Europe slogans; 15 persons were detained by police. The Krakow Archdiocese issued a statement criticizing the march as immoral, but distanced itself from violence against homosexuals.

On June 13, Warsaw authorities allowed the annual Equality Parade to take place in the city centre for a fourth consecutive year. Approximately 2,000 local and international gay rights advocates participated in the march without serious incident. Some 30 members of the All Poland's Youth and National Radical Camp staged a counterdemonstration, but there was no direct confrontation between the two groups due to police protection.

Romania

US department of State's [Country Report on Human Rights Practices](#)

The law prohibits discrimination based on sexual orientation; however, NGOs reported that police abuse and societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons was common and that open hostility prevented the reporting of some harassment and discrimination. Members of the gay and lesbian community continued to voice concerns about discrimination in public education and the health care system. The government in its May 2008 statement before the Universal Periodic Review at the UN Human Rights Council stated that LGBT persons faced prejudice and discrimination. ACCEPT, an NGO supporting gay and lesbian rights, reported that the number of complaints by members of their community about harassment of gay men by authorities increased during the year. Several members reported that police and gendarmerie raids took place in public places known as meeting areas for gay men, and that police behavior was abusive. These raids mostly occurred in public parks, with police or gendarmes asking all men to show their identification, questioning them about the reason for their presence, making offensive comments regarding homosexuality, and threatening to arrest them. In most cases, the police officers or gendarmes fined those they encountered at these locations for allegedly committing obscene acts.

On February 26, unidentified people beat and cut the hair of a transgender person in Bucharest. On March 17, taxi drivers reportedly verbally abused the same person.

There were two officially-registered LGBT organizations, ACCEPT and LGBTeam. Other LGBT groups lacked legal status; these groups generally kept a low public profile. There were no reports of impediments to LGBT groups' activities.

On May 23, approximately 300 persons participated in the annual "march of diversity" gay pride parade in Bucharest. Local authorities mobilized hundreds of police to protect the participants, and the parade ended without violent incidents. There were some claims that individuals who wanted to participate in or watch the parade were discouraged from doing so because of the police barricades. Meanwhile, the "New Right," a neofascist group opposed to homosexuality and claiming Christian orientation, sponsored a "march for normalcy" antigay rally on the same day as the march for diversity, but at a different time and location, and chanted virulent antigay slogans. On the previous day, a number of NGOs organized a "march for the family," ostensibly to oppose the gay pride march.

There were no developments in the investigation of the violent incidents that took place at gay parades in previous years.

A number of young men in police detention reported that police failed to protect them effectively from violence and harassment from other inmates who perceived them as being homosexual.

In 2007 a Bucharest court ruled in favor of a person who accused a company of discrimination in access to services on grounds of sexual orientation. The person withdrew a prior complaint he filed with the CNCD.

Russia

SITUATION OF LESBIANS, GAYS, BISEXUALS, AND TRANSGENDERS IN THE RUSSIAN FEDERATION

Russian LGBT Network, Moscow Helsinki Group
Report, Moscow 2009

Offences against Life, Violence and Other Treatment that Abases Human Dignity

According to a survey carried out in December 2007 among the users of one of the biggest Russian portals for gays and male bisexuals Qguys.Ru (3,800 people), 27.17% of the respondents had suffered from physical violence because of their sexual orientation. Physical violence was equally typical for all types of localities (capital cities, oblast centers, district centers, rural area). 37.12% of the respondents had been subject to threats, blackmailing or other types of psychological pressure.

Only in rare cases hate crimes against homosexuals become known to the law enforcement bodies and the public. Usually, victims do not address to the police, prosecutor's office or court and avoid disclosing the problem fearing homophobia on the part of authorities.

At the beginning of October 2007, a young man called Denis was killed in Yekaterinburg near the night club "Moloko", where parties for gays and lesbians are organized. Several attackers inflicted him numerous injuries and an open skull fracture. They wrote the word "queer" on the chest of their victim with his own blood. The information on this case was immediately closed to the public. When the friends of the killed man came to the police department to find out about the progress of the investigation, they were told that nothing of what they were saying had happened. The relatives refuse to provide any information either. According to unconfirmed information, the guilty persons have appeared before the court and have been sentenced with probation.

In Shabrovsk village, Sverdlovsk oblast, two local inhabitants were arrested on suspicion of brutal murder of another villager. The prosecutor's office of Sverdlovsk oblast declared that the body of the killed person with cut wounds on the neck, head and with a brain injury was found on the snow near his house on 28 February 2008. On 5 March, two villagers aged 17 and 19 were arrested. They owned the murder. One of them was accused of "murder" and the other of "premeditated infliction of average bodily damage". People from the prosecutor's office said that the murder had been based on personal hostility as the accused considered the victim to be of a non-traditional sexual orientation.

On 11 October 2006, two servicemen bashed up to death a 28-year-old local inhabitant under the bridge over the Om River in Omsk City. The investigation established that the 20-year-old private Pavel Mertz and the 22-year-old corporal Victor Shevchuk had met in an Omsk hospital. To get rid of hospital boredom and to earn some money, Mertz offered his sexual "services" to the 28-year-old man, who was also called Victor. The curious Shevchuk decided to be present at that meeting. Having received what he was promised from the soldier and having paid him 200 rubles, Victor made a similar offer to Shevchuk. The corporal took it as an offense and started beating Victor. Soon, Mertz joined him. They were beating the young man for a long time with cruelty, strangling him with a scarf. Then, they took his money, cell phone and shoes and left sure that Victor was already dead. However, experts established that he had been alive for another 24 hours lying dying in the frost.

The servicemen called it an accident in a closed trial.

On the night of 20 January 2007, two young men assaulted on the well-known journalist from Khabarovsk Konstantin Borovko and his friend Dmitry Cherevko who had left the gay-club "Taboo" near the block No. 51 on Krassnogo Znameni Avenue in Vladivostok. They stroke numerous blows with their heads and legs at their victims' heads and body. In addition, they stole

cell phones and money from the victims. The passers-by who found unconscious people called the ambulance. The doctors certified the death of Konstantin Borovko as a result of heavy brain injuries. Dmitry Cherevko was hospitalized and spent several days at the resuscitation unit. The Pervorechensk district court of Vladivostok City found Alexander Poludeny and Alexander Y. who was not 18 at the moment of crime guilty of the assault on 27 February 2008.

On 3 March 2007, several persons were beaten up with brutality at the night club “Zhara” in Kaliningrad. According to a victim’s testimony, the actions were accompanied by obscene words indicating that the reason was the non-traditional sexual orientation of the club visitors. As a result of beating, several ribs and the nasal arch of this person were broken. Other people received less serious injuries. Nobody filed a complaint with the police department.

Purposeful “gay hunting” cases become more and more frequent. Criminals meet their victims in gay-clubs or other meeting places of homosexuals, worm themselves into their confidence, then beat them up or kill them.

“An acquaintance of mine set a meeting with a new pen pal in the summer of 2007. Nobody came to the meeting, but when he wanted to leave the place, he was overtaken by a group of men and somebody punched him on the head from the rear. As a result, he fainted and woke up in the hospital with head injuries” (Sasha, 28 years old, Omsk City).

“Many heterosexuals meet gays on the Internet already full of hatred for this group of people, and if they do not manage to wreak their anger at the “first date”, they threaten on the Internet with beating up, rape or death” (Evgeni, 20 years old, Omsk City).

An open gay was killed on 25 January 2006 in Tyumen City. He did not have other relatives apart from his mother and they lived in a 2-room apartment in the center of the city, near the traditional meeting place (“pleshka”). He was killed after his birthday. The attackers broke into the apartment and beat his mother and him for a long time. Then they strangled both of them with a guitar string. This crime has not been solved yet.

Tyumen gays report a great number of unsolved murders of homosexuals within the last six years. Beating and assaults take place as regularly at the “pleshka”. Criminals trace the men who go there then attack them certain that the victim will be afraid to go to the police.

On the night of 30 April 2007, a second-year student of the Ecclesiastical Academy, psalm-reader at the Kazan Cathedral, Dmitry Zvyagintsev, was assaulted in Saint Petersburg. According to the police, he had spent the night at the “Central Station” – one of the most famous gay-clubs. There he met a young man that he invited to his place. At 5 o’clock in the morning, Dmitry was found at the entrance to his block unconscious with multiple knife wounds. The victim was transported to the resuscitation unit of Mariinskaya Hospital. The doctors had to remove an eye and a lung. They also found serious liver injuries.

According to the Saint Petersburg gay activist, manager of the “Central Station” club Ignat Fialkovsky, a favorite amusement for students is to meet a gay on the Internet and then to bash him up with the entire group.

On 12 January 2008, an anonymous young man contacted volunteers who were conducting a monitoring in Voronezh. He told the following on the phone: “On my way back from my boyfriend, at about 22.30, I was walking through the yards to cut the way and saw several young men at one of the entrances to the block. There were three of them. Then, one of them entered the block. They were smoking. I was passing by and the distance between us was quite big. Of course, I did not look at them and did not try to speak to them, because I was afraid to draw their attention. But, what I feared happened. One of them shouted something obscene and the message was for me to provide sexual services to them. I did not make it out what they said at once, so I stopped and asked them: “Sorry?” They started laughing and I understood that it was better for me to go. But they were shouting at me and continued offering various obscenities. The distance to my block was small, but they were following me rapidly. I could not bear it and started running. They also started running and shouting. Very scared, I entered the first entrance and knocked on a friend’s door. He let me in.

Then, he accompanied me to my block, when the cries outside stopped. I did not call the police. They did not do anything to me and I had no reason to complain. I do not walk through the yards since then. The worst thing is that I have got the habit of looking back after that event. Tell me, how long do I have to feel like a tracked down hare trembling from every cry in the hunting season?!”

There are many cases of bullying when victims are considered to be gays or lesbians by the attackers.

In May 2007, a whole series of assaults based on homophobia took place at an attempt to have a gay pride in Moscow and after it.

Two friends aged 31 and 28 were coming back from a visit to somebody's place. At 14.00, a group of aggressive young men blocked their way in the Teatralnaya Underground Station. They asked: “Are you queers?” And, without waiting for an answer, stroke two blows and ran away. One of the victims had concussion of the brain, the other hematomas.

At the Belorusskaya Underground Station, a 25-year-old barman and a 22-year-old waiter of one of Moscow cafes were beaten up at about the same time on their way to work. They were not allowed to work with bruises.

Another victim who addressed to the Russian network of LGBT organizations says: “I was beaten by three unknown persons on Tverskaya Street. When I was walking in the direction of Okhotny Ryad, I heard the question: “Are you a gay, mister?” I answered: “What difference does it make?” Having walked another few meters, I felt a strong blow on my back, then multiple blows with hands and legs on my body...” He went to the Chertanovo-Severnoye IAD (Internal Affairs Department) and to the traumatologic center on the same day (27 May). No investigations were carried out on the basis of his request. The police did not even interrogate him.

Assaults on homosexuals are often committed for “ideological” reasons. According to the Lgbtrights.Ru website, a group of skinheads attacked a couple of gays threatening them verbally with murder on 14 December 2008 in Novosibirsk city. “It all started as usually, they asked for cigarettes. Then they started molesting Denis saying that they did not like the way he was dressed and particularly his hanging suspenders. I tried to stop them explaining that he was a designer and a visitor to the city. Of course, his dressing style differed from the one of other people. They said they were skinheads and they were killing gays. Then they showed me a big chain they used to bash gays and non-Russians” tells one of the victims. They managed to convince the skinheads that they were not gays, “to avoid being killed on the spot”.

“They overtook us and tried to attack Denis. I tried to help him and shot from my tear gas spray twice but missed. Then, a guy who was taller than me took the chain and started hitting me with it on my head and face. I fell on my stomach and turned over and the guy with the chain jumped on my chest and started beating me mercilessly on my face with his fists. I tried to protect myself, but it was useless. I was crying and calling for help, while Denis was fighting with the other guy (he had done martial arts a little). I thought that guy would kill me” tells the victim. Only appearance of a passerby with a dog scared the attackers away²⁷.

The victims of attacks are usually those who have tried to defend their dignity and rights in courts, as well as activists of LGBT community-based organizations.

Andrei K. (Moscow city, 28 years old) was assaulted after he had gone to the court in relation to his illegal dismissal on the ground of sexual orientation.

“On 13 November 2007, at about 23:30, near the Sevastopolskaya Underground Station and block No. 36 on Azovskaya Street, David (Andrei K.'s friend) and I were attacked by two unknown persons. The attackers looked like skinheads: shaved heads, black leather jackets and boots with many metal staff, rings on their fingers looking like brass knuckles. The reason for the act of violence was seeing us kissing when they were passing by. They shouted: “Beat the bloody

²⁷ http://lgbtrights.ru/index.php?option=com_content&task=view&id=401&Itemid=90

queers!” and attacked us, striking with their hands and legs on our face, head and inguinal region. We could not show active resistance to them, because the first blows were so strong that we fell on the ground almost simultaneously and tried to protect our faces with our hands. The beating lasted for about twenty minutes and ended only when a woman cried in a window: “I am calling the police!” Then, the attackers took our cell phones and ran away”.

The next attack on Andrei K. took place three days after the Khoroshev district court dismissed the claim. The victim describes what happened in the following way: “On 16 March 2008, at about 22:00, I was beaten with brutality by unknown persons. Although I decided not to live in my apartment and came there very rarely to check the post box, a group of four young men waited for me near my block on Trekhprudny Street and pushed me in a white “Gazel” windowless minibus with blue police number plate. There, they started beating me and applying special tools — electric shock and tear gas sprays. The young men were wearing black-and-white and white jackets with the “Nashi” (*Ours*) inscriptions, and there were bandages with the “druzhina” (*squad*) inscriptions in the car”. “You, queer, want to defend your rights? You will not live... we will burry you alive!” I do not remember how long it all lasted for, but when I woke up, I saw that they had thrown me out of the car in the street in the area of the Third Traffic Ring (in that part of it, which is close to my district), the passers-by asked a passing ambulance to provide medical assistance to me. The ambulance brought me to the S.P. Botkin Hospital. After medical examination and medical assistance provided to me I was sent to the neurosurgery department, but because of unbearable living conditions I refused hospitalization, called a taxi and went to David’s place, which was located in Pushkino town, Moscow oblast”.

The members of the Russian LGBT Network and “Vykhod” (*Exit*) organization from Saint Petersburg also faced direct violence. On 3 May 2008, after the “Silence Day” action aimed at drawing the attention of the public to the issue of hate-based violence, three unknown persons assaulted the president of the Russian LGBT Network I.Petrov, the executive director of “Vykhod” organization V.Sozhev and I. Fialkovsky who was the press-secretary of the LGBT film festival “Side by Side”. As a result of this assault, Petrov and Fialkovsky received multiple injuries and bruises.

Cases of sexual violence or threats of sexual violence related to victims’ sexual orientation are quite frequent. On 22 March 2008, the following happened in the center of Voronezh city. According to the 19-year-old victim Elena, her brother and five of his friends were drinking, watching movies, laughing and talking loudly. Elena’s relations with her brother were tense because of his intolerance to her sexual orientation, so she was sitting silently in her room. Then, the noise stopped. She heard the door slamming. Elena decided that the guests left. She did not see anybody and went to the kitchen. There she heard rustle and chuckles. She ran back to her room, but two or three young men stopped her; she ran to the door, opened it, but her brother and another person were standing there. They were all drunk and embittered. Her brother told her in a brutal way that he could finally teach his stupid sister a lesson on whom she should love. He was crying, grabbing her by her shoulders, smacked her on the face and head. Elena was afraid that they would rape her, but it did not happen. However, she received a serious psychological trauma. She did not inform her parents about that, because they did not know about her sexual orientation (her brother saw her kissing a girl). She did not report it to the police either.

Young men and women of school age who realize their homosexuality are in an extremely vulnerable position. They often face a double pressure – on the part of their classmates and on the part of their parents. “In 2004 I was a student at a boarding-school. My friends and classmates started calling me names, blackmailing me, laughing at me when they found out about my homosexuality. I was in the eighth grade and had one more year to study. So, I was abused physically, spiritually and mentally during that year” (Alexander, 21 years old). Students with non-traditional sexual orientation often become the object of harassment on the part of administration and staff of education institutions. An anonymous 20-year old woman from Saint Petersburg told us a typical story. I was a student at the teaching college and my girlfriend was studying at the same college, but in a lower year. Her mother knew everything about her and when I made my forced

coming-out, she came to the director with three complaints: that I have seduced and accustomed her daughter to hard drinking and drugs (which was not true, of course). Alex and I started being called to the dean's office for long "explanatory discussions" every day: we were told that we required a treatment, had to work on ourselves or, in the worst case, bury our attractions deep in our soul. Then, we started attending compulsory discussions with the psychologist who was trying to "correct" us three times a week; he was assuring me that I was not a true lesbian, because he had seen "true" lesbians; that I was just paying a tribute to fashion, listening to the "Tattoo" band (by the way, I have never listened to them), the front-girls of which are, in fact, naturals. Most of the students in our groups stopped talking to us; they started pointing fingers at us, laughing at us. Teachers (except for two of them) started picking on us and told us directly that we would not pass the examinations until we did not "correct" ourselves. This was exhausting us, the psychological pressure was enormous; we could not keep up with the syllabus; we were permanently on the expulsion list. Finally, they offered me a choice: either they would expel me (although I had passed almost all of the failed tests) or I would go to the district psychiatric hospital for children (I was 17 then). I chose the second. The indifferent psychiatrist did not give me anything; he just prescribed Phenazepam and some other crap (I did not remember, because I did not even buy it). They opened a file on me with the "suicidal syndrome" diagnose (I was not thinking of suicide, but Alex and I tortured ourselves because of stress – we cut our hands). They would give me certificates in the hospital that I would bring to the dean's office. They stopped paying attention to me there, but I had to take a sabbatical leave because of the accumulated failed tests, although I continued visiting Alex at the college. Next year I was restored in her group, but it was impossible to study and they introduced distant learning for us, which was a miracle, as it did not exist officially (thanks to my mother's contacts). Then, I turned 18 and was transferred to a psychiatric clinic for adults, where doctors had a good attitude, took me off the record and I stopped going there. This is how we studied for one year until internship at a school began (teaching Russian language and literature).

After my "treatment", I did not change my preferences and they offered me to choose between: loving men, leaving the college on my own free will, or being expelled. I am not a person who gives up immediately and tried to stay there in spite of everything. It was a pity to lose three years of study: I was in my third year already. However, permanent faultfinding on the part of teachers started: they said I did not correspond to the "Russian teacher image", that I should wear skirts (although this did not apply to my other colleagues), make-up and have long hair, I have to quit smoking and a lot of other trifles. The teaching methodology specialist would not let us do the internship and then she would not give us a pass. My mother who saw the problems we were struggling with used her contacts to arrange for our transfer to a night school for working young people, but we did not attend that school. They gave us passes in the end and we received the certificates of secondary specialized education".

Serbia

ILGA-Europe's submission to the European Commission's 2009 Progress Report on Serbia;

Incidents reported by the Gay Straight Alliance (GSA);
ILGA-Europe's press release on the *de facto* ban of the Belgrade Pride

US department of State's [Country Report on Human Rights Practices](#)

See also: Report of Gay Straight Alliance (GSA) – cases of violence and discrimination in Serbia 2009 (attached to the submission)

I. Quotation from ILGA-Europe's submission

The level of homo/transphobia is still very high in Serbia and almost every public appearance of an organization and/or an individual activist defending the human rights of LGBT people is followed by threats or actual violent attacks.

As stated by the Commissioner for Human Rights, Thomas Hammarberg in the report on his visit to Serbia (13-17 October 2008) 'Lesbian, Gay, Bisexual and Transgender (LGBT) persons remain victims of discrimination, prejudice and intolerance in Serbia. Their plight is largely hidden from public view, and when they are referred to in public debate it is often in negative terms. Many of those persons who speak-up for LGBT rights - regardless of their sexual orientation or gender identity - are themselves often victimised with impunity'.²⁸

Hate speech is prohibited only by the Public Information law. The Criminal Code of Serbia does not include provisions on hate motivated crime.

During 2008 there have been documented a number of cases of threats and attacks on LGBT activists (GSA activist Lazar Pavlovic, GSA president Boris Milicevic, Queeria center activist Predrag M.Azdejkovic), on LGBT public venues ('Toxic' gay club, 'Apartman' club), on 5 participants of Queer Belgrade Festival and on individuals, based on their assumed sexual identity (attacks on D.N with the infliction of serious bodily injuries, on V.B in public transport, on lesbian couple B.O. and T.B. and their friend R.B outside Serbian parliament building, on L.A. next to Belgrade University)²⁹.

During 2009 (until May 2009) cases of brutal murder and physical attacks have been documented. On January 18, 2009 a transgender women M.K. was murdered in her apartment. The printed media covered the case with expressly transphobic statements. "Alo" tabloid even manipulated the forensic autopsy report, saying that the gender of the victim was unknown, describing 'the disgust of the pathologists who examined the body'. In January 2009, 3 persons were attacked in X Zam gay club in Novi Sad, one of the victims suffering serious injuries with broken nose and cheek bones.³⁰

²⁸

<https://wcd.coe.int/ViewDoc.jsp?id=1417013&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

²⁹ 'This is Our Country' 2008 Report on the state of LGBT human rights in Serbia by Gay Straight Alliance, Belgrade, January 2009

³⁰ Report on violence and discrimination against LGBT individual- Gay Straight Alliance, Belgrade, May 2009

Most cases of violence against LGBT persons, however, go unreported due to the lack of trust in police and the fear of being victimized. Many police officers and public prosecutors in Serbia have homophobic attitudes which are reflected in their refusal to follow up homo/transphobic crimes adequately, or to take seriously threats and dangers to LGBT people. Moreover, police officers themselves are often the perpetrators of violence against LGBT people.

Most recently the adoption of Anti-Discrimination law in Serbia stirred another wave of homophobic hate speeches and threats directed towards both LGBT activists and politicians who were publicly supportive of LGBT rights. The following example is one of many such cases.

Marko Karadžić, the State Secretary of the Ministry of Human and Minority Rights is one of the strong supporters of human rights of LGBT people and has on many occasions publicly condemned the violence and discrimination against LGBT individuals. He also was one of the most important advocates for the comprehensive Anti-discrimination draft law that provided protection against discrimination on the grounds of sexual orientation and gender identity. After the adoption of the law, Marko Karadžić received number of death threats through anonymous letters and also had his pictures attached to the posters with the images of sexual acts of gay men. The posters were signed by extremist group called 'Black Hand'.

Numerous threats were made by Serbian neo-Nazi and ultraconservative groups in the printed and electronic media, particularly targeting LGBT human rights defenders. An example to demonstrate this is the numerous death threats and threats of physical violence received by the activists of Queeria Centre, a non-governmental organization from Belgrade, in December 2008, after the grant provided by the Ministry of Culture of the Republic of Serbia for 'www.queeria.com', a website belonging to the organization.³¹

II. Reporting by the Gay Straight Alliance (GSA)

Gay Straight Alliance is an organization that focuses on improving the rights and lifestyle of LGBT population in Serbia. Moreover, GSA is working hard on collecting documentation regarding the cases of violence and discrimination involving the members of the LGBT community as well as offering legal assistance for the victims of violence and discrimination based on their sexual orientation. On this occasion, we would like to inform you about two particular incidents.

The first incident occurred on Sunday, July 12, 2009 at 2 AM, when the tear gas was fired inside the gay club "Hrabro Srce" premises in Belgrade. The club had to close down for the night and more than 200 people were evacuated from the premises.

The second incident occurred in the night between August 6-7, 2009. The group of approximately 10 FC Crvena Zvezda supporters attacked a 30yo N.A. who happened to be a lesbian. The incident took place on a night bus, route 56, in Belgrade. One of the attackers was identified as S.T., age 20, from Belgrade, and others, among which were two women, are currently listed as unknown perpetrators of the criminal offence.

N.A., on her way home with her partner took a bus-ride, was initially verbally attacked with insults such as "Lesbian groups", "Dike whores", "Kill a fag" and similar. When she reacted against this kind of behavior, the group attacked her. They were kicking her in the stomach, head and her backside. The beating continued even after she passed out while the bus was on its regular route. The driver, or anyone else on the bus in that moment, did not do anything to stop this brutal act of violence. The attack was initiated at a Serbian National Assembly bus stop and was ended at Ada Ciganlija bus stop when two members of the police department Čukarica boarded the bus.

³¹ <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119103.htm>

The very concerning fact would be the reaction of the Serbian police department in both of these instances. According to the testimonies of the people who were guests of the Hrabro Srce gay club that night, the police department representatives were not acting in a professional manner, moreover, they were laughing at the terrified victims.

Furthermore, instead of arresting the attackers, the FC Crvena Zvezda supporters, the police decided to take in custody the attacked woman N.A. She was imprisoned for 12 hours under public disorderly conduct charge. After she was released, N.A. was able to seek medical attention at Klinicki Centar in Belgrade where the doctors have established and documented multiple injuries to the head, legs, stomach, as well as injuries to the thighs and a brain concussion.

III. ILGA-Europe's press release on the de facto ban of the Belgrade Pride

Scheduled to be held in the centre of Belgrade on Sunday 20 September, the Pride March was cancelled by the Serbian authorities due to high security risks and a lack of cooperation from the State and the police to secure the event.

"This Pride March should have been an important step forward for Human Rights in Serbia, who was already welcomed for adopting an anti-discrimination Law earlier this year. Instead, by failing to guarantee the right to a peaceful demonstration for LGBT people, Serbia has shown that it is not ready to become a Member of the EU", said Michael Cashman, President of the European Parliament's Intergroup of LGBT rights.

"Serbian authorities have given in to threats of violence from neo-fascist groups, sending a message that the centre of Belgrade is controlled by an violent mob, not the government and the police. The events of the last few days demonstrate that the Serbian authorities should fill the legal gap by prohibiting and punishing incitement to violence", said ILGA-Europe's Programmes Director Maxim Anmeghichean, who was present in Belgrade.

The European Parliament's Intergroup on LGBT rights will be asking the Commission to take action.

[Read the reaction from the Council of Europe](#)

IV. US department of State's Country Report on Human Rights Practices

Violence and discrimination against gays, lesbians, bisexuals, and transgender persons were serious problems. Societal perceptions of homosexual conduct and attitudes towards the LGBT **introduced/defined p. 1** population continued to be negative. Several Serbian-based neo-Nazi Web sites, nationalist Web forums, and Facebook pages hosted anti-LGBT forums and groups. During the public debate concerning the law against discrimination, politicians argued that the law would force religious communities to perform gay marriages, referred to homosexual conduct as a sickness that should be treated like kleptomania, and announced that the country, which needed to pass the antidiscrimination law to receive "white list" status under the Schengen Agreement on border controls, should not "use pederasty to go to Europe."

Members of the LGBT community continued to be targets of attacks. Psychologist and Professor Zarko Trebjesanin estimated that 25 percent of the country's population believed homosexual conduct was a disease that needed medical treatment. In April the Council of Europe's Parliamentary Assembly adopted a resolution that condemned attacks on the LGBT community in

the country and called for government investigations of the incidents. In a letter on November 16, Human Rights Watch urged the country's president to denounce violence and discrimination on the grounds of sexual orientation and gender identity and calling on the government to protect fully the rights of the country's LGBT population.

In January Marko Karadzic, state secretary of the Ministry of Human and Minority Rights, announced that representatives of LGBT organizations experienced constant threats and attacks by "organized profascist groups." During the year there were several attacks against gay clubs in Belgrade and against LGBT individuals on public transportation and on the streets.

On February 26, management of the state-owned Sava Center in Belgrade did not allow the NGO Gay Straight Alliance (GSA) to hold a press conference on its premises. The broader NGO community, the Liberal Democratic Party, the League of Social Democrats of Vojvodina, and the Social Democratic Union strongly criticized the decision, and the Sava Center director, Dragan Vucicevic, and Belgrade's mayor, Dragan Djilas, eventually issued public apologies to the GSA.

On March 9, a group of approximately five masked individuals broke windows and attempted to enter the Student Cultural Center in Kragujevac during a press conference held by the GSA to present its annual report on gay rights in Serbia. This was the press conference that was supposed to have been held in the Sava Center. The GSA alleged that the attackers had been emboldened by the government's decision to withdraw a draft law against discrimination from parliamentary procedure in response to pressure from the Serbian Orthodox Church and right-wing groups. On March 14, police arrested three individuals in connection with the incident, but there was no additional information available at year's end.

Organizers from the LGBT community cancelled a pride parade scheduled for September 20 after the government proposed an alternate venue away from downtown Belgrade, citing security concerns. In advance of the event, right-wing and nationalist organizations openly threatened violence against the participants. The nationalist movement "1389" also sent a letter to the press offering to buy close-up photographs of the parade participants for future posting online so that "parents will be able to recognize sexually deviant persons and protect their children from this harmful influence." The acting head of the Serbian Orthodox Church, Metropolitan Amfilohije of Montenegro and the Coastlands, called the event "the shame parade, the parade of Sodom and Gomorrah."

On May 29, the district prosecutor in Belgrade declined to file criminal charges in connection with the September 2008 attack by a group of approximately 20 youths wearing surgical masks and hoods on participants in a gay rights festival in Belgrade. In July the NGO Labris initiated a civil suit on behalf of one of the victims; the case was pending at year's end.

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, some media carried slurs against LGBT persons. The tabloid press continued to publish articles with hate speech against the LGBT population and interviews with homophobic right-wing groups. The anti-LGBT campaign peaked before the March adoption of the law against discrimination and again before the Belgrade pride parade planned for September. The right-wing organization Nasi continued its campaign against the LGBT community through leaflets and articles on its Web site.

Slovenia

US department of State's [Country Report on Human Rights Practices](#)

The law prohibits discrimination based on sexual orientation; however, societal discrimination was widespread, and isolated cases of violence against homosexual persons occurred. Recent data on the problem's scope was not available.

On June 27, the ninth annual gay pride parade in Ljubljana took place with the support of local government officials, although there were reports that bystanders shouted homophobic slurs at participants and antigay graffiti and stickers were seen in various locations around the city. Organizers reported satisfactory police presence during the parade. **However, one individual was assaulted prior to the parade. Police arrested three individuals, whom they charged with assault and promoting hatred and intolerance.**

Turkey

ILGA-Europe's submission to the European Commission's 2009 Progress Report on Turkey, May 2009

Letter to the Turkish government by ILGA-Europe, Human Rights Watch, IGLHRC and Pembe Hayat LGBTT "Pink Life", February 2010

I. ILGA-Europe's submission

LGBT people in Turkey are subjected to violence and ill-treatment on a regular bases. During the reporting period there were series of murders of gay men and transgender people motivated by hatred. See below the list of documented cases of brutal murders and violence against transgender people and gay man during the reporting period.

- On 10 November 2008 transsexual women Dilek İnce was shot to death in Ankara.
- On 19 December 2008 a transsexual women was shot to death on the street in Gebze.
- On 10 March 2009 transsexual women Ebru Dilan (Soykan) was stabbed to death in her house in İstanbul.
- On 20 March 2009 transsexual women named L.D.(29) was wounded from her stomach in Eskişehir.
- On 22 March 2009 transsexual Eda Yıldırım (38), was found dead in a waste container (her body parts cut in pieces) in Bursa.
- On 27 March 2009 Yaşar Sert (35) killed Şükrü Gençer (57) in Edirne because of the victims alleged proposal of a sexual relationship the perpetrator.
- Özkan Zengin murdered six gay men (Mehmet Naci Zeyrek, Ercan Coşkun, Enes Arıcı, Yaşar Mızrak, Aziz Taşdemir, Tarık Güzeller) between May 2008 and March 2009.
- On 11 April 2009 transsexual women, Melek Köklü (25) was stabbed to death in her house in Ankara.
- On 22 May 2009 another transgender person Çağla was stabbed to death in her house, in Ankara.
- On June 29, 2009, Hadise was murdered in her house in İstanbul. Turkish LGBT organizations have no further information on this case.

Police investigation of these and other cases has not been adequate. In most cases the perpetrators are not found and in cases when they are identified and found guilty they are given minimal sentences.³²

II. Letter to the Turkish government (ILGA-Europe, IGLHRC, HRW, Pembe Hayat Pink Life (quote)

“Protecting people and preventing violence means more than investigating after the fact,” said Juliana Cano Nieto, researcher in the lesbian, gay, bisexual, and transgender rights program at Human Rights Watch. “Without meaningful government action to affirm their rights and ensure their safety, transgender people in Turkey will continue to live in fear.”

On February 8, Derya Y., a 35-year-old transgender woman, was killed in her home in the Altındağ district of Antalya. Police found Derya Y. in her bedroom with her throat cut and multiple knife stab wounds to her face and body.

³² Ibid

The targeted killings of transgender women are part of a broader pattern of violence against lesbian, gay, bisexual, and transgender (LGBT) people in Turkey. According to Turkish media, the police found 56-year-old Şinasi Halimoğlu, a gay man, dead on his bed on January 28 with multiple knife wounds to his back and neck.

In the wake of the killings, the police have made efforts to investigate and resolve these crimes. In two of the earlier cases, suspects were caught and prosecuted and sentenced to life in prison, and in two other cases suspects are in pre-trial detention. The remaining murders are being investigated. However, little has been done to protect LGBT people in Turkey, especially transgender people, from future acts of violence, the groups said.

In the letter, the organizations recommended:

- Enacting anti-discrimination legislation that includes sexual orientation and gender identity as a legal protection;
- Disaggregate statistics on violence figures that show violence against LGBT people; and
- Instituting consistent communication between the police and LGBT rights groups.

“All citizens of Turkey, including transgender citizens, are entitled to live without fear of murder or persecution,” said Hossein Alizadeh, coordinator of IGLHRC’s Middle East and North Africa program. “The homophobic killings need to stop, and for this we need the Turkish government to take concrete action to protect transgender people.”

European bodies have called on Turkey, a member of the Council of Europe, and on other states to protect LGBT people from violence. The European Union, to which Turkey is seeking admission, adopted a progress report this month, reminding the Turkish government of the need to safeguard all minorities, including LGBT people. Similarly, in 2009, the commissioner for human rights in the Council of Europe, Thomas Hammarberg, urged all member States to enact legislation that would protect transgender people from attacks and violence.

“The Turkish government should stop ignoring demands by Pembe Hayat and other LGBT’s in Turkey to take measures to stop ongoing transgender killings,” said Kemal Ördök, member of Pink Life. “The Constitution and the Penal Code need to guarantee equality and non-discrimination. The Government in turn needs to stop hate murders against transgender people and violence based on sexual orientation and gender identity.”

Human rights groups like Pembe Hayat have [documented](#) a long history of police abuse in Turkey, as well as violence based on sexual orientation and gender identity by state and private actors. In 2008, Human Rights Watch issued reports on [violence against lesbian, gay, bisexual, and transgender people](#), and on [police violence](#), including harassment and abuse against transgender people in Istanbul.

ILGA-Europe will visit Turkey in April to assess Turkey’s compliance with its European and international human rights obligations toward LGBT people and to document the violence, discrimination, and other obstacles they face in Turkey. The organization has asked the authorities to discuss proposed measures to address the human rights concerns of the Turkish LGBT population.

“Turkey is witnessing ongoing violence and hate against LGBT people,” said Silvan Agius, ILGA-Europe’s senior policy officer responsible for transgender equality. “The Turkish government’s response needs to address the problems at their roots by tackling the severe stigma against LGBT people, social exclusion and poverty on the one hand, and the culture of gender stereotypes that is

driving the violence and hate on the other.”

Turkmenistan

US department of State's [Country Report on Human Rights Practices](#)

Homosexual conduct between men is illegal and punishable by up to two years in prison; the law does not mention women. According to a human rights NGO, homosexuality is considered a mental disorder, and gay men were sometimes sent to psychiatric institutions to be "cured."

There were no recorded cases of violence or other human rights abuses based on sexual orientation and gender identity, and no information was available regarding discrimination against lesbian, gay, bisexual, and transgendered individuals in employment, housing, statelessness, access to education, or health care.

United Kingdom

Homophobic hate crimes and hate incidents,
by Stonewall and Equality and Human Rights Commission, 2009

http://www.stonewall.org.uk/documents/sexual_orientation_hate_crimes_paper.pdf

Filling in the blanks, LGBT Hate Crime in London, by Galop, 2009

<http://www.galop.org.uk/wp-content/uploads/2009/05/filling-in-the-blanks-low-res.pdf>

Mapping LGBT Westminster: Investigating the needs and experiences of
LGBT people in Westminster, by Galop, 2009

<http://www.galop.org.uk/wp-content/uploads/2009/05/mapping-lgbt-westminster.pdf>

1. Homophobic hate crimes and hate incidents, by Stonewall and Equality and Human Rights Commission (Introduction)

Homophobic hate crimes and incidents occur commonly in the everyday lives of LGB people. Too many LGB people worry about being the victim of crime and feel at risk of being a victim of hate crime. Both the experience and fear of homophobic hate crimes and incidents have a dramatic impact on the quality of life of millions of LGB people. In order to avoid victimisation, some people try to avoid being identified as ‘gay’, which curtails their freedom and their right to be who they are. The criminal justice system as a whole has failed to systematically and consistently prevent or respond to homophobic hate crimes.

Efforts to tackle homophobic hate crime have been hampered by a lack of data and evidence on both the victims and perpetrators, with no clear picture about how to improve reporting and with continuing low levels of community confidence. Stonewall were commissioned by the Equality and Human Rights Commission (the Commission) to write a seminar summary paper, after presenting findings from their Home Office funded research: *Homophobic Hate Crime: The British Gay Crime Survey 2008* at a seminar in April 2009. This paper draws primarily on Stonewall’s report *Homophobic Hate Crime: The British Gay Crime Survey 2008* and a range of other recent and relevant sources.

Homophobic Hate Crime 2008 reports the findings of an online YouGov survey of over 1,700 LGB respondents in Britain regarding their experiences of homophobic hate crimes and incidents. It is the most comprehensive data source to date on homophobic hate crime and incidents. At the time of the survey, YouGov had information on the sexual orientation of only a proportion of their panel members, and 99 per cent known to be LGB were invited, via email or online, to participate in a survey. Participants were unaware of the subject of the survey when invited to participate. Forty-three per cent of panel members responded to the invitation and broadly reflected the demographics of YouGov’s LGB panel. Thirty-two per cent of respondents were female, and 68 per cent male. Fortynine per cent of respondents were gay men, 19 per cent bisexual men, 14 per cent were lesbian and 18 per cent bisexual women.

There is no demographic profile of Britain’s LGB population, therefore YouGov were unable to weight the data accordingly. This paper includes: definitions of homophobic hate crime and homophobic hate incidents gaps, weaknesses and trends in data sources the prevalence and impact of homophobic hate crime upon LGB women and men the barriers faced by LGB women and men when reporting homophobic hate crimes, and recommendations and ways forward.

II. Galop's report: Filling in the blanks, LGBT Hate Crime in London (Introduction)

Filling in the Blanks is a landmark investigation into homophobic and transphobic hate crime in London. The research aimed to increase our understanding about the nature of homophobic and transphobic hate crime, and about the options for victims to report their experiences and get the support they may need.

The research, funded by the City Parochial Foundation, the Metropolitan Police Service and the Metropolitan Police Authority, was undertaken by Galop in partnership with Stonewall Housing and London Lesbian and Gay Switchboard.

The research was approached in three phases. In the first phase the aim was to map the range of reporting and support services targeted at victims of homophobic and transphobic hate crime in London. The second phase involved a period of partnership working between the three organisations, to create a collated dataset of incidents reported to each organisation. In the final phase the data that had been collected was analysed and, where possible, compared with MPS data.

This document presents a summary of the research conclusions and findings. A much fuller report, with a detailed breakdown of the range of reporting services available in London, and a more comprehensive and complex analysis of the cases, is available from Galop. The report can also be downloaded at Galop's website www.galop.org.uk.

III. Mapping LGBT Westminster: Investigating the needs and experiences of LGBT people in Westminster (Introduction: Background)

The *Mapping LGBT Westminster* survey was commissioned by Westminster City Council (WCC) as part of its One City initiative, spearheaded by the then Council Leader, Sir Simon Milton. Through the initiative, WCC seeks to be a council which actively listens and responds to the needs of the people that it serves. One City is the five year strategy that WCC uses with the aim of building strong communities and delivering excellent council services. The strategy includes new goals for each of its five years, and in 2007/8, under the heading of community cohesion, WCC prioritized the aim of improving engagement with minority communities, committing to the specific goal of strengthening engagement with the LGBT communities.

Westminster City Council has prioritised making significant progress in its work in equalities, and as part of this agenda, it is currently striving to reach level four and beyond of the Equality Standard for Local Government. As part of this process, WCC recognises the need to challenge homophobia and transphobia, and to reach out to the community. This process of engagement with, and supporting of the LGBT community is just beginning, but as part of that process in recent years WCC has been actively involved in activities for International Day Against Homophobia (IDAHO) and events for LGBT History Month, actively consulted with the LGBT community as part of the Soho Action Plan, financially supported a feasibility study into a potential LGBT Social Action centre to be sited within the borough, and commissioned this research.

This report forms the first step in a planned path to increase strategic engagement with the LGBT communities in Westminster. Following from the publication of the report, the Policy Team at WCC will use the findings to create an action plan, including commitments to take forward specific recommendations, setting side by side with a timetable for action. The action plan will form a part of WCC's wider equalities strategy, and as such, actions identified as part of this report will form a formal part of WCC's plan for the forthcoming years. This report sits side by side with another important WCC initiative, the Soho Action Plan, which was created following detailed consultation with the LGBT communities and which includes some specific provision for those communities.

As with many scoping exercises of this kind, time and resources can be limited, and a consultation such as

this can never hope to provide a definitive commentary on all needs, experiences and aspirations for what is a hugely diverse community. The aim of this project was to identify some of the broad areas of need for the members of the diverse communities that make up the broad spectrum of the LGBT communities. Many of these areas of need will be similar across London, and indeed the UK, and progress in solving problems therefore will involve linking in with work already being undertaken across the capital, and working jointly with neighbouring boroughs. Other issues identified, particularly concerning trust and involvement in the Borough, will need to be tackled locally, and the report makes recommendations for how this work might be started.

It is important that this report is not seen as the end of a process, but rather the beginning of a continuing dialogue between WCC and its LGBT constituents. The information in this report should highlight areas where WCC and its partners may need to investigate further, as well as areas where need is evident, and where WCC can commit to taking action immediately.

Ukraine

European Neighbourhood Policy – EU-Ukraine Action Plan Implementation – Comments of ILGA-Europe and its partners, 2009

Banning of events in LiGA's Rainbow Spring festival in Nikolaev/ Mykolayiv, featured in ILGA-Europe's monthly Euroletter publication, 2009

I. European Neighbourhood Policy – EU-Ukraine Action Plan Implementation – Comments of ILGA-Europe

High level of social stigmatization of LGBT people

There is significant opposition to the full enjoyment of human rights by LGBT people both within Ukrainian society at large and amongst members of Parliament, the Government, and Ombudsman's Office who regularly make openly homophobic statements when speaking as public officials. The lack of any legislative protection through a comprehensive anti discrimination law inclusive of sexual orientation and gender identity makes it extremely difficult to challenge such instances successfully:

- 1) The movement “**Love against Homosexuality**” (<http://love-contra-org>) has existed since 2003 and organizes public actions and parades in support of “traditional & normal” families. In 2009, they began to collect signatures in support of the criminalization of ‘propaganda of homosexuality’ with the aim of collecting the necessary number of signatures (one million) to bring a draft law before the Parliament. Such a law could result in LGBT NGOs being prosecuted merely for carrying out their day to day activities. Leaders of the movement actively advocate their position in the media and often enjoy the support of well known figures from the Ukrainian sport and entertainment industry.
- 2) Love Against Homosexuality have stated that they have in their possession a letter from the **Parliamentary Committee on Freedom of Speech and Information**, headed by MP Anna Herman (Party of the Regions). The letter indicates that the Committee shares concerns about the growth of propaganda of sexual perversions in mass-media. "Such situation urges the government to take resolute and immediate measures to stop popularization of homosexuality, lesbianism and other sexual perversions that do not conform to societal moral principles". The letter was signed by the head of the Committee Secretariat Vasylii Ivanyn.
- 3) In March 2008, letters from two MPs from the **Yulia Tymoshenko Bloc**, Ihor Yeresko and Vitalii Barvynenko, were published on the web site of Love Against Homosexuality. The letters read that their authors consider propaganda and promotion of homosexuality to pose a threat to national security, contradict national interests and undermine the authority of human and familial rights and freedoms. Other public figures such as Leonid Chernovetskyi, Mayor of Kiev and Arsenii Yatsenyuk, a presidential contender have also expressed in interviews and blogs, their opposition to homosexuality being considered ‘normal’.³³
- 4) The **office of the Ombudsperson** on February 25, 2009, in response to the report on the

³³ http://www.lgbtua.com/society/policy/policy_282.html and http://www.lgbtua.com/society/policy/policy_247.html

situation of LGBT people in Ukraine sent by *Nash Mir* NGO indicated that “Ukrainian society which is mainly tolerant towards the representatives of sexual minorities, at the same time totally upholds the traditional family values, that is why the falling from these values can not be considered the norm.”.

Physical Violence and Intimidation on grounds of sexual orientation and gender identity

- 5) *During September 2009, there were four reported cases of violence involving the nationalist right wing groups Tryzub im. Bandery and Svoboda related to presentation of the Queer Anthology “120 Pages of Sodom” published in Ukrainian and presented and discussed at events in Kiev and Lviv³⁴. Later the same month, the “Ya Gallery” art gallery in Kiev was attacked and burned, and graffiti saying “no to sodomy” daubed on its walls³⁵. While law enforcement authorities are prosecuting such obvious acts of violence as public order infractions, there is no recognition of the hate crime element. Ukrainian LGBT groups are noting the growth and increasingly organized manner of the far right movement. Tryzub for example, during the court hearing following one the Lviv events, distributed a leaflet saying “the act of the civic disagreement, definite resistance is not an accident hooliganism but a normal reaction”, and that “the organizational members [...] acted according to the circumstances in the form they considered necessary and adequate” (the full text of the document is available at <http://www.banderivets.org.ua/index.php?page=pages/zmistd0/200909/article11>). The growth of such groups suggests that simple prosecution is insufficient and action needs to be taken to address homophobia generally in addition to introducing hate crime legislation including sexual orientation and gender identity amongst the bias motives.*
- 6) *Za Ravnie Prava, an LGBT organization in Kherson, has reported harassment in the form of abusive phone calls from Zhanna Stepanova, a representative of Kherson branch of the political party “Pravednost” (<http://pravednost.com.ua>).*
- 7) *During the early hours of 10-11 April 2009, officers of the police special department “Berkut” in response to the murder of a gay man, mounted an operation in the popular Kiev gay club Androgin. Club visitors (over 80 persons) were detained and taken to Golosievo District police station. Some detainees reported rude and offensive treatment by the police officers and also claim that the officers used force against them. The fact that the entire club was arrested indiscriminately had fingerprints taken and had mobile phones temporarily confiscated and searched, means that they were targeted purely on the basis of their perceived sexual orientation.³⁶*

Violations of freedom of expression and assembly

- 8) **The National Expert Commission on the Protection of Public Morality** is acting in accordance with a law (On the Protection of Public Morality) which is extremely vague, broad and unforeseeable leaving too much room for interpretation by Commission members. Decisions are then presented by the Commission which are insufficiently substantiated and provide little basis for an appeal. For example Decision No 9 from 27 August 2009 finds video clips promoting safe sex as part of a “Don’t give AIDS a chance!” with an advertising slogan “Any sex is good if it’s protected” as being “in violation of ethical norms and capable of harming the moral health of the population” No arguments were provided³⁷. The

³⁴ <http://korrespondent.net/ukraine/events/978711>

³⁵ <http://korrespondent.net/showbiz/983588>

³⁶ A TV report on the incident can be viewed at http://www.stb.ua/e107_plugins/videotv/videoview.php?view.11857

³⁷ <http://www.helsinki.org.ua/en/index.php?id=1255344353>

film 'Brokeback Mountain' was deemed "physically, intellectually, morally and mentally harmful, particularly to the youth and children" by the Expert Commission which prohibited the broadcasting of the film except between 11 pm and 6 am.

- 9) The **National Expert Commission on the Protection of Public Morality** has developed criteria of pornography (storage of which is criminalized) according to which any gay materials can be classified as pornographic, on the discretion of the law enforcement bodies. Such an approach is extremely threatening for the legitimate activities of all Ukrainian LGBT organizations engaged in community outreach and education.
- 10) In 2009, The Council of Churches made a joint statement with the **National Expert Commission on the Protection of Public Morality** about the necessity to introduce more religious values into the society and emphasized the need to stand against all forms and xenophobia, intolerance and "sexual perversions".

II. LiGA, an LGBT organization Mykolayiv in the South of Ukraine, was prevented from holding its Rainbow Spring festival planned from 15 until 17 May to coincide with the International Day Against Homophobia.

On 6 May 2009 the city authorities of Mykolayiv sent a letter to LiGA banning any public event organised as part of the festival, on the grounds that:

- It would have a negative impact on the moral and spiritual atmosphere in the city
- The majority of residents do not agree with manifestations of 'non traditional sexual culture' and
- It would result in mass civic unrest and disorder.

Ukrainian legislation on freedom of assembly requires that those wishing to conduct a public assembly inform the relevant authorities but does not oblige them to obtain permission. In the given case, however the Mykolayiv city authorities acted on letters received from other citizens without having received any notice from LiGA about a public event. The letter was followed by the issuance of a Court summons.

LiGA attended the Mykolayiv Central Administrative Court on 12 May where the Court took the decision to proceed with the civil court case. On 14 May it upheld the request of the Mykolayiv City Administration to ban the entire festival on the grounds that the festival could result in civil disturbance.

On 16 May, an exhibition which was due to be held in the Mykolayiv exhibition hall by LiGA was blockaded by members of three protesting civil society groups. Though the police on this occasion seem to have acted to prevent further violence and dispersed the crowd who were blockading the exhibition space, the events (a poetry reading) had to be cancelled and 3 photographs which featured in the exhibition had been taken. LiGA intend to recover the photographs through Court action.

The ban violates the fundamental human rights of freedom of expression and assembly guaranteed by the European Convention on Human Rights. Furthermore it is contrary to the obligations contained in the EU-Ukraine Action Plan.

ILGA-Europe has been cooperating with IGLHRC and COC-Netherlands in drawing the attention of regional and international institutions to the case and will continue to do its utmost to assist LiGA as it fights the ban.

Update on Ukraine the Mykolayiv events:

LiGA, an LGBT organization in Mykolayiv, Southern Ukraine continues to experience unjustified interference in their activities by the Mykolayiv City Administration. Following the ban on public activities during their Rainbow Festival in May which was imposed by the City Administration and upheld by the City Administrative Court on 12 May, LiGA's chairperson, Oleg Alyokhin was summoned to the City Prosecutor's office in an irregular manner for an exploratory meeting on 27th June. This meeting was to determine whether a criminal case should be opened against LiGA on the grounds that they acted in defiance of the original ban and therefore liable to closure by the authorities. During this meeting Mr Alyokhin was asked several inappropriate and irrelevant questions including about his sexual orientation and salary.

The Prosecutor subsequently decided not to open a criminal case against LiGA but has also refused to open a criminal case with regard to recovery of photographs stolen from their exhibition by individuals protesting against the Rainbow Festival. LiGA are now awaiting the appeal hearing against the initial ban in a second instance court. There is also the possibility that the City Administration will pursue the matter of their alleged defiance of the ban through the administrative court system.

The original ban issued by the Mykolayiv City Administrative Court violates the fundamental human rights of freedom of expression and assembly guaranteed by the European Convention on Human Rights. Furthermore it is contrary to the obligations contained in the EU-Ukraine Action Plan.

ILGA-Europe has been cooperating with IGLHRC and COC-Netherlands in drawing the attention of regional and international institutions to the case and will continue to do its utmost to assist LiGA during these very trying times.

Uzbekistan

US department of State's [Country Report on Human Rights Practices](#)

Homosexual activity is punishable by up to three years' imprisonment. There were no known lesbian, gay, bisexual, and transgender (LGBT) organizations. There was no known perpetrated or condoned violence against the LGBT community. There were no known reports of official or societal discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care, but this may be attributed to the social taboo against discussing homosexual activity rather than to equality in such matters.

European Union Last developments in EU institutions

I. The EU Fundamental Rights Agency

Homophobic and transphobic incidents are reported in all European countries. European and international institutions such as the EU Fundamental Rights Agency (FRA)³⁸ have conducted monitoring which provides evidences of a particularly dramatic level of violence. The FRA released, in 2008, an opinion calling for an EU legislation covering homophobia and transphobia to be adopted, following the model of the framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328/2008). According to the Stockholm Programme (for an open and secure Europe serving and protecting the citizens), “criminal behaviour, in the areas of particularly *serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis* should become the object of common incriminations and common minimum levels of maximum sanctions”. (cf article 83 TFEU).

Opinion of the European Union Agency for Fundamental Rights (FRA), released in its report “[Homophobia and Discrimination on Grounds of Sexual Orientation in the EU Member States Part I – Legal Analysis](#)”, June 2008:

11.3. Approximation of criminal law combating homophobia

Following the model of the framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328/2008), the European Commission should consider proposing similar EU legislation to cover homophobia and transphobia. This EU legislation needs to cover homophobic and transphobic hate speech and hate crime and approximate criminal legislation in the Member States applicable to these phenomena. Homophobic and transphobic hate speech and hate crime are phenomena which may result in serious obstacles to the possibility for individuals to exercise their free movement rights and other rights in a non-discriminatory manner. These phenomena need to be combated across the European Union ensuring minimum standards of effective criminal legislation.

In 2009, new opinions were published by the FRA, in the second part of its report: "[Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States: Part II - The Social Situation](#)", March 2009:

Combating hate crime

8. Member States should consider developing simple and inclusive operational definitions of hate crime for use by the public in reporting such crimes, and for the police in recording them. In addition, effective tools should be developed to facilitate reporting, such as self-report forms and third party reporting facilities, giving the public the ability to report hate crime at locations other than police stations.

9. Member States should take practical measures to raise awareness among law enforcement authorities on LGBT issues, and to provide adequate training to police in dealing effectively with hate crime incidents, particularly concerning victim support and the systematic recording of incidents. In this regard, the extensive work of the OSCE on hate crime and the Handbook developed by ILGA-Europe on monitoring and reporting homophobic and transphobic incidents

³⁸ Report "[Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States: Part II - The Social Situation](#)", FRA, March 2009.

could be drawn upon.

10. Member States should ensure that law enforcement officers investigate homophobic crime to the same high standard as other forms of crime. Closer cooperation through, for example, multi-agency partnerships actively involving LGBT organisations, especially in victim support, will facilitate policing by building up the trust needed to improve reporting of homophobic crime.

II. The European Parliament

- Following the reports by the FRA, the European Parliament called on the EU and the Member States to implement additional actions to tackle hate crime.

[*Resolution of 25 November 2009 on the Communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm programme:*](#)

26. Stresses that the growing intolerance within the EU needs to be tackled not only through full implementation of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law⁽⁶⁾, but also through further European-level legislation on hate crime;

27. Considers that diversity enriches the Union and that the Union must be a safe environment where differences and national sensitivities are respected and the most vulnerable, such as the Roma, are protected; therefore insists that a priority in the Stockholm programme should be actively to increase awareness of anti-discrimination legislation and gender equality and to fight poverty, discrimination on grounds of gender, sexual orientation, age, disability, religious affiliation or belief, colour, descent, national or ethnic origin, racism, anti-Semitism, xenophobia and homophobia and to protect children and minorities; considers that the full use of the existing instruments and measures to tackle violence against women should be vigorously pursued and applied; calls, therefore, on the Spanish Presidency and the following Presidencies to make progress during their terms of office on the European protection order so as to ensure that victims of such crimes enjoy the same level of protection in all the Member States;

29. Calls for the collection and compilation by the FRA of reliable, comparable statistics on all grounds of discrimination, including discrimination against national minorities, and for the equal treatment of those different grounds, including comparative data on violence against women within the EU, and their publication in readily understandable form, and shares the view of the Trio Council Presidencies (Spanish, Belgian and Hungarian) that a possible review of the mandate of the FRA should be undertaken as soon as possible and that such a review will afford an opportunity to deepen cooperation with the Council of Europe and scope for consideration of a possible extension of the mandate of the FRA, which currently requires it to examine the situation of fundamental rights within the European Union;

32. Considers it essential that the EU bring forward the issuing of a directive and a European action plan on violence against women, aimed at preventing violence, protecting victims and prosecuting perpetrators; considers it necessary for the EU to set up mechanisms to ensure that all policies designed to prevent and combat trafficking in human beings incorporate the gender dimension and analysis of such trafficking;

- Earlier in 2009, the European Parliament had also acknowledged the need for more accurate data collection as regards the level of violence faced by transgender people:

Parliament resolution of 14 January 2009 on the situation of fundamental rights in the European Union 2004-2008:

78. Calls on the Commission to make sure that Member States grant asylum to persons fleeing from persecution on the grounds of their sexual orientation in their country of origin, to take initiatives at the bilateral and multilateral level to stop the persecutions of persons on the basis of their sexual orientation, and to launch a study on the situation of trans-sexual people in the Member States and candidate countries, with regard inter alia to the risk of harassment and violence;"