

Brussels, 23 June 2011

Re: OSCE-ODIHR 2010 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.

A number of our member organisations contributed actively towards the submission, and should be considered as co-submitters: Aleanca (Albania), Arcigay (Italy), Casal Lambda (Catalonia/Spain), Háttér Support Society (Hungary), ILGA-Portugal (Portugal), Labris (Serbia), Lesbian Group Kontra and Iskorak (Croatia), Kaos GL, Pembe Hayat and Izmir Black Pink Triangle (Turkey), KPH (Poland), LGL (Lithuania), Mozaika (Latvia), RFSL (Sweden), SETA (Finland), SKUC-LL (Slovenia). ILGA-Europe is happy to facilitate contacts between the ODIHR and these NGOs, should there be any questions or need of complementary information.

The document below will provide the ODIHR with factual country-by-country data on homophobic and transphobic incidents recorded in 2010 in many countries of the OSCE region. The sources we quote include a variety of reports published by LGBT organisations in 2010 and 2011, as well as some press releases. When relevant, the sources are explicitly mentioned.

ILGA-Europe would like to highlight the following remarks:

1. The situation of transphobic hate crimes and offences is particularly worrying in nearly all European countries, even if it very often goes unreported. Underreporting is considerably reinforced by the fact that nearly no national legislation (except in the UK) considers transphobia as a bias in determining the nature of the offence or the existence of aggravating circumstances in sentencing. This submission includes a number of cases of transphobic hate crimes. ILGA-Europe would also like to support the specific submission prepared by Transgender Europe (TGEU).
2. A particular feature of some incidents recorded in 2010 is the increasing number of bias-motivated offences committed against police officers. In countries such as Lithuania and Serbia, a high number of them fell victims of homophobic and transphobic violence as they were performing their legal missions of protection of Pride events. It is to be highlighted that these police officers were protecting LGBT citizens' fundamental freedom of assembly, and that the violence they experienced was directly linked to homophobic and transphobic hatred, regardless of their own sexual orientation and/or gender identity. More information on these cases is provided in the country-by-country sections.

This new trend deserves to be noticed, although attacks on LGBT persons perpetrated by police officers also keep on being reported in a number of participating States, as it already happened in the past.

3. The European Union's Fundamental Rights Agency published a new report on [Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity](#) in

November 2010. This report's 3rd section is relevant for the purpose of the ODIHR's monitoring of bias-related offences, as it covers "freedom of expression, assembly and protection from abuse and violence". In particular, it includes a country-by-country update on criminal law provisions on "incitement to hatred" and "aggravating circumstances" covering explicitly sexual orientation. This document covers only the 27 EU participating States of the OSCE.

4. ILGA-Europe has been involved in the development of two relevant projects in 2010:

- One of the projects focuses on "Working with the police and challenging hate crime in Europe", and had been launched in 2008. In 2010, ILGA-Europe organised two events together with NGO and police representatives, including representatives of police academies: a [Seminar on the dissemination of good practices, \(London , 23 April 2010\)](#) and a seminar "[Towards training modules on police / LGBT joint strategies to combat hate crime \(Brussels, 13 December 2010\)](#)". On the basis of these meetings, ILGA-Europe started working on an operational toolkit for NGOs and police forces willing to engage in joint trainings to tackle hate violence.

In the frame of the same project, ILGA-Europe published a handbook on good practices of cooperation between LGBT organisations and police forces: "[Joining forces to combat homophobic and transphobic hate crime. Cooperation between police forces and LGBT organisations in Europe \(September 2010\)](#)"

- In the second project "Tracing and Tackling Hate Crime against LGBT persons", ILGA-Europe was only a partner, the coordinator being the Danish Institute for Human Rights. This project included a special focus on training police forces on human rights and LGBT fundamental rights in eight European capitals (Riga, Stockholm, Paris, Bucharest, Lisbon, Copenhagen, Dublin, Berlin). The respective NGOs were part of the project: Mozaika in Latvia; RFSL in Sweden; SOS-Homophobie in France; Accept in Romania; ILGA-Portugal in Portugal; LGBT Denmark in Denmark; GLEN in Ireland and MANEO in Germany. The project also resulted in the creation of an on-line reporting tool available for both civil society organisations and NGOs. Both the reporting tool and the training materials are available on the following website: www.stophatecrime.eu.

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

Country-by-country information

Sources: submissions and reports by ILGA-Europe and its members, 2010
March 2011

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Albania

Report by the LGBT organisation Aleanca

Human Rights Report, US Department of State, 2010

Report by the LGBT organisation Aleanca

On June 1st 2010 the transgender woman called Angela was stabbed with a knife by one of her transphobic clients. She was treated in a discriminatory way by the doctors and the hospital staff kicked her from the hospital without respecting the procedures. The policeman showed lack of interest to investigate further. We have to say that the transgender community is often subjected to violence and humiliating treatment by the police. A letter of complaint was sent to the Ministry of Defence but they didn't responded.

Human Rights Report, US Department of State, 2010

“There were reports that individuals were beaten, fired from their employment, or subjected to discrimination due to their sexual orientation. Often these cases went unreported. NGOs claimed that police routinely harassed LGBT persons and transgender sex workers.”

Armenia

Report by the LGBT organisation Pink Armenia

Human Rights Report, US Department of State, 2010

In February 2010, Yerevan media outlets claimed that Yerevan Mayor Gagik Beglarian had ordered police officers to use force against suspected homosexuals and transvestites who allegedly routinely gathered in a park adjacent to the mayor's office. Yerevan mayor spokesperson Anzhela Martirosian declined to comment on the reports, maintaining that the incident "didn't concern the mayor's functions."

The National Conservative Movement, a small right-wing party founded in 2009 welcomed what it saw as the Mayor's decision to rid the Armenian capital of homosexuals and hailed Mayor Beglarian as a "true Armenian man" and urged supporters to continue attacking homosexuals.

In September 2010 local newspapers reported¹ that **the Police Chief of Yerevan, Nersik Nazaryan and his bodyguards clashed with Armenian transvestites in Komaygi Park**. According to witnesses, the policemen ordered the transvestites to leave the street, to enter the park and stop making a show on a busy street corner. The transvestites resisted, stressing it is part of their business. Later the policemen used force.

Press articles towards the end of 2010, speculated that Yerevan Mayor Gagik Beglaryan is out to "clean" the park from being a night-time cruising point for gay prostitution. Even though many say this is a problem concerning prostitution, in fact, efforts are directed against gay and trans people, because female sex workers are rarely rounded up in Yerevan parks. Gayane Abtahamyan, an ArmeniaNow reporter, in her article quoted the opinion of human right defender Mikael Danielyan, Head of Helsinki Association in Armenia. "You would never see prostitutes being beaten at Circus [one of the main gathering spots for prostitutes in Yerevan]. Of course, it is not against prostitutes, but rather against homosexuals."²

Human Rights Report, US Department of State, 2010

Societal attitudes towards homosexuality remained highly unfavorable, with society generally viewing homosexuality as an affliction.

Persons who were openly gay were exempted from military service, purportedly because of concern they would be abused by fellow servicemen. However, the actual exemption required a medical finding via psychological examination that gays possessed a mental disorder, which was stamped in their documents and could affect their future.

According to human rights activists, lesbians, gays, bisexuals, and transgender persons experienced some of the most humiliating discrimination in prisons, where they were forced to do some of the most degrading jobs and separated from the rest of the prison population.

Societal discrimination based on sexual orientation continued to be a problem with respect to employment, family relations, and access to education and health care for sexual minorities.

In an interview with the *Iravunk* biweekly that appeared in the newspaper's December 24 to 27 edition, Artur Baghdasarian, secretary of the National Security Council that advises the president on national security matters, answered a question on homosexuality stating that, "Such conduct does not fit in with our society. Family and Armenian traditions prevail for people who were the first to

¹ <http://news.am/eng/news/31744.html>

² http://www.armenianow.com/social/human_rights/25533/armenian_gays_lesbians_prostitutes_transgenders

adopt Christianity. Those unnatural things are unacceptable to us. I am against limitations of human rights in general. However, I consider homosexuality is extremely dangerous for Armenia."

In an interview in the *Hraparak* daily on December 6, National Police Chief Alik Sargsyan answered a question on the gathering of homosexuals in one of Yerevan's central parks, stating that, "We try to take them to such a place where they won't be seen, but they like to appear in public. We do not practice any violent measures, do not violate human rights, it is their business, but in our city, it is not appropriate for people...I cannot bear them physically."

Austria

Case report by TransGender Europe (TGEU)

Austria – underage trans*boy humiliated in police custody

In May 2010, a 16-years old pupil and his girlfriend were taken into custody for alleged arson. Though the two were under-aged and happened to be only by chance at the venue. The couple was separated. The pupil was forced to out himself as trans* by showing his identification document to the police officers. In the police questioning two officers responded laughing that this were nonsense since he had no ‘dick’. They kept on being interested in the issue and asked about who should pay for it [gender reassignment]. When the pupil responded that this is covered by public health insurance they insulted him and said that “the crazy faggots get everything as a present”. They also inquired how he would sexually satisfy his girlfriend. While one of the police officers suggested “fingers and tongue”, his colleague responded that his girlfriend would leave him soon as she will want more, sooner or later.

One of the two police officers from the earlier interrogation called other colleagues to show them “it”, the “tranny” and who also made fun of him. When he asked for a glass of water, a police officer poured a glass and drank it smilingly himself. One ‘nice’ police officer allowed him once to use the toilet, where he drank from the toilet bowl as he was very thirsty and had not received any water upon his request.

During the physical examination he had to completely undress and his breast-binder [a textile device facilitating a flat chest] aroused with great skepticism because of the double lining. When he explained again that he was transgender, the police officer laughed it away with “that is a really pig-ignorant excuse”. Though, he had suffered from cuts in his hand and from remaining glass-splinters, the doctor did not treat this during the physical examination.

When he was allowed to call his mother, she was denied to pick him up right away. The pupil was kept in a separate cell overnight with no window or heating and only a small mattress and thin duvet. He was allowed to keep on only a t-shirt. The light was switched on the entire night. Since the cell had only bars, he neither had some privacy. He was denied access to phone, food, water or first aid during his stay at the police station for more than 20 hours. Throughout the night he was questioned several times and though he and his girlfriend had nothing to do with the incident, he was close to confessing something he had not done. This was due to lack of sleep, stress, exhaustion and the mocking.

On the other hand, his girlfriend reported to have been treated “normal”, meaning she was treated respectful by the police officers, received medical assistance by the doctor, her cell had a window and she was provided with food and water. Though, during the examinations she had been yelled at by one police officer “there is no he!” when she kept on referring to the pupil with the male pronoun.

As a result, the pupil experienced great anxieties and was not able to attend classes the following days. He experienced claustrophobia, strong anxiety upon vision of a security person, nausea, a nervous breakdown and a crying fit. Despite support from his family and acquaintances he considered to press charges against the police officers but felt helpless as “police officers are covering up for each other”. It was of great disturbance to him that in the media coverage his male identity was not respected, thus he felt in the disrespectful depiction twice humiliated.

Azerbaijan

Human Rights Report, US Department of State, 2010

Human Rights Report, US Department of State, 2010

Numerous incidents of police brutality against individuals based on sexual orientation occurred, according to a local NGO. Authorities did not investigate or punish those responsible for such acts, largely because victims were unwilling to file complaints due to fear of social stigma.

During the year, members of the lesbian, gay, bisexual, and transgender (LGBT) community continued to refuse to lodge formal complaints with law enforcement bodies out of fear of reprisal or retaliatory persecution. Also during the year, the LGBT community held almost monthly gatherings; these were routinely raided.

During 2009 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.

There was one NGO that worked on 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.

On August 11, police found the bodies of two transgendered individuals, Zamiq Gasimov and Yadigar Kuzmin, in Baku. The police arrested three perpetrators who admitted to killing the two on the basis of hatred toward sexual minorities. A local NGO reported that it was unable to obtain updates on the case, for which the investigation had been closed.

In December the Prosecutor General's office issued a statement regarding a murder investigation that could be interpreted as linking "nontraditional" sexual orientation to criminal behavior.

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.

Belarus

From the report “LGBT in Belarus: developments in 2010-2011”

LGBT in Belarus / section on hate crimes

In Gomel, Sovetski borough police refused F. and P. to start investigation into the case of the violent attack on them motivated by homophobia. On April 4, two gay men had been badly beaten by a group of men whom they visually knew before. F. received serious head and body injuries. According to the colonel A. Adamenko, there was no enough evidence that the actions of attackers constitute a crime.

On August 15, Andrei Begun, one of the leaders of the Young Social Democrats was brutally beaten in Mogilev. Homophobes broke his arm. He tried to protect his friend and party fellow Yaroslav who was beaten earlier. Young men called the police that arrived too late – homophobes had already vanished.

In November, Partizanski borough police started a criminal case against two citizens of Minsk who violently attacked a 19 year-old man. According to police press secretary, attackers were drunk and didn't like the way their victim was dressed up.

In December, Zavodskoi borough police started a criminal case against two citizens of Minsk who violently attacked a 19 year-old man from Sosny, Minsk region. Young man was badly beaten and mugged. Attackers didn't like the way he walked.

On December 19, Varvara Krasutskaya, one of the leaders of IDAHO Belarus was violently beaten by the special police in the city center of Minsk. Varvara participated in peaceful demonstration against election fraud. She was run to the hospital with serious head injury.

Bosnia and Herzegovina

ILGA-Europe's submission to the European Commission's 2010 Progress
Report on BiH

In 2010, a transgender person was attacked in Tuzla on the grounds of gender identity. He didn't report the incident to anyone.

This information was reported by the association "Organisation Q" on 24 May 2010.

Bulgaria

From a press release by the Bulgarian Activist Alliance

In early June 2010, the perpetrators of a murder of a young man were found. The murder itself had happened in 2008, but only after the perpetrators were arrested did it become clear that this had been a hate killing. In their confessions, the perpetrators said they killed the man in order to “keep the Borisova Garden (one of Sofia’s major park areas) clean of gays”.

Croatia

Report on the 9th Zagreb LGBT pride 2010 Annual Report on the Status of Human Rights and Gender Minorities in Croatia, by the NGOs Lesbian Group Kontra and Iskorak

I. Report on the 9th Zagreb LGBT Pride – June 2010

Several hundred people carried rainbow flags, balloons, and banners with anti-homophobic messages from the city's Trg Zrtava Fasizma square to the central Trg Bana Jelacica square, and the Zrinjevac park where a concert was held. Gender Equality Ombudswoman Gordana Lukac Koritnik, who addressed the participants, noted on the occasion that the level of homophobia in Croatia was still too high and expressed her hope that that would change soon.

Meanwhile, about 100 anti-gay protesters held a rally at the same time, organised by members of the ultra-right Croatian Pure Party of Rights youth organisation. While some 200 police officers provided security for the Gay Pride event, **about a dozen young men attacked and injured three parade participants, parade organisers said. Croatian police confirmed that two participants in the pride parade were taken to hospital - one suffered a shoulder injury and the other had a tooth knocked out.** The police also stopped an incident during the rally from escalating and arrested three attackers.

II. 2010 Annual Report on the Status of Human Rights and Gender Minorities in Croatia

In 2010, the Team for Legal Changes of Iskorak and Kontra worked on a total of 23 individual cases of violence. The forms of violence are various, from psychological, verbal to physical violence. A serious problem continues to be the fear of victims who do not report the violence they experience because of possible stigmatisation by the community. Members of sexual and gender minorities in a great number of cases are not aware of their rights nor with the mechanisms of protection of those rights. They do not trust State institutions, especially the police, whose officials continuously behave in a discriminatory manner while processing cases of discrimination and violence against members of sexual minorities. Precisely because of this, the real number of violent events is almost impossible to estimate.

Among the 23 cases mentioned in the report (some of them not being described because the victims wanted to be anonymous), at least one concerned an attack against a transgender woman; one was an attack against a lesbian woman; another was an attack on a minor boy and his mother.

Czech Republic

Human Rights Report, US Department of State, 2010

Human Rights Report, US Department of State, 2010

On June 26, gay rights advocates held the third annual gay pride march in Brno. Members of the National Resistance protested the event but were kept away from the marchers by police. In June 2009 when the parade was held in Tabor, members of the Workers Party attempted to disrupt the march, but a police anticonflict team mostly separated them from marchers.

The government did not keep statistics regarding incidents of violence directed at individuals based on their sexual orientation or gender identity. A report by a government working group on issues involving sexual minorities indicated that physical and verbal attacks occurred, although they often were not reported.

There were some reported cases of discrimination against persons based on sexual orientation. A gay registered partner of a parent may not adopt the partner's child, although a LGBT person not in a registered partnership may adopt.

Finland

Report submitted by the NGO SETA, compiled by Aija Salo, Secretary General

(email paasihteeri@seta.fi, tel. +358 50 309 8108)

This report includes information on eight suspected hate crimes from 2010 that LGBT organisations in Finland have data on. In addition a number of suspected hate crimes have been reported to the police by individuals. Information on those will be found in police statistics, but insofar (March 2011) statistics from 2010 are not yet available to the public.

1) Gas attack on the Helsinki Pride march

What happened: Tear gas and/or pepper-spray was sprayed at the participants of the Helsinki Pride march. The participants who got gas/spray in their faces had various symptoms like difficulties in breathing and pain.

Date, time and location of the incident: Saturday 3 July 2010 in the afternoon, Helsinki Pride march, Aleksanterinkatu, city centre of Helsinki, Finland

Source of information: Helsingin seudun Seta ry (the local LGBT organisation in Helsinki; the organisers of the event "Helsinki Pride")

Victim(s) involved: the participants of the Helsinki Pride march; there were about 3000 participants in the march. 87 of them reported symptoms after getting pepper spray and/or teargas in their face. Some of the victims were minors, even babies under one year of age.

Type of the crime(s): Assault, keeping illegal weapons (the gas/spray), violating freedom of political action, violating freedom of assembly / stopping political meeting

Perpetrator(s): The suspects were originally six men in their early thirties. The coroner charged three of them. According to the Finnish Security Intelligence Service at least some of the perpetrators have connections to extreme right wing activism.

Brief description of incident with bias indicators: The crime was clearly targeted at the Pride march that is very clearly a march for the equal rights of LGBT people. This kind of crime is very rare in Finland and it can in no way be a coincident. According to the Finnish Security Intelligence Service at least some of the suspects have connections to extreme right wing activism.

Status of the case: The suspects are charged of 87 assaults, keeping illegal weapons, violating political freedom of 71 people and violating freedom of assembly (stopping a political meeting). The lgbt organisation Helsingin seudun Seta has demanded charging the suspects. The charges became public on 1 March and the case should proceed in court in the coming months.

Response of local authorities: Many politicians condemned the attack. On the other hand there were also opinions that the Pride march is a provocation and that it would thus be understandable that some people want to attack it. The police took the case seriously and the case will soon be in court. There was a lot of media coverage.

Impact on the victim(s) and the community: The attack was unique in the history of the Finnish LGBT movement. It raised a lot of questions about whether anti-gay extremism is on the rise in our society. Many of the actual and potential victims were scared and a lot of people were outraged and

sad.

2) Breaking of the windows and vandalising the walls of the office of the LGBT organisation Helsingin seudun Seta, Helsinki

What happened: 21 windows of the office of the local LGBT organisation Helsingin seudun Seta were broken. A swastika and a crosschairs were painted on the door.

Date, time and location of the incident The office of the LGBT organisation Helsingin seudun Seta, Kaasutehtaankatu 1, rakennus 10, Helsinki, Finland, Thursday 8.7.2010, probably nighttime.

Source of information: The LGBT organisation Helsingin seudun Seta

Victim(s) involved The target was the LGBT organisation Helsingin seudun Seta.

Type of the crime(s): Damaging of property, vandalism, illegal threat.

Perpetrator(s): There is no information whatsoever on the perpetrator(s).

Brief description of incident with bias indicators: The office of the LGBT organisation is located relatively far away from the city centre and is not even seen by coincidental passers-by, so the deed was very probably targeted explicitly at this organisation. Among the pictures sprayed in the walls were a swastika and a crosschairs that are threatening and refer to hate crime. The office was vandalised only after less than a week since the gas attack on the Pride march. The Pride march and the attack against it had received a lot of media attention.

Status of the case: The incident was reported to the police. The police conducted an investigation but as there is no trace of any suspects the investigation hasn't proceeded.

Response of local authorities: Some politicians condemned the vandalism in the media. The police took the case seriously.

Impact on the victim(s) and the community: An attack against the office of course shook the feelings of security of the employee and activists of the organisation, as well as LBT people in general. This happened only after less than a week from the Pride march incident and there was a lot of media attention, so the situation suddenly felt much more insecure for LGBT people than before in Finland.

3) Bomb threat towards the North Pride / Pride march, Oulu

What happened: The organisers of the North Pride event and the Pride march received by phone a threat that if the Pride march is not cancelled there would be a bomb detonating and another bomb threat in ten days afterwards. (No bomb was detected and the march was started and ended normally.)

Date, time and location of the incident: Saturday 24 July 2010 at 12.50 in Oulu, Finland. The threat was received by phone by the chair of the organising committee of the North Pride event. The person was located at that moment in front of the city hall of Oulu City, Kirkkokatu 2a.

Source of information: The chairperson of the organising committee of North Pride who received the phone call.

Victim(s) involved: The target of the threat was the Pride march of the North Pride event and the

organisers, the local LGBT organisation Oulun Seta. The person who received the phone call was the chairperson of the organising committee of the Pride event.

Type of the crime(s): Illegal threat, blackmail.

Perpetrator(s): A man, probably between 20-30 years of age based on the voice in the phone call. The phone number could be saved but it was a prepaid number so the perpetrator remains unknown.

Brief description of incident with bias indicators: The threat was targeted at an LGBT rights event (Pride march) organised by an LGBT organisation. It is quite clear that the motivation was homophobia. Three weeks earlier there had been a gas attack and vandalism against Helsinki Pride march and the office of the LGBT organisation Helsingin seudun Seta in Helsinki, Finland.

Status of the case: The police investigated before the march whether it was safe to start the march. No need for other action was discovered. No separate report to the police was made in addition. The police acted professionally and took the threat seriously.

Response of local authorities

Impact on the victim(s) and the community: The person who received the phone call was very worried. During the event itself there was no impact as the threat was assessed to be false. Afterwards the organisers and the participants were outraged because of the threat.

4) Threat and vandalism against the rainbow worship service of the North Pride event, Oulu

What happened: During the night a threatening text and symbols resembling the swastika or wolfsangel (http://www.adl.org/hate_symbols/Wolfsangel.asp) had been painted in the door and wall of the house of the Arkkitehtikilta (the Architect guild) that was to be the location of an LGBT worship service the morning after the incident. The text said "worship service = bomb threat".

Date, time and location of the incident: the night of Sunday 25 July 2010 in Oulu, the house of Arkkitehtikilta in the island of Pikisaari by the sea in front of Oulu city centre. The place was the location of the "rainbow mass" on the North Pride event

Source of information: participants of the event. There was also media publicity (although the information given by media was not entirely correct). Photos were taken on site.

Victim(s) involved: The rainbow mass of the North Pride event (organised by the LGBT organisation Oulun Seta) and the participants.

Type of the crime(s): Illegal threat, vandalism.

Perpetrator(s): There is no information on the perpetrator(s).

Brief description of incident with bias indicators: The crime happened at a distant place (island) that was the location of a religious LGBT event the next morning. The text that was sprayed on the door and wall referred explicitly to the upcoming worship service. The nazi symbols sprayed on the wall and door refer to right wing extremist action. The day before a phone threat had been made against the Pride march that was part of the same North Pride event. Earlier the same summer there had been attacks and a threat against Helsinki Pride and the LGBT organisation Helsingin seudun Seta.

Status of the case: The police conducted a technical investigation on-site and took the crime seriously and professionally. The police stated that there is no real threat. The case has not been

solved.

Impact on the victim(s) and the community: The local LGBT community took the incident rather easily.

5) Threat, vandalism and damage to property, Oulu

What happened: The family name of an LGBT equality activist and a red, upside-down triangle (reminding of a nazi symbol for homosexuals) had been painted in the door of the house where the activist lives. The painting had been made with pig blood. On the stairs there were big blood stains and a knife.

Date, time and location of the incident: Tuesday 17 August 2010, apparently in the early hours of the day, at the door of a member of the local LGBT organisation Oulun Seta, in Oulu, Finland (the victim wants the address to be kept private)

Source of information: The victim through the local LGBT organisation Oulun Seta, Oulu, Finland.

Victim(s) involved: An active female member of the local LGBT organisation Oulun Seta, Oulu, Finland.

Type of the crime(s): Illegal threat, vandalism. Initially, the police interpreted this as a death threat.

Perpetrator(s): Not known

Brief description of incident with bias indicators: The vandalism and threat was targeted at a person who was active in the local LGBT organisation. The name of the victim had been listed on the homepage of the organisation, indicating that she is active in the organisation, so that was public information. According to media information there had recently been threats and vandalism also against other persons in Oulu, among others against a locally well-known gay politician and against two religious activists.

Status of the case: The incident was reported to the police as illegal threat. Also the Finnish Security Intelligence Service was informed. After that the police has not informed about the investigation.

Response of local authorities: At first the police took the case seriously but in the end no interrogations were made to the victim contrary to what was said by the police on the day of the incident. The police was very scarce with information to the victim who had to read the newspapers to hear how the investigation was proceeding.

Impact on the victim(s) and the community: The victim felt scared and threatened and also very angry. The community felt insecure and angry.

6) Assault against a gay person

What happened: a person who is publicly known to be gay was assaulted in front of a gay bar

Date, time and location of the incident: Saturday 16 October 2010 between 3.30-3.45, in front of the gay bar Yöhuikka in Oulu, Finland

Source of information: The victim

Victim(s) involved: A male local politician who is locally publicly known to be gay

Type of the crime(s) Assault

Perpetrator(s): A male person, age 20-40? The perpetrator was never caught

Brief description of incident with bias indicators: The incident happened in front of a locally well-known gay bar. The victim is also locally publicly known to be gay.

Status of the case: The case was reported to the police. Criminal charges were not issued. Nobody was caught and the investigation has been laid down. The police took the case as a regular nocturnal assault and did not take the possible hate motive into account.

Response of local authorities:

Impact on the victim(s) and the community: After the incident the Student Union of Oulu university published a statement in which it expressed worry for what happened. One reason for issuing the statement was that the victim was also a student at the university and thus a member of the Student union. The statement of the Student union is available (in Finnish) if needed.

7) Vandalism and damage to property, possibly attempted murder, in Oulu

What happened: **Molotov cocktails were thrown at the student union building.** No actual fire was started but the wooden and brick walls and the wooden fence got black out of smoke. A threatening text was painted on the fence with spray. The text apparently said "Death OYY (=the student union) gay end". (The text was partly unclear to read.)

Date, time and location of the incident: The night between 27.10.2010 and 28.10.2011 at the premises of the Student Union of Oulu university, Mannenkatu street, Oulu, Finland.

Source of information: The local LGBT organisation in Oulu city, Oulun Seta

Victim(s) involved: The student union

Type of the crime(s): Vandalism and damage to property, possibly attempted murder as Molotov cocktails were used

Perpetrator(s). There's no information on the perpetrators.

Brief description of incident with bias indicators: The vandalism and threat happened a week after the Student union had issued a statement supporting LGBT equality. The Student union has never before experienced such an attack. The text sprayed in the fence explicitly mentioned the gay issue (homo) and was threatening (death was mentioned).

Status of the case: The case was reported to the police but the investigation is still on-going. The police said that this incident and the attacks that happened earlier against among others the member of the LGBT organisation Oulun Seta's board were interlinked. This is obvious also from the point of view of the local LGBT activists.

Response of local authorities:

Impact on the victim(s) and the community: The Student union drew the conclusion that LGBT equality work is very important. The LGBT community felt angry and to some extent unsafe after

the incident.

8) Breaking of the windows of an LGBT organisation in Jyväskylä

What happened: The windows of the office of the local LGBT organisation in Jyväskylä were broken.

Date, time and location of the incident: The night between 25-26 December, Vapaudenkatu 4, Kumppanuustalo, Jyväskylä, Finland.

Source of information: Jyväskylän Seta ry (the local LGBT organisation in the city of Jyväskylä, Finland).

Victim(s) involved: Jyväskylän Seta ry (the local LGBT organisation in the city of Jyväskylä, Finland) .

Type of the crime(s): Damage to property (breaking of windows).

Perpetrator(s): Not known.

Brief description of incident with bias indicators: The incident was clearly targeted at the LGBT organisation Jyväskylän Seta as their office was the only one attacked in a big house with lots of other windows. Even in the same floor there is a common space for many organisations, the windows of which were not broken.

Status of the case: The incident was reported to the police. The police conducted an investigation. The police behaved matter-of-factly.

Response of local authorities: The organisation got some feedback from individuals saying that their work is important.

Impact on the victim(s) and the community: People were angry and sad, and there was a feeling of insecurity. It felt especially bad that the incident happened at Christmas. The organisation got some new members as people were outraged by the incident.

France

SOS-Homophobie's yearly "Rapport sur l'homophobie", published on 17 May 2011

http://www.sos-homophobie.org/sites/default/files/rapport_annuel_2011.pdf

According to SOS-Homophobie's annual report, a total of 1483 reports on 1200 homophobic and transphobic incidents were recorded in 2010, the highest figure since the organisation's foundation in 1997, and up 18% from 2009 figures.

More details, case descriptions as well as figures and charts are available in the on-line report.

Georgia

Report of the Inclusive Foundation, May 2010

Report of the Inclusive Foundation, May 2010

On May 4th 2010, after incidents related to freedom of expression happened at the Ilia State University, a number of civil activists decided to stage flash mob in front of the same university to defend the freedom of expression and alert public about the fascistic hysteria in the country. They feared that demanding to ban a piece of publication (a demand emanating from nationalist and religious organisations) from the university bookstore was an extremely alarming signal of infringement of one's constitutional and inalienable right to free expression and access to information.

During the May 4th demonstration, several persons from People's Orthodox Movement joined the mob and attempted to disrupt it. Later on, members of extremist groups, they steadily outnumbered the civil activists, have started targeting organizers and participants. Street bullying has taken place, coupled with anti-gay slogans and chase, beating and otherwise attacks on civil activists' physical and mental integrity.

This has happened regardless of the fact that the mob aimed at supporting general freedom of speech and not any particular groups' rights. In other words, this was not an LGBT demonstration whatsoever. Police have not interfered adequately, they only tried to separate individuals when fight have become extreme. Neither did they stop perpetrators from limiting right of free assembly of mob participants. In addition to this they made participants leave the territory while letting perpetrators remain in control of the vicinity until they made sure mob was disrupted.

Several participants were severely beaten up in front of police officers, others were chased in the street by perpetrators with knives in their hands. Perpetrators were individually asking about participants' sexual orientation while targeting them. While doing so, they have been threatening with physical liquidation and sexual assault. Several persons have suffered brain concoction and corporal injuries. Some activists, like Acho Khachidze were chased and assaulted in the street, or ambushed and threatened at their homes. Others, like editor of a weekly magazine Liberal Shorena Shevardashvili were verbally harassed and threatened via electronic mail, social networking websites or at their workplaces. Some have been targeted on following day in their neighbourhoods after been identified through television coverage.

On May 7th, the private TV company "kavkasia" organized a live talk show about this issue. Members of the two radical orthodox groups raided studios and physically assaulted participants and the head of the TV company. Representatives of the People's Orthodox Movement and Orthodox Parent's Union verbally abused journalist Nino Zuriashvili, physically attacked and beat the Company's Director David Akubardia, attacked TV operators and others who attempted to restrain them. They also damaged and destroyed the property of Channel Kavkasia. The head of newly founded Peoples Orthodox Movement, Malkhaz Gulashvili told the opponents a couple of times: "You are not liberals; you are liberasts." He used a term which apparently is wordplay of liberals and pederasts; the latter is used in Georgia as a derogatory term for gays. Only after this did police intervene and put 8 perpetrators to custody and Tbilisi city court sentenced them to two months pre-trial detention. They were charged with hooliganism and preventing journalists from carrying out their duties. Although the police reacted their intervention was not timely. No criminal case has been brought on the incident and due to the lack of hate crime provisions in Georgian law, the charge was one of hooliganism. This indicates not just a gap in the law but also gaps in knowledge and skills in the Tbilisi police force about how to deal with hate motivated incidents.

On October 18 2010, at a gay friendly bar “Success” in Tbilisi, 3 lesbian women became victims of a physical assault by men, who were at the same bar and had observed them during the evening. An investigation has been launched regarding the incident on the basis of “hooliganism”. A Georgian LBT group along with the Human Rights Center are working on this case.

A complaint against law enforcement officers was submitted to the Prosecutors’ office on January 9th 2010 by two members of LGBT organization Women’s Initiative Support Group. The subject of the complaint concerns a police raid executed on 15th of December 2009 by at least five plainclothes policemen from the Tbilisi police force on the premises of Inclusive Foundation. According to our information the police officers abused their power, violated procedural norms and subjected the women to humiliating treatment. The acts of the police officers can in no way be justified as professional conduct or standard operation procedures of a police raid and their methods were neither necessary nor proportionate to achieving their aim. There has been no decision from the Prosecutor’s Office about whether to open a case despite attempts of the women’s lawyers to follow up. As a reason for postponing the case investigation, prosecutor office staff claimed that the investigator in charge of the case has changed several times and that each new investigator needs time to study case materials. This case has now been submitted to the European Court of Human Rights on the basis that domestic remedies are ineffective.

Hungary

Report on the 15th Hungarian LGBT Festival in Budapest

Human Rights Report, US Department of State, 2010

Submission by Háttér Support Society for LGBT people in Hungary – OSCE ODIHR annual report on hate crimes 2010

Report on the 15th Hungarian LGBT Festival in Budapest

On the 4th July 2010, the opening ceremony of the fifteenth Hungarian LGBT Festival in Budapest saw a number of disturbing incidents take place, jeopardising its participants' safety and sending a negative message to the LGBT Hungarian community.

A young participant appears to have been assaulted specifically as he left the event, and was—rightly or not—associated to the LGBT cause. Furthermore, following intimidating behaviour from demonstrators, police forces requested that the rainbow flag, a recognised symbol of LGBT rights worldwide, be detached from the Művész Cinema where the event took place.

Human Rights Report, US Department of State, 2010

On July 10, the RMF organized the 15th annual Budapest Pride March, in which an estimated 1,000 persons participated. Organizers were successful in registering the march, which occurred on a shortened parade route with increased police protection. Authorities shortened the route further on the day of the march because counterdemonstrators along the route shouted antihomosexual slurs as well as the campaign slogan of the openly antigay political party Jobbik. Police prevented several protestors from approaching the route, but made no arrests. Two men followed one volunteer into the metro and attacked him following the march. A metro security guard briefly detained the attackers but then let them go.

On July 26, the RMF reported to the police that a neo-Nazi group calling itself the "Budapest Hungaristas" desecrated one of the Hungarian Lesbian, Gay, Bisexual, and Transgender community's unique symbolic sites, the tombstone of Karoly Kertbeny, originator of the terms "heterosexual" and "homosexual." The Hungaristas reportedly covered the gravestone with a black veil and attached a quotation from the Old Testament Book of Leviticus. Police declined to pursue the case on December 4, stating that no crime had been committed.

On September 4, approximately 100 participants marched in a legally registered Hetero Pride Parade, following the same route as the Budapest Pride March. The organizer stated that the organizers intended the march to be a "protest against the open practice and popularization of homosexuality."

Submission by Háttér Support Society for LGBT people in Hungary – OSCE ODIHR annual report on hate crimes 2010

Both research data as well as a growing number of calls to our counseling hotline and legal aid service suggest that homophobic and transphobic hate crimes are on the rise in Hungary. While in previous years the most characteristic form of violence against LGBT people were organized

attacks against the gay pride marches by extreme right-wing groups, in the past two years heightened security measures meant that violent anti-gay protestors did not have the chance to get close enough to the march to attack its participants. Sporadic attacks against those leaving the march and homophobic attacks not linked to the pride march, however, remained frequent.

Besides the high number of incidents, problems also arise from the soft and unprofessional responses to hate crimes on behalf of law enforcement agencies. While problems with police and court proceedings are similar across all victims groups, the fact that the law covers homophobic and transphobic hate crimes only most recently (since February 2009) and only indirectly (as incidents against “certain group of the population”) means that the problems identified in relation to other groups are even more prominent in cases of violence against LGBT people.

The most important problems in relation to dealing with homophobic and transphobic hate crimes in Hungary are the following:

1. Latency. Much of the violence against LGBT people remains unreported. Distrust in the police, fear of having to reveal one’s sexual orientation and fear of secondary victimization by the police hinders reporting.

2. Hierarchy of grounds. Article 174/B of the Criminal Code punishes “violence against a member of a community”, but the list of protected grounds does not specifically include sexual orientation or gender identity, it is covered only by the general “certain group of the population” provision; homophobic and transphobic hate crimes are thus made invisible by law.

3. Disregard for hate motive. The police and other authorities often fail to take account of the bias motivation behind the incidents, and investigate them – if at all – as simple assault with significantly lower sanction.

4. Lack of police protocol. There exists no protocol or tactical guidance for the police on how to deal with hate crime cases; techniques based on hate crime indicators are not used.

5. Lack of training. Police receive no training as part of their basic training or in the form of advanced training that teach them how to effectively investigate hate crime cases, and how to deal with vulnerable victim groups.

6. Problems with data collection. There is no common definition for hate crimes in criminal statistics, the figures regularly reported do not include incidents that end with death of the victim, or in which the crime is against property. Data is not segregated by victims groups (grounds).

Research data:

The Institute of Sociology of the Hungarian Academy of Sciences and Háttér Support Society for LGBT People in Hungary with the financial support of ILGA-Europe’s Human Rights Violations Documentation Fund conducted a survey in 2010 on the situation of LGBT people and their experience of discrimination and violence. The study used a targeted community sample methodology: the questionnaire was available online from September 15 to November 30, 2010, and personal interviews were made at venues and events frequented by LGBT people during the same period. The questionnaire contained several blocks, one devoted specifically to experiences of homophobic and transphobic violence. The block contained questions about previous experiences of violence, the forms of violence suffered, the perpetrator and location of the incident, the willingness to report, as well as awareness of legislation on hate crimes. The block on violence was completed by 1674 respondents.

According to the research results 15.6% of respondents have been victims of violence, 4.4% within the past 12 months. Violence against trans respondents were significantly higher (26.2% in their life, 11.7% within the 12 months). The most common forms of violence were verbal harassment (113 respondents) and threats of violence (67); but being assaulted (19), chased (18), and having things thrown at (16) was also common.¹ Crimes against property which are not currently included in the legal definition of hate crime were also common: 24 respondents received hateful graffiti, 12 were robbed, and 12 had their property damaged for reason of belonging to the LGBT community. In most cases perpetrators were unknown to the victims (73.6%), but violence by colleagues and schoolmates were also common (30.3%). The incidents happened most often on the streets or in public transportation (67.6%), but the LGBT Pride March (29.7%), the surroundings of gay venues (25.7%) and schools (28.4%) were also often mentioned.

Only 13.4% of respondents reported the incidents to the police. The most common reasons for not reporting were “Nothing could have been done” (51.8%) and “I didn’t have trust in the work of the authorities” (44.1%), but the number of those that said “I was afraid I would get to an even worse situation” (35.9%), “I was afraid of being humiliated and hurt” (26.4%), “I was afraid of being outed” (23.2%) and “I was too ashamed to tell” (23.2%) was also significant. Of those that reported 19 respondents said that an investigation was started, but nothing happened, and 7 said the police did not do anything about the incident. The perpetrators were convicted in only 4 cases.

A particularly alarming finding is that only 3.8% of respondents reported they know the details of the hate crimes legislation, 16.7% said that they more or less know it, 43.2% said they heard something about it, but do not know the details, while 35.5% of respondents have not even heard that hate crime legislation also covers homophobic and transphobic incidents.

Cases reported:

Below is a list of selected cases reported to our organization.

Case 1

On June 13, 2010 in the early hours V.B.2 was returning home from a club in Budapest widely known as a gay venue. Just a few blocks from this venue, he passed by Klub64, a venue operated by László Toroczkai, head of the Sixty-Four Counties Youth Movement. The venue defines itself as a „national club” where well-known extreme right-wing musical groups (including Fejbőr (Headskin), Romantikus Erőszak (Romantic Violence), Hun Vér (Hun Blood)) often perform. When passing by Klub64 V.B. was hit several times without any warning, while his attackers shouted „dirty fagot”. V.B. lost his consciousness; he suffered injuries healing over eight days, he needed dental care over a longer period of time.

V.B. reported the case to the 7th District Police Station, where he was told that in case his injuries heal within eight days an investigation would be only started if he filed a private motion, while the police will automatically start the investigation if the injuries heal over eight days. He was requested to call the police once the medical examination was completed. He was not informed of the fact that in case he was victim of a hate crime there is no need for filing a motion. Upon the completion of the medical examination he informed the police that his injuries would heal in over eight days.

V.B. reported his case to the LGBT media. The Police published a press release claiming that his injuries would heal in less than eight days, and that the victim did not want to file a motion. The police press release did not touch upon the circumstances of the case which indicated an incident motivated by homophobic hate.

Case 2

The 15th Budapest Pride LGBT Film and Cultural Festival opened on July 4, 2010 at Művész Film Theater. To protest against the event, several people with clothing characteristic of extreme rightwing movements appeared in the area surrounding the theater, and were verbally harassing people who were approaching the theater. In one occasion they tried to remove the rainbow flag marking the Festival at the entrance of the theater. As atrocities were expected, there were several policemen stationed in the area. Rather than acting against those who harassed participants and wanted to remove the flag, a policeman suggested to the organizers to remove the “fagot flag” because it provoked the protesters.

R.C. was heading to the opening ceremony when in one of the nearby streets he was verbally harassed and hit. Following the incident several policemen appeared on the site, but even though the perpetrator had not left the area, rather than seizing the perpetrator they surrounded the victim and started to question him aggressively. It was only thanks to LGBT activists present nearby, who started to chase the perpetrators and call the attention of the police to their presence that the perpetrators were caught by the police. R.C. suffered light injuries healing within eight days. The police asked R.C. on the spot if he wants to file a motion, he – still in shock from the incident and the threatening questioning by the police – refused it. R.C. was not informed that in case the incident was a hate crime there is no need for filing a motion.

Háttér – whose activists were at the scene and thus had firsthand experience of the police’s behavior – submitted a complaint to the police about the unprofessional handling of the case. The police report found that no mistakes had been made. Later the witnesses of the incident were questioned by the police implying that the police re-qualified the incident and started investigating it as a hate crime.

Case 3

M.L. and Z.T. are two Australian young men who visited Budapest as tourists. On July 4, 2010 they were taking a walk around the area of Octogon, at the same time as the opening ceremony of the 15th Budapest Pride LGBT Film and Cultural Festival was taking place in the nearby Művész Film Theater, with several people linked to the extreme right-wing being present in the area. Not knowing anything about the event M.L. and Z.T. were waiting at a pedestrian crossing for the light to turn green, hugging each others’ shoulder. They noticed a group of younger people opposite to them who were staring at them constantly. After the light turned green they met in the middle of the crossing and the group started hitting and kicking them, and then jumped on the nearby tram. The tourists’ valuables were not touched. Covered in blood, the two victims ran to a toilette in a nearby restaurant from where they called the police. M.L. suffered severe injuries healing in more than eight days, including a ruptured nose; Z.T. suffered lighter injuries.

The policemen stationed nearby to protect the opening ceremony arrived to the scene first, and started questioning the victims. During the interrogation one of the policemen asked his colleague “maybe they were those from the Jobbik [extreme right-wing political party]?” and started asking questions from the victims if the perpetrator wore military trousers. His colleague stopped him saying “let it go, it must be a robbery”. While M.L. was being examined in the hospital Z.T. was questioned by the police. During the interview the only questions related to the potential hate motive behind the incident were about what the perpetrators said; since the tourists did not speak the language this they could not respond to. Upon the completion of the official interview the sexual orientation of the victims was brought up, and Z.T. mentioned they had been hugging each other while waiting. This information did not make it to the official record of the interview. M.L. was questioned the day after, there were no questions related to the potential hate motive behind the incident. Z.T. who only suffered lighter injuries was asked if he wanted to file a motion, which

implies that at this stage the police did not consider it a hate crime.

Case 4

R.D. was heading home after the Budapest Pride gay pride march held on July 10, 2010. He got on the metro line M3 at Deák tér where he was taken by a special train carrying only participants of the pride march (thus he was easily identified as coming from the march). There were several other people coming from the pride march on the same metro train. The participants noticed early on a group of 3-5 young men who were staring at those coming from the march. R.D. heard them saying comments about him among themselves. In order to avoid the atrocity, R.D. decided to get off the train earlier than planned at Kálvin tér. The group followed him and three of them started hitting and kicking the victim, who fell to the floor. Two of the perpetrators escaped, while the third one was seized by employees of the Budapest Transport Company. Even though R.D. clearly identified him as his attacker, they let him go. R.D. suffered injuries healing in less than eight days.

After the medical examination R.D. went to the 9th District Police Station to report the crime. The police started investigating the case as a hate crime from the very beginning, but the police involved in the procedure were exhibiting uncertainty and unease on several occasions. One of the first questions of the first policemen to deal with the case for example was “and, eghm, oh my God, how should I ask this, well why do you think it happened?” The police leading the interrogation on the other hand said the following sentence when he learnt the victim was gay: “I don’t have any problems with gays, my wife has several gay friends, but they are completely normal, it’s not the same category as those in the City Park, those gipsy whores who pick this up in prison.”

Case 5

On July 22, 2010 a right-wing news portal published photos of the gravestone for Károly Kertbeny covered in black and with a quotation from the Bible “If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death; their blood shall be upon them (LEV 20.13)”. The gravestone was erected in 2002 by the Hungarian LGBT movement in the Kerepesi cemetery to commemorate Kertbeny’s contribution to the LGBT movement for coining the words “homosexual” and “heterosexual” in the 19th century. Rainbow Mission Foundation reported the incident to the police. The police refused to investigate the case arguing that no material damage had been done to the gravestone, and the incident cannot be considered incitement to hatred (Article 269 of the Criminal Code), because it was not done publicly and did not contain a call for violence. Upon complaint, the police changed its opinion on the publicity aspect, but maintained the argument that the incident did not amount to incitement to hatred as the call for violence was not concrete enough, and the risk of actual violence was not imminent. The case was closed without investigation.

Practical initiatives:

Funded by the European Union Progress Programme and commissioned by the Ministry of National Resources, Háttér Support Society for LGBT People in Hungary developed a two-day training curriculum for police on dealing with homophobic and transphobic hate crimes in the summer and fall of 2010. The training program sensitizes the participants to recognizing discrimination and bias against LGBT people in police proceedings, familiarizes them with the notion of hate crimes and its specific forms against LGBT people, and teaches practical skills and competences that are needed to give effective response to hate crimes and deal in a supportive way with this vulnerable group of victims. A 50 page booklet containing the material of the trainings was also published.

The training curriculum was tested at a pilot training held on October 19-20, 2010 with the participation of 17 police officers from all around the country. Recruitment for the pilot training

was organized by the Department of Crime Prevention of the Budapest Police. Participants highly appreciated the training, both its practical nature as well as its focus on a group of people that hardly ever gets attention in police training. Háttér is currently investigating how to deliver the training for a wider range of police officers, either as specialized advanced trainings or as part of police basic training.

Other developments:

On June 25th, 2010 László Toroczkai, head of the Sixty-Four Counties Youth Movement was charged for preparation for violence against a member of a community and preparation for the violation for freedom of association and assembly. The investigation was started upon the motion of the organizers of the gay pride march (Rainbow Mission Foundation), who in September 2009 reported to the police that an article was published on one of the extreme right-wing news portals in which Toroczkai called for violently disturbing the 2009 march similarly to previous years, and described that he had started negotiations with several groups on how to disturb the march. Following the official charge in June 2010, Toroczkai was found guilty by the court for preparation for the violation for freedom of association and assembly on March 22, 2011, and he was convicted for two years on probation. This was the first judgment of its kind since the introduction of this new crime in February 2009. The decision is not legally binding, the defendant appealed for acquittal, while the prosecutor appealed for higher sanctions.

Italy

REPORT dei principali atti di violenza omofoba accaduti in Italia nel corso del 2010 tratti dagli articoli comparsi sulla stampa, by Arcigay

In this report on Homophobia in Italy in 2010, which currently takes into consideration the period from 1st January to 26 October 2010 (and will be later updated), the NGO Arcigay reports a total of 2 murders, 39 violent aggressions including violence, 6 cases of blackmail, 2 cases of violent bullying and 8 cases of vandalism.

The report is available on ILGA-Europe's website: http://www.ilga-europe.org/home/guide/country_by_country/italy.

Kazakhstan

On the basis of reports by the organisation Amulet

In August 2010, a 27 year old gay man Maxim fell victim in Almaty to a premeditated hate crime. He had registered on a popular dating site and after corresponding for one week arranged to meet another man calling himself 'Zhenya'. They met on the Arbat (Almatiy) after which Zhenya invited Maxim to his home for a coffee. When they entered the flat, Zhenya locked the door behind them and Maxim became aware that several other men were already present in the flat. One of them punched him in the head causing him to fall to the floor. The assailants then started to kick him all over his body. Maxim begged them to stop and then lost consciousness. He was doused with cold water to rouse him and then the attack began again.

The landlady later found Maxim and took him to hospital claiming she had found him unconscious outside on the street and then disappeared without leaving contacts. Maxim lay unconscious for three days in the hospital and was diagnosed with a broken jaw and ribs, smashed teeth, torn lip, concussion, broken nose, damaged kidneys, wounds all over his body, and torn tendons in his right hand. Maxim did not submit a complaint to the police due to his fear that his sexual orientation would be made public.

A second incident occurred involving two women, Adina and Zhanna, who were returning home after a night out in a gay club. Several metres from the building, they noticed that a group of youths were heading towards them. They tried to reach a busy street in order to hail a taxi but didn't make it. The group attacked them and beat them up. The women's cries were heard by people in nearby houses who called the police. When the assailants heard that the police had been called, one of them shouted 'you are making our city monstrous' and slashed the stomach of Adina. Though she survived the incident, she suffered serious damage to internal organs and doctors advised that she may not be able to bear children as a result.

The police documented the incident and opened a criminal investigation on the basis of the serious bodily injuries however the women's sexual orientation was not mentioned as the reason behind the attack.

Kyrgyzstan

Human Rights Report, US Department of State, 2010

There is no law against homosexual practice; however, according to HRW and a local NGO, lesbian, gay, bisexual, and transgender (LGBT) individuals faced severe oppression, and the government failed to protect their rights. 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. Doctors sometimes refused to treat LGBT individuals. Forced marriages for lesbian and bisexual women also occurred.

Latvia

Report on a homophobic murder (from press releases and the LGBT organisation Mozaika), 2010

Homophobic murder, July 2010

Criminal Police officers discovered a 58-year-old German and Russian citizen murdered, LETA (press agency) was informed by the National Police of Riga Region Administration spokesman Tom Sadovskis. The victim was a person of “non-traditional” sexual orientation, which likely was the reason for his murder.

On 18th of July in Riga, in an apartment on Jurmalas gatve, the man was found dead with obvious signs of violence. Police officers have concluded that the foreigner was killed in his apartment on July 14th. There were valuable items stolen, as well as his credit card, which had been used to withdraw the money.

A man born in 1988, previously tried drug abuser, was arrested in suspicion of this crime. During the investigation police found that the victim was a person of “non-traditional” sexual orientation, who met a young man and invited him home. 20 beats and cut wounds were discovered on the deceased’s body. After the murder the young man decided to take with him valuable things from the apartment.

On the 2nd of September the court imposed arrest as a security measure. Criminal proceedings were initiated for murder in aggravating circumstances.

Attack against a lesbian couple, October 2010

1st - October, 2010 /in Riga, Latvia/ Two lesbian women were verbally attacked in the restaurant by two known anti-gay activists. Women were verbally abused by calling them in names and giving them threats.

The case was not reported to the Police but to Mozaika.

Attack against an LGBT portal, November 2010

2nd - Mid November, 2010 some unknown hacker hacked gay dating portal gay.lv/gay.lt. Information from the portal was copied and distributed in the internet (in the comment sections and special information sharing websites across the world) with name "Latvian perverts list". Information included persons’ nicknames, passwords, e-mail addresses, last ip address, city.

The servers and main location of the database was located in Spain, so the case was reported to the Spanish Police as well as to the Spanish Data Protection Agency. The Latvian Data Protection Agency was informed about the case.

Lithuania

Report by the Lithuanian Gay League (LGL)

Human Rights Report, US Department of State, 2010

- **MPs implicated in violence during the Baltic Pride march 2010**

In June 2010, the prosecutor general of Lithuania requested that the parliament strip Kazimieras Uoka of the centre-right Homeland Union and Christian Democrats, and Petras Gražulis, of the Order and Justice Party, of their parliamentary immunity after they were accused of **violent scuffles with police protecting the pride demonstrators**.

On May 8th the two MPs crossed police barriers and disobeyed orders from authorities to remain within a zone allocated to what turned out to be a thousands-strong anti-pride demonstration. The MP participated in violent scuffles with police and kicked an activist, who had helped organise the event.

The Baltic Pride 2010 march, numbering around 500 people and including several Members of the European Parliament and government ministers from other EU states, was met with an outburst of anger and violence from opponents, but at a safe distance from the march route. Police fired tear gas to disperse some 2,000 counter demonstrators after they threw rocks, bottles and fireworks at participants.

The anti-pride protesters hurled abuse at the marchers, shouting "down with the homo-Nazis". Earlier in the day, a Molotov cocktail was thrown at the building of pride organiser's partner NGO.

A total of 19 anti-pride demonstrators were arrested.

An analysis of information on the event by the prosecutor general drew the conclusion that there is a sufficient basis for believing the actions of the two MPs to be in violation of administrative and criminal law.

However, on 19 October 2010, the Lithuanian Parliament rejected 56 to 35 the prosecutor general's request for a lifting of immunity and voted to protect from prosecution two MPs implicated in violence directed towards LGBT pride march.

The two MPs told a parliamentary commission of inquiry that their actions were taken in defence of Lithuanian values expressed in the constitution.

- **Complaints by LGL on the incitement to violence and hatred (prevention of hate crime)**

Complaint LGL-20100421 (22/04/2010)

On April 22, 2010 LGL filed a complaint to the Prosecutor General's Office about the incitement to violence and hatred against LGBT pride organizers and participants on the internet blog www.blogorama.lt.

In the article named "Video lessons – How faggots are stopped" unknown author made video entries which were named as educational materials: 1. How Serbians dealt with perverts in Belgrade; 2. How Russians stopped unauthorized rally of faggots in Moscow centre. These two

videos showed how violence towards homosexual people groups gathered for peaceful march and rally was used. The author wrote a comment under these videos: “We should make conclusions: if society would REALLY resist, NO PARADES OF FAGGOTS WOULD TAKE PLACE!”

LGL turned to Prosecutor General’s Office asking to investigate if these actions of unknown author violated Article 169 “Discrimination on Grounds of Nationality, Race, Sex, Descent, Religion or Belonging to Other Groups” and Article 170 “Incitement against Any National, Racial, Ethnic, Religious or Other Group of Persons” on Lithuanian Criminal Code.

Division of Special investigations at the Prosecutor General’s Office started pretrial investigation (registered number 01-2-00079-10) on violation of Article 170 “Incitement against Any National, Racial, Ethnic, Religious or Other Group of Persons” on Lithuanian Criminal Code on April 28, 2010.

On June 3, 2010 LGL was informed that all procedural decisions of the investigation of actions of author who was already identified as L. Ragelskis, residing in Vilnius city, will be also sent to Chief Prosecutor of the Division of Special investigations at the Prosecutor General’s Office.

As author is already identified we are looking for further developments in the future.

- **Human Rights Report, US Department of State, 2010**

During the year the Prosecutor's Office opened 148 investigations of incitement to hatred, most of them over the Internet, against gays and lesbians.

Macedonia

Human Rights Report, US Department of State, 2010

There were two registered NGOs addressing lesbian, gay, bisexual, and transgender (LGBT) issues. Activists representing the rights of LGBT individuals reported incidents of societal prejudice, including harassment and use of derogatory language, including in the media.

The government removed sexual orientation as a protected category from the antidiscrimination law just before it was submitted to parliament for a vote. NGOs, the media, and the international community criticized the government for the law's exclusion of sexual orientation--a provision required for membership into the EU.

NGOs condemned the use of text books at the university and high school levels that treated homosexuality as a disease and sexual disorder. They complained that this increased societal discrimination against members of the LGBT community.

On November 16, LGBT activists participated in a march in central Skopje to mark the International Day for Tolerance. Two representatives of the LGBT community addressed the crowd and reporters.

Moldova

Report by the organisation GenderDoc-M on various cases of homophobia and transphobia

Case of suicide following harassment

A gay rights group in Moldova says a young homosexual man committed suicide this week after being intimidated and humiliated by police officers in Chisinau, RFE/RL's Moldovan Service reports. But police have denied the claim of intimidation, saying officers gave the man and his companion "a lecture" after they were "caught in the act" in a public toilet.

The organization Genderdoc-M said the 26- year-old man, whose name it did not disclose, and his companion were briefly detained by two policemen on December 6 in a Chisinau park that is a popular meeting place for gay men. Genderdoc-M representative Angela Frolov told RFE/RL that the incident was witnessed by a Genderdoc-M activist who said one of the policemen was carrying an automatic rifle.

The witness said the two officers used extremely rude and homophobic language and threatened to take the two young men to the police station and to disclose their sexual orientation to their families and employers. Genderdoc-M said its activist persuaded the police officers to let the two men go.

But Frolov said that several hours after the incident, the man called his mother from a pay phone, told her that he was gay, and then hanged himself in his aunt's house where he was living. In a statement, police denied the claim of intimidation. It alleged that the two men were "caught in the act" in the park's public toilet after police followed up on a complaint from two women who had been told by their children there were gay men there.

"The policemen simply gave them a lecture," the statement said. Genderdoc-M issued its statement to coincide with International Human Rights Day and draw attention to what it says are frequent cases of police harassment and blackmail of gays.

Frolov said the few unofficial "cruising areas" for gays in Chisinau are deliberately targeted by policemen who demand bribes from gay people in exchange for not telling their families, employers, or teachers about their sexual orientation.

Homosexuality was decriminalized in Moldova in the 1990s but is still largely taboo in a conservative, mainly Orthodox Christian society. Genderdoc-M has led a so-far unsuccessful bid to hold a gay rights march in Chisinau.

Attack on three gay men in a bar

On 14th November 2010 at a Chisinau bar, three young gay men were drinking and socializing when they became acquainted with three other men who (realising that the men were homosexuals) began to demand free drinks, beating up one of them (Alexander) taking his mobile phone. Alexander called the police, but the police officers finding out that the victims were gay, started to mock them, and invited them to have some fun in the sauna. The attackers continued their threats and insults in the presence of the police officers who took no action against them. Alexander was banned from the bar by the bar owner who stated that homosexuals had no place there. The following day, Alexander requested assistance from GenderDoc-M. A representative accompanied him to the Central Police Commissariat and submitted a complaint to the General Commissioner of Police, Sergei Cociorva. Two days later, Alexander was diagnosed with concussion by medical

specialists.

Cases of blackmail involving law enforcement officers

During September 2010, GenderDoc-M documented a series of blackmail cases involving law enforcement officers at gay venues. Gay men were blackmailed by being lured to out of the way places by police officers in order to engage in sexual acts, and then were forced to pay large sums of money in exchange for non-disclosure of their sexual orientation at work and home. Two members of the gay community appealed to GenderDoc-M for assistance. Representatives wrote a letter to the Ministry of Interior and the Central Police Commissariat with the request that they be allowed to work with the police and to try and stop the blackmailing of gay men in cruising areas. The case is under investigation, and the results are not yet known.

Montenegro

ILGA-Europe's submission to the European Commission's 2010 Progress Report on Montenegro

Survey by Human Rights Action (published on 17 May 2010)

<http://www.hraction.org/?p=355>

Human Rights Report, US Department of State, 2010

A research conducted by Human Rights Action among 30 LGBT people shows that half of the respondents experienced some form of violence or discrimination that they have not reported to the police because of the fear of homophobic reaction of the authorities.

Human Rights Report, US Department of State, 2010

There were infrequent reports of violence and discrimination directed against gay men; there were no reports that the government condoned such actions. In July two cases of violence against gay men were reported to the NGO Juventas. Neither case was reported to the police, as the victims reportedly feared disclosure of their sexual orientation during the investigation and possible court trial. There were no reports that persons were denied equal opportunities in education and employment on the basis of sexual orientation. Societal antipathy towards gays and lesbians led most of them to conceal their orientation. No person publicly declared their gay or lesbian affinity during the year. Juventas reported two cases in which media carried insulting remarks against LGBT persons.

The Netherlands

Information reported by the press (www.dutchnews.nl), 31 January 2011

Report by www.dutchnews.nl

Two gay couples who have been driven to move home after a string of attacks on their property are to go to court to force the public prosecution department to take action against the perpetrators, the Volkskrant reports on Monday.

One couple moved from Utrecht last year (2010) and the other couple, who live in a village near Sittard, have put their home up for sale. The couple says the authorities should have taken adequate action in response to the eight police reports they filed, and that their car was vandalised and bricks were thrown through their windows.

The couple who have already moved say they made at least eight complaints to police. In the end the couple sold their home for below the market value and say the damage bill comes to over €40,000. The case of the Sittard couple will be heard on Tuesday, the paper says.

Poland

Statement on the apprehension and beating of Robert Biedron, by KPH
(Campaign Against Homophobia, NGO)

Specific KPH Submission– ODIHR Hate Crime Report 2010

Statement on the apprehension and beating of Robert Biedroń, KPH’s Board member, by police officers on 11 November 2010

Representatives of the Campaign Against Homophobia (KPH) decided to join in the activities of the **11 November Coalition** to oppose the march of the extreme right through the streets of Warsaw on Independence Day. The views promoted by such organisations as the National Rebirth of Poland (NOP) or the All-Polish Youth (MW) contravene the Polish constitutional order, according to which *“Political parties and other organizations whose programmes are based upon totalitarian methods and the modes of activity of nazism, fascism and communism, as well as those whose programmes or activities sanction racial or national hatred, the application of violence for the purpose of obtaining power or to influence the State policy, or provide for the secrecy of their own structure or membership, shall be prohibited”* (Art. 13 of the Constitution of the Republic of Poland).

For this reason, the members and supporters of the Campaign Against Homophobia peacefully opposed racism, homophobia and xenophobia promoted by the organisers of the so-called Independence March.

Regretfully, some police officers did not withstand the tension of the ensuing events and became violent. Robert Biedroń, member of the KPH Board and its former President, accidentally fell victim to this violent behaviour. **He was apprehended and beaten, not only at the moment of apprehension, but also later, when he was handcuffed in a police car.** For over 20 hours he was not advised of the grounds of the apprehension, the police did not provide him with the record of apprehension and denied him contact with his lawyer and his next of kin.

We are appalled and saddened by the conduct of the police. We fail to understand how such situations can still take place in a democratic state. For many years now, KPH has worked with the police to further improve the enjoyment of human rights and freedoms. On 11 November our trust in the police was abused. **We demand that the misconduct of the officers be investigated and the perpetrators be punished.**

Specific KPH Submission– ODIHR Hate Crime Report 2010

In May 2010 KPH started the Out and Safe project. The main goal was assistance to victims of homophobic violence. 228 cases of homophobic crimes and incidents committed in 2010 have been reported.

Group characteristics:

Gender: 74 women, 150 men, 4 trans persons (2 M / F, 2 M / F)

Age: 79% under the age of 26 years

Sexual Orientation: 188 gay, 25 bisexual, 8 heterosexual, 7 not sure.

Type of violence	Number	Number	Number	Number of	Overall
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	of cases women	of cases man	of cases trans F/M	cases trans M/F	
Verbal abuse	67	139	2	2	210
Threats of blackmail and/or physical abuse,	18	43	2	1	64
Vandalism, destruction of property	7	17	2	2	28
Pushing, hitting, kicking	6	13	0	1	20
Battery	22	58	2	1	83
Attack with a use of weapon	8	22	0	1	31
Sexual harassment affecting the physical integrity	16	13	1	0	30
Rape or attempted rape	3	3	0	0	6

Police reporting rate:

92% of cases have not been reported to the police. Among the 19 cases reported to the police: in 5 cases perpetrators were punished, 8 cases are not resolved, 6 cases were dismissed for various reasons.

Report submitted by Campaign Against Homophobia – polish, nationwide public-benefit nongovernmental organization with non-profit status working for the equal rights of lesbian, gay, bisexual and transgender people,x established in 2001. www.kph.org.pl

Portugal

Information on Hate Crime in Portugal (2010) - Report by the association ILGA-Portugal

7 hate crimes were reported to the association ILGA-Portugal in 2010. The nature of the offences varies (murder, damage to property, injuries, harassment), and the perpetrators and contexts are also diverse (work colleagues, domestic violence, educational system...).

- **June 2010 (repeated in time), Lisbon**

Source of Information: victim report by phone

Victim: Man 20 years old (not exact), gay

Crime: Verbal threat, blackmail, internet harassment, written abuse (text message and emails, damage to property (car))

Perpetrator: not known, suspicion of the father of the boyfriend.

Description: The victim receives death and violence threats by email (with an ID “against gay”), by text message and feels he is followed but cannot prove it. His car was damaged.

It started after his boyfriend made his coming-out to the family and his boyfriend’s father is a policeman and threatened he would harm the partner “who made him become homosexual”. The timing might, however, be a coincidence.

Status of the case: Not known

Response of local authorities: The police was polite and understanding but could not protect him because he had not suffered any harm yet.

Impact: The victim was frightened and emotionally disturbed with the threats and the fear that the police would not protect him.

- **3 June 2010, Santo António dos Cavaleiros, Center of Portugal, Lisbon District**

Source of Information: victim email

Victim: Man, no information on his age, gay

Crime: Job discrimination, verbal abuse/insults, body injury.

Perpetrator: Colleagues, little information on number and relation to the victim

Description: The victim describes that he works in swimming pool and got transferred because he caused a “bad image” to the public swimming pool and someone at work feared they would lose clients. He states that these pressures progressively raised and that he was beaten at work.

Status of the case: no information on complaint to the police or authorities intervention

Impact: no assessment was made.

- **11 June 2010, Guimarães, North of Portugal, Braga District**

Source of Information: press
(http://www.jn.pt/PaginaInicial/Policia/Interior.aspx?content_id=1590516)

Victim: Man (?), 43 year old

Crime: Murder

Perpetrator: Transgender woman (?), 19 years old

Description: A couple (where the perpetrator seemed to be a transgender woman and the victim seemed to be a man who occasionally cross-dressed) use drugs and struggle; the older member was stabbed while the younger one was also injured and treated in the hospital. The younger transgender confessed the murder to the police days after being released.

The news stated how this was a struggle between a couple and some comments in the press stated that violence in same sex couples is more aggressive than in different sex couples. We cannot clearly state the identities of the couple because the press and the public opinion changed the perpetrator’s identity from transvestite to transsexual and the news were not clear enough.

Status of the case: the perpetrator admitted guilt and is imprisoned.

- 24 June 2010, Miranda do Corvo, center of Portugal, Coimbra district

Source of Information: victim email

Victim: Woman, 28 years old, lesbian

Crime: Harassment through internet, telephone

Perpetrator: men

Description: The woman is a teacher and a past student decided he had to “cure her” and follows her on the street, on the internet and by phone. He fell in love in spite of being married with a woman and having children. He also has a friend who helps him in trying to “save the victim from her lesbianism”.

Status of the case: not known. We advised her to file a complaint, but we do not know if she did.

Response of local authorities: The victim claims that they said that until the men actually do something, they cannot help her.

Impact: the victim moved from her town for some time (went abroad for holidays on purpose to move away), changed her phone number and is being followed by a psychologist.

- 16 December 2010, São João da Pesqueira, North of Portugal, Viseu District

Source of Information: victim email and phone call

Victim: Man, 34 years old, teacher

Crime: bodily injury and verbal abuse (name calling – gay, homosexual as an insult)

Perpetrator: 15 men wearing masks. They also presented a complaint against the victim saying he beat them first, so they were identified - and some are firemen.

Description: The victim informed us by email that he was beaten by 15 men wearing masks, he was assisted in the hospital for head and hand injuries (reported by the victim). The victim and the perpetrators live in a small town, so the victim was known to be gay and homophobic slurs were shouted during the beating.

The victim went to the police to complain (Guarda Nacional Republicana) and we only know that a prior complaint had already been filed by the perpetrators stating he had beaten them with a broom. And therefore they were identified.

This situation was reported in the newspaper and the victim asked to be withdrawn from the links, because his name was public as a gay victim and it made him feel uncomfortable. Status of the case: ongoing investigation and court process.

Response of local authorities: we do not have information on this issue but no complaints were stated by the victim regarding the police response while receiving the complaint.

- July 2010, Matosinhos, North of Portugal

Source of Information: press (<http://www.cmjornal.xl.pt/detalhe/noticias/nacional/portugal/assaltantes-de-gays-em-domiciliaria>)

Victim: 5 men

Crime: kidnapping and stealing

Perpetrator: 3 men, ages between 20-28 years old

Description: The perpetrators attracted men for sexual encounters through the internet (between December 2009 and January 2010) and they went by car to an isolated place, where the 2 other partners surprised the victims by stealing cards and money.

Status of the case: They were prosecuted.

Response of local authorities: Investigation found the perpetrators (2 out of 3).

- 27 September 2010, Oura, Albufeira, Algarve, South of Portugal.

Source of Information: press (<http://www.cmjornal.xl.pt/detalhe/noticias/exclusivo-cm/turista-violado-junto-a-bar-gay215931730>) and (<http://www.cmjornal.xl.pt/detalhe/noticias/nacional/portugal/suspeitas-de-engate-falhado>)

Victim: man, 30 years old

Crime: rape

Perpetrators: 2 men

Description: An English tourist met two men in a disco, they grabbed him on a street when the disco was closed and he was raped. Medical exams were made.

Response of local authorities: Not known.

Romania

Human Rights Report, US Department of State, 2010 / Report by Accept, LGBT NGO.

Human Rights Report, US Department of State, 2010

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. During the year the NGO ACCEPT provided legal and health counseling dealing with transgender issues to 12 persons. The NGO reported that the number of complaints by members of its 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 to be 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.

During the year several individuals complained to ACCEPT that police raided the Bucharest North Railway Station and the surrounding neighborhood and abused persons they suspected of being gay. Complainants stated police used offensive language regarding their sexual orientation, handcuffed them, threatened or used physical violence such as beatings, forced them to clean toilets, and fined them for disturbing public order. According to one individual who requested legal assistance from ACCEPT, police did not show their identification badges.

There were two officially registered LGBT organizations, ACCEPT and LGBTeam. Other LGBT groups lacked legal status and generally kept a low public profile.

Russia

Statement by ILGA-Europe with regard to attack on LGBT activists in Russia, 31 October 2010

Report on an LGBT rights demonstration in St Petersburg, November 2010

- **Statement by ILGA-Europe with regard to attack on LGBT activists in Russia, 31 October 2010**

On October 30, in Tomsk, **three activists of the local branch of the Russian LGBT Network were attacked** while distributing leaflets to people in the streets with the call for tolerance toward lesbian, gay, bisexual and transgender people. They were attacked by a group of nine people in the masks. In the results **of harsh beating all three activists** were taken to the hospital with serious injuries. We draw a particular attention to the fact that the attack took place very close to the police station, but the police officers did not interfere.

This attack is an ugly act of violence against human rights defenders that cannot be excused. We express our solidarity with the LGBT activists in Tomsk and also with everyone who is under the risk standing for the society free from prejudices and injustice in Russia.

ILGA-Europe addresses the Russian authorities to publicly condemn aggressive homophobia and transphobia. We demand immediate and just investigation of the attack on the LGBT activists and adoption of efficient measures for guaranteeing safety of human rights defenders.

- **Report on an LGBT rights demonstration in St Petersburg, November 2010**

Protesters holding Orthodox Christian church banners and icons, singing prayers and throwing eggs helped to bring the city's first authorized lesbian, gay, bisexual and transgender (LGBT) demo to an abrupt end in St. Petersburg on Saturday. According to organizer Maria Yefremenkova, around 20 counter-demonstrators were already at the site of the planned demo when around 10 LGBT activists arrived.

"They stood there and sang the Lord's Prayer and some psalms, but the main problem was a bunch of highly aggressive middle-aged men, who were indignant that the police were not dispersing us, but protecting us," she said. "They shouted insults and threats throughout the event."

Later on, a group of 40 men approached the demo, stopped 20 meters away from it and began throwing eggs at the participants, despite the police presence. According to Yefremenkova, the officers looked at a loss for a while, but then detained some of the attackers. With the police distracted, the men standing near the demo rushed at protesters, seizing a rainbow flag and banners, tearing down a stand and starting to trample it, she said.

The police said 10 were detained and charged with "disorderly conduct." Yefremenkova said that activists recognized some of the attackers as belonging to nationalist organizations such as the Russian Imperial Union Order and People's Council (Narodny Sobor).

According to Yefremenkova, the demo was stopped 40 minutes after it had begun, when a representative of the district administration approached the organizers and asked them to discontinue the event for security reasons. "It was even said that if we didn't stop it ourselves, they would stop the event because the security of participants was under threat," she said.

“They offered to transport us in their bus, which was perfect for us, because we hadn’t thought about how we would leave the scene. The protesters were telling us, ‘You’ll have to go home eventually,’ and making other such threats.” The demo was timed to mark the United Nations’ International Day for Tolerance, observed on Nov. 16.

Serbia

Source: Report on hate crime in 2010 by Labris (LGBT NGO)

Legal Background

Regarding the legal background, Serbia has a problem of lack of implementation of adopted laws: **Antidiscrimination law, Labour Law, Law on Higher Education and two media laws: Law on Public Information and Law on Broadcasting.**

The **Penal Code**, which came into force on January 1st 2006, still does not recognize hate crime as a criminal act.

According to a research on violence against LGBT population in Serbia, two thirds of the respondents suffered some kind of violence based on their sexual orientation.

Information on Hate Crimes

In Serbia, during 2010, several important events, relating to the hate motivated offences towards LGBT persons, have happened.

- **Pride March 2010:**

The Pride March was organized under the highest level of police protection. It was one of the most protected pride ever. Behind the police cordons, around 6000 hooligans were wrecking the city and attacking the police. After the Pride, 249 people were arrested, 195 of them adults and 54 minors, 131 persons were further detained. **160 persons had been injured (most of them police forces).** Only 2 of detainees were prosecuted and sentenced for preventing the officers from performing official duties. They were sentenced to six months of prison, but the sentence was suspended by two years of probation. On December 10th, the media published the information that the investigation processes are completed and indictment was filed against 83 persons for “violent behaviour”. Although the public prosecutors also took part in organizing the Pride, there is still no information if any of the arrested people were accused with elements of discrimination and/or hate crime, which is again showing that the State does not recognize the importance of motivation in crimes against minorities.

On February 12th, 2011, the high court has sentenced seven extremists for violent behaviour on a four months term in prison.

- **Information from 2011 (but related to the sentenced extremists):**

On February 28th, 2011, a former Labris activist appeared as a witness in the trial against Misa Vacic, spokesmen of the “1389 movement”. There were present about 20 activists from other HR OCS. This trial has been rescheduled for the April, 7th, 2011.

On March 3-4th 2011 the trial for Mladen Obradovic, leader of the movement Obraz, another right-wing organisation has begun. Former Labris activist will appear as a witness in the trial, as well. Both cases are of the highest importance for all LGBT and HR organisations because they are both sentenced for the Article 387 of the Criminal code- Racial and other discrimination. This is a very important thing for Serbia's judiciary, not to mention the importance for the realization of the rights of the LGBT community in Serbia. Also, this is the first time that this section of law in our judicial system is used because of violence and discrimination based on sexual orientation and gender

identity.

The indictment charges the defendants fourteen (Mladen Obradovic, Milos Popovic, Marko Lazarevic, Dusan Ilic, Radonjic Dobrica, Igor Marinkovic, Nikola Vidovic, Savovic Srdjan, Damir Grbic, Milisavac Mladen, Andreev Goran Zivkovic, Aleksandar Milovanovic Krsto, Čalić Elena) that they wanted execution of criminal acts they are charged, they wanted to prevent the Pride Parade (10 October 2010). They are accused of spreading racial and other discrimination, as well as violent conduct towards the police. None of the examined accused did admit a crime that his indictment charged.

The Trial Chamber ruled that the nine defendants prolonged detention, and revoked the detention of three defendants: Milos Popovic, Dobrici Radonjic and Alexander Zivkovic.

The trial will continue on 13th April 2011.

- **The only case of an open homophobic violence:**

It has been reported by the media in August 2010. The incident was **an attack on two German citizens** at the Belgrade lake Ada Ciganlija. The daily newspaper "Blic" wrote about the attack of an 18-years boy Kristijan Zivanovic from Belgrade who was arrested several hours after he stabbed a German citizen Dominic Miller (18) and inflicted minor injuries to his compatriot underage person, P.R. on Ada Ciganlija. The Germans went out to the night club "Pipls" and on their way home, were intercepted by Zivanovic on the promenade near the club. Threatening them with a knife, Zivanovic ordered them to hand over their bags containing money and mobile phones, and he stabbed Miller in the back dealt several blows to his companion. The attacker fled on foot in an unknown direction, while some the passers-by called an ambulance. The attacker, who was arrested at his home, stated while being questioned by police that he attacked them because they "seemed like the members of the gay populations".

In 2010, **only five people contacted Labris' legal counselling**, and only three cases involved discrimination based on sexual orientation or gender identity. This small number of complaints brought to Labris is due to LGBT people's insufficient knowledge of their own rights.

Information on Hate speech

- **Complaints to the Commissioner for the equality**

The Anti-discrimination Law provides for recourse to the Commissioner for the equality in the cases of human rights violations. Commissioner for the protection of equality was elected on May 5 2010.

The first complaint was sent on September 16th, 2010, regarding an act of discrimination in the form of homophobic statements by Miroljub Petrovic, published in the newspaper "Alo". In this article, the self-styled doctor stated that homosexuality is a disease and announced the opening of a clinic for treatment of homosexuality.

The second complaint was sent on September 21st, 2010, regarding the act of discrimination committed by the right-wing student organization "Nomokanon", based at the Law Faculty in Belgrade. This organization issued a statement saying that homosexuality is a deviation and that Pride is a protest of sick people against traditional family values and the Serbian society. Also, this statement draws a comparison between homosexuality, paedophilia and necrophilia.

The third complaint to the Commissioner for the protection of equality was sent on October 14th against Metropolitan Amfilohije Radović who is the current bishop of the diocese of Montenegro and the Littoral of the Church of Serbia. Namely, only one day after the Pride Parade, Metropolitan

Radovic used hate speech against LGBT persons saying that homosexuality is sodom and gomorrah and claiming that LGBT persons have all responsibility for the violence and incidents that have happened during the Pride Parade in Belgrade. Despite the fact that Law against discrimination prescribes following in Article 18:

The conduct of priests, that is to say, religious officials, which is in keeping with a religious doctrine, beliefs or the objectives of churches and religious communities entered in the register of religious communities, in accordance with the law regulating the freedom of religion and the status of churches and religious communities, shall not be considered to constitute discrimination,

Labris claims in its complaint that Metropolitan Radovic did not represent attitudes of the church by giving this statement because Serbian Orthodox Church very explicitly called on against violence several times before the event took place and condemned violence against participants of Belgrade Pride Parade.

The Commissioner determined a violation of the prohibition of hate speech that is prohibited by Article 11 of the Anti-Discrimination law and therefore she responded affirmatively to all of Labris' complaints recommending that perpetrators publicly apologize for their discriminatory statement and to refrain to use the hate speech in the future; this represents the FIRST positively resolved complaint to the Commissioner for Equality regarding the human rights violations based on sexual orientation.

We are currently monitoring the reactions of the offenders. So far they did not announce the public apologize. Labris will continue in the future to react on a hate speech.

- Complaints to Republican Broadcasting Agency

On November 9th, 2010, Labris filed a complaint to the RBA due to the hate speech based on sexual orientation that occurred in the reality show *Farma* on November, 7th 2010 on a TV channel Pink. So far we received no answer.

Importantly, in 2010 the RBA found that the television program *Luda Kuca* (Crazy House) on the station "Kosava" had disseminated hate speech against transsexuals. This marked the first time that the RBA made such a finding without intervention from the Ombudsperson, and demonstrates that tolerance of discriminatory language and hate speech may be declining. Additionally, the Anti-Discrimination Law has the potential to reduce hate speech in the media if the Commissioner hears and responds to complaints related to the media, but only time will tell how this law is implemented. Even if discriminatory language and hate speech decrease under the media laws and the Anti-Discrimination Law, there is always the danger that the media will simply cease to report on the challenges that face the LGBT community; indeed, the media was recently criticized for underreporting incidences of violence against LGBT community in Serbia.

- Complaints to the Ombudsman

On October 21st, 2010, Labris filed a complaint to the Ombudsman and Medical Chamber. The case was related to the discrimination based on the sexual orientation (homophobic attitude of one of the health worker on the line "Halo beba") and was completed in the best possible way – Labris work team organized the workshop with aim to sensitized the medical staff about the question of sexual orientation and gender identity.

- Hate speech by the politicians

Beyond law and policies, pervasive homophobia in Serbian society leads to disproportionate

violence and discrimination against LGBT individuals. Right-wing groups, religious organizations, and the media perpetuate hostility against the LGBT community through discriminatory and hateful public speech.

Labris would like to draw your attention to extreme hate speech statements that occurred on November 1st, 2010, during a session of the City Council by a councilor of the Radical Party of Serbia, Jovan Nikolic. On that session he shared photos of the participants of the Pride Parade. In these photos were members of the Liberal Democratic Party and many others participants. A representative of Serbian Radical Party said that the photographs submitted and the organization "Serbian National Movement 1389" whose members "know what to do with them." His party colleague, Nemanja Sarovic, confirmed that the photo-sharing of the participants of the Pride is completely fine and that he can repeat the same thing.

Also, at the same session, Councilor Nebojsa Bakarec (Democratic Party of Serbia), supported this call for violence and discrimination against a minority group by the members of the LGBT population, i.e. homosexuality is described as an "illness, perversion and deviant behaviour and social problem for which they are confronted by representatives of healthy, heterosexual Serbia." As regards the hooligans who damaged a huge part of the town and savagely attacked the police at the Pride Parade, Bakarec called them "young people who are pushed to fight against the representatives of the police."

Government officials failed to take a public stand against these statements. Thus, while political support for the 2010 Pride Parade was strong, silence from the government in the face of public negative statements about the LGBT community combined with hate speech from certain political parties implicitly condones discriminatory attitudes.

Slovakia

Report on the 1st Bratislava Rainbow Pride, 22 May 2010

The Slovak authorities failed to adequately protect participants of the Bratislava Rainbow Pride from attacks by counter-demonstrators on 22 May 2010. The peaceful assembly of approximately 1,000 participants promoting equality and the human rights of lesbian, gay men, bisexual, and transgender (LGBT) individuals was the first of its kind in Slovakia and was unfortunately marked with violence and intimidation, due to the failure of authorities to guarantee adequate security.

A thorough and impartial investigation into the allegations of attacks by counter-demonstrators on participants of the Bratislava Rainbow Pride is needed, and should also look into the reported failure of the police to protect them and ensure their right to freedom of expression and the right to peaceful demonstration.

According to reports received by Amnesty International, participants of the Bratislava Rainbow Pride were subjected to violence and harassment by approximately 100 counterdemonstrators, who threw eggs, stones, and tear-gas at them, threatening their security and physical integrity, during speeches and concerts prior to the Pride march on 22 May. At least two individuals, who were carrying the rainbow flag, were reportedly injured when they were attacked by counter-demonstrators during the pre-rally at Hviezdoslav Square.

Such incidents could have been prevented if police had been better prepared to ensure the safety of the participants of the Rainbow Pride and if appropriate action had been taken by the police officers who were deployed at the scene. According to the organizers of the Rainbow Pride, during the pre-rally at Hviezdoslav Square the police did not make any efforts to disperse the violent counter-demonstrators, who, according to reports, were displaying fascist insignia and banners with offensive statements, in breach of the Slovak Act on Assembly.

Safety guarantees had been given to the Bratislava Rainbow Pride organizers by the Mayor of Bratislava, the Chief of the Municipal Police and the Chief of the Slovak State Police. However, during the pre-rally at Hviezdoslav Square, the Chief of the Municipal Police approached the Bratislava Rainbow Pride organizers and told them that due to the presence of violent counter-demonstrators at the city centre police could no longer guarantee the safety of the Pride participants and recommended they cancelled the march.

Amnesty International has noted that in the weeks prior to the event, intolerant opposition to the Pride by far-right groups was made public on the internet. Reportedly, on 21 May the Ľudová strana Naše Slovensko (People's Party-Our Slovakia), which has its roots in the banned far-right movement Slovenská pospolitost' (Slovak Togetherness), had reportedly publicized on the internet a call for a counter-demonstration and for attacks against the Bratislava Rainbow Pride participants; the police should have taken the above into consideration when developing a security plan for 22 May 2010.

Slovenia

Report by the LGBT organisation SKUC-LL

1. Lesbian couple victims of hate crime

In the night of 3rd of September 2010 a violent homophobic incident took place in Club Gromka in Ljubljana. A lesbian couple was standing at the bar desk, hugging and kissing each other. In the moment when one of the girls turned away from her girlfriend to order a drink, the other girl was surrounded by three skinheads, two men and a woman. **One of them stepped very close to her and urinated on her legs. Shocked about the brutality of this act she confronted him and asked “What did you do just now?” and he shouted back “I just pissed on you!” In the next moment they started to hit her on the head, and tried to hit her with a broken bottle.** The attackers were shouting “Go to Tiffany!” (Tiffany is a gay bar in Ljubljana). Both victims jumped over the bar desk to find shelter and then locked themselves into a toilet, from where they called the police.

When the police arrived they identified the two men and fined them for offence of disturbance of public order and let them go, while a woman attacker escaped; the next day she was identified by the witnesses of the incident and her name was reported to the police. Both lesbian women victims of the attack reported the crime to the police; one of them brought criminal charges against the attackers because of violence and humiliation she suffered. We reported this incorrect police practice to the Ombudsman.

The police identified **3 offenders** and submitted the case to the State Prosecutor on 02. 11. 2010. They are now accused of committing a **criminal offense under Article 296/I-II** (violent acts) of Penal Code. However, the police considered the incident only as crime but not as hate crime, and tried to neutralize the incident only as physical violence denying the hate-crime elements, homophobic motive for violence and the public incitement of hatred based on sexual orientation (which is all punishable by law).

2. Violent attacks on lesbian bar Café Open

The three young men (members of neo-Nazi group *Patriotic Youth*), who attacked the lesbian bar *Café Open* in Ljubljana and a GLBT activist Mitja Blazic on 25. 06. 2009 were sentenced to one and a half year imprisonment. The decision of the Ljubljana District Court (on 11. 03. 2010) says that the three convicted men were instigating hatred, violence and intolerance on the ground of sexual orientation. The president of the court senate mrs. Mojca Zalar Kocjancic stressed that the defendants were breaking one of the fundamental human rights – the right to sexual orientation.

This is the first case in the history of Slovenian juridical practice that a judgment has been passed with the sentence of imprisonment for breaking the law on the ground of sexual orientation. But in **2011 the offenders are still free**, because the verdict is not in full power; the lawyers of the three convicted men filed a complaint.

After the judgment in 2010, the neo-Nazi group *Patriotic Youth* organized a public protest in front of the court building against what they called an “unjust verdict”. **After the court verdict the family home of the judge** and the president of the court senate mrs. **Mojca Zalar Kocjancic** (who brought the verdict) and mr. Ales Zalar (Minister of Justice) was attacked and written on the front with **homophobic graffiti.**

In June 2010 (during the Ljubljana Pride Parade Week) the lesbian bar Cafe Open was attacked

again, in **two attacks** with Molotov cocktail and with graffiti: “Kill fagots” etc. (*please, see photos attached*).

3. District Court judge speaks against the rights of LGBT families

In February 2010 we reported the case of homophobic hate-speech by the judge of the **District Court in Kranj** - mrs.**Marjana Grasic** to the Ombudsman. The judge Marjana Grasic published a letter in daily newspaper DELO where she expressed her opinion against human rights of same-sex partners and families. She signed the letter as a district judge. We protested and demanded explanation, because this letter was not an opinion of a private citizen, but of a district judge. In that case to express negative views, **hate speech or to deny human rights of a minority as public servant – is a criminal offence**, the conflict of interests and the misuse of official position. The Ombudsman asked the Court and the Slovenian Association of Judges for explanation.

Spain

2009-2010 Report by “Observatori Contra l’Homofòbia”, LGBT organisation in Catalonia

http://www.fagc.org/descarregues/MEMORIA_ANTIDISCRIMINATORIA_2009-2010.pdf

According to this report, which covers the time period from July 2009 to June 2010, 351 homophobic incidents were reported to the “Observatory Against Homophobia”, a Catalan NGO which is active only in the Catalan region.

Of these 351 incidents, 197 were reported in 2010 (from January to June). The Observatory, on the basis of the data collected in 2009 and in previous years, notes a general increasing trend. A majority of the incidents (54%) happened in public places, but a significant part was also reported to happen in public services and administrations (22%) as well as in the work place (15%).

The report can be downloaded on-line.

Sweden

Report by RFSL, the leading LGBT organisation of the country

RFSL reported that members of the whole LGBTQ-population is seeking help, including gay and lesbians, bisexual persons and some heterosexuals who fell victims of offences motivated by a homophobic bias.

RFSL's advisors counseled a total of 80 victims from January to October 2010, during 311 different sessions. Some clients also live far from Stockholm (headquarters of RFSL and place where the advisors work) and get counseled through phone and mail.

RFSL took note of their contacts in these cases of hate crimes that also include honor related crimes, and same-sex domestic violence (30%).

Contacts with the victims are established through RFSL's helpline, on their own initiative. Some others are established through the Police or Social services.

5 victims used RFSL's dedicated protected apartment during the year. More people would need this space but it has been fully occupied the whole year.

Tajikistan

From an UPR submission submitted by the NGOs Equal Opportunities (Tajikistan), Labrys (Kyrgyzstan) and The Sexual Rights Initiative

Discrimination of Transgender people

Article 74 of the Civil Code allows for changing of gender in identity papers if a document of authorized form issued by a medical organization is provided. This document does not exist which makes it impossible for transgender people to change their legal identity to match their gender. Any situation, therefore, where legal identity papers are required puts transgender individuals at risk of humiliation and potentially violence. For example, transgender woman Karina reported being stripped naked by Dushanbe airport security because her passport gender and her appearance did not match. She has to fly to Moscow in order to obtain her hormonal therapy which is not available in Tajikistan and is harassed in the airport each time³.

As Tajikistan does not offer access to hormonal therapy or surgeries transgender people have to travel abroad to obtain them. In Tajikistan transgender people experience high levels of violence. If they wish to leave the country it is difficult to obtain state IDs in their expressed gender. It is also very difficult for transgender people to be employed legally because of the ID situation. Equal Opportunities assisted transgender people in obtaining legal identification but the state referred to lack of legislation regulating this process.

Harassment and discrimination of gay and bisexual men

Many gay and bisexual men would like to migrate to Russia or Kazakhstan because their opportunities in Tajikistan are limited. They are controlled by their families and ridiculed by the general public. Many are forcefully married to women or are planning to get married following pressure from their families. Gay and bisexual men from smaller towns and villages move to big cities in order not to be under surveillance by their families and communities.

Very often even in larger cities the police, knowing about the social vulnerability of gay and bisexual men, set up meetings and blackmail the men who turn up believing that they are meeting another gay man. Sexual and physical violence against gay and bisexual men perpetrated by the police is also very common.

Invisibility of and violence against lesbian and bisexual women

The lives of lesbian and bisexual women in Tajikistan are regulated and controlled by their families and communities. They are not expected to make choices in finding a partner and are married off to men chosen by their family at an early age. Those of them able to resist the pressure to get married have to hide their sexual orientation and relationships. Due to high level of risk and secrecy around their lives, it is almost impossible for them to organize or be associated with LGBT organizations publicly.

When a lesbian woman decides to leave her heterosexual marriage, her family is likely to marry her again and she could become second wife in a polygamous marriage with a man. Some women choose to lead double-lives with a cover-up marriage to fulfill their parents' expectations.

In December 2010 a 28-year-old lesbian woman was raped by her former husband of three years whom she divorced. The man visited her in an apartment where she lived with her female partner. He offered to remarry her and have her partner as his second wife. When the woman reported the

³ Communication with Karina (name changed) June 2010

rape, a police officer advised her to keep her mouth shut and be grateful that her former husband did not kill her. The police officer perceived her sexual orientation as a justification for violence⁴.

⁴ Information provided by Tajik women's rights activist 08.03.2011

Turkey

Report jointly prepared by the following associations: Kaos GL, Izmir Black Pink Triangle and Pink Life (Ankara)

15 hate murders (gay male and transgenders) have been reported by LGBT associations in total in 2010. One of the trans victims could not be identified unfortunately. There was also one hate crime based on "presumed identity" in İstanbul. The victim was not gay but was killed because the offender assumed he was gay (the victim had earrings and long hair).

In particular, Turkey proves to be **the first ranking country within 47 Council of Europe member countries when it comes to trans murders, with 7 murders only in 2010.** For example, on 12 November 2010, [Serap Toman, 50] a transwoman in Izmir was stabbed to death. On 20 September 2010, a transwoman [Irem Okan, 24], was stabbed 30 times to death in her house in Bursa.

On the other hand, there had been other hate crimes in 2010. We can describe 12 cases where the victims were hurt by a knife at home, raped in prison, beat up brutally (at home, in the street or in a car) or were subject to violence by police officers:

- The house of a transgender woman in Izmir was broken into and she was sexually assaulted. She refused pressing any charges because she thought people would think she “deserved” the crime because of her identity.
- An under-age individual in Antalya was charged with theft and sent to prison in the children’s section. There he was raped by 15 persons, was forced to perform oral and anal sex, was beaten up with sticks and was threatened with razor blades. His cell was later changed but he was raped there as well.
- A man in Zonguldak was forced to have sex in a forest with the threat of a gun. And he was also forced to sign financial documents.
- A transgender in Ankara was stabbed with a knife at her house.
- A friend of the murdered transgender individual Ayca was also found wounded with 8 knife stabs.
- An Individual in Izmir was beaten up and seized by 3 individuals. They have admitted at the court that they beat him up because he offered them “gay sex”. They were released.
- Two individuals were wounded at their homes after not accepting to pay any money (blackmail).
- An individual in Ankara was harassed and wounded after spending time at a bar.
- While a transgender in Izmir was waiting at red traffic lights in her car, she got hit on her face through the window. She was hospitalized for 3 days.
- A transgender in Ankara was charged with “resisting to police officers, not letting the police to their jobs and insult to police officers” even though she was the one who was harassed based on her identity.
- 5 transgender activists were on arbitrary police arrest and were beaten up. They were later charged with “resistance to polices authority” but were later released.
- A transwoman [E.C., 24] in Ankara was raped by 3 men and her ear was cut from her head, on 10 December 2010.

In addition, a lot of homophobic articles took place in media and many people spoke against the sexual minorities throughout 2010. It is possible to underline two main hate messages here.

- One is the statement of Minister Kavaf (“Homosexuality is a biological dysfunction that needs treatment”). Unfortunately the Minister said the same thing again in November 2010, proving it was not a mishap (“We demand that sufficient measures should be taken for

homosexuality and incest; we support all the joint works that will be done to stop such diseases which threat society").

- Secondly, we could mention about Hilal Kaplan's articles on Taraf Newspaper ("Homosexuality is a sin and perfersity according to Islam.").

After all these, it should be noted that the Draft Law on Combatting Discrimination and Equality Committee that was going to be the only law protecting people on the ground of "sexual identity" no longer includes this ground of protection since February 2011.

Ukraine

On the bases of reports by Nash Mir Gay & Lesbian Center

http://www.ilga-europe.org/media_...ountry/ukraine/overview_ukraine_2010

As regards treatment of LGBT people by the law enforcement authorities, 35 out of the 79 cases of rights violations documented by Nash Mir involved the police:

In April 2010, Igor B. was beaten up by a policeman in the entrance hall of the Kyiv Central City Administration in front of onlookers when he (Igor B) asked them to observe procedural rules during an arrest. He was forced to drop charges as he and his mother were threatened and he was coerced into signing a document that he would not pursue any claims against the police.

In January 2010 Alexander Z. was arrested by the Pervomaiskiy police from the town of Chernovtsy because they found him in a cruising area. No procedural rules were observed and the police took fingerprints and photographs of Alexander though this was against proper procedure.

In March 2010, X from Nikolaev was summoned to the police station in connection with the murder of a gay man. After the official interrogation where X stated that he did not know the murder victim, he was taken to another room where four policemen insulted and humiliated X., and threatened to inform his family about his sexual orientation unless he gave them contacts and names of other gay men. They then took his mobile phone without observing proper procedure and noted down names of all contacts. X was released only after several hours had passed.

The 20th of November is the International Memorial Day of Transgendered Victims. In 2010 the public organization 'Insight' timed a number of activities to this date. Among them was a movie demonstration in the Center of Contemporary Art in Kiev Mohyla Academy. About ten men in masks tried to burst into the hall. Fortunately they could not gain entry because resisting 'Insight' activists stood at the entrance. Timur Lysenko, who first confronted the group blocking their access to the room, was beaten up. He and his colleague Anastasia Medco from NGO "Fulcrum" were badly affected by tear-gas and hospitalised. The attackers fled the scene. Timur was diagnosed with internal injuries and facial chemical burns. All spectators present in the room during the attack suffered from tear-gas. In addition, the aggressors tried to spray tear gas from several cans into the hall that led to some victims. When the aggressors understood that they could not break rapidly into the hall, they disappeared in withdrawal.

(<http://www.bagnet.org/news/summaries/ukraine/2010-11-21/84359>).

The police summoned from Podol District Police Department of Kiev gathered testimonies very reluctantly and refused to accept complaints from all the incident's participants. Supposedly all the blame for the attack should be put on the ultra-rightist organization 'National Union'; next day on its very Internet site appeared the information that the Academy hall attack was committed by 'unknown patriots resembling activists of the National Union'

(www.naso.org.ru/main/150-razgrom-transvestitov.html).

On December 11, 2010, in the center of Kiev took place an 'AntiYolka' action organized by some left-wing and one LGBT organization. Mostly the action expressed protest against social policy of the current Ukrainian authorities; the only direct reference to LGBT matters was one slogan 'LGBT rights – human rights' and a rainbow flag. Initially the action had been planned for another site and with a more expressed anti-homophobic subject. But the Kiev branch of the neonazi party All-Ukrainian Association 'Svoboda' (Freedom) announced that it would carry out a counteraction in the same place at the same time. Despite the action being transferred and their slogans being shifted towards a general social protest against the authorities' policy – after the event has been closed the

group of unknown young men calling, themselves 'Christian youth' attacked, then withdrew, leaving the participants of the action

(<http://korrespondent.net/Kiev/1148000-aktivisty-svobody-hoteli-pomeshat-akcii-protesta-seksmenshinstv>

<http://hr-activists.net/news/5176/>

<http://www.svoboda.kiev.ua/diyalnist/novyny/018199/>)

United Kingdom

Press report, 11 February 2011 (on 2010 numbers)

<http://www.thisislondon.co.uk/sta...s-sparks-call-to-fight-hate-crime.do>

The number of racist **and homophobic incidents in London** has shown a "disturbing" rise over the past four years, according to new figures. Reports of racist attacks rose by seven per cent and homophobic incidents soared by 28 per cent.

The figures, obtained by Dee Doocey, a Liberal Democrat member of the Metropolitan Police Authority, show there were 10,268 racist and **1,545 homophobic incidents reported to officers in the capital last year.**

Four years ago there were 9,617 racist and 1,208 homophobic cases. Ms Doocey said: "These figures are clear evidence of a very disturbing rise in hate crime. I am especially concerned about the huge rise in homophobic incidents.

"Some of the rise may be down to an increase in reporting of incidents, but I fear this may not be the full explanation. It seems only now that we are starting to discover the real numbers of such serious offences."

The number of homophobic incidents so far in the current year is already higher than the whole of 2009/ 10 in nine boroughs, including Westminster, Lambeth and Islington.

Last month a former public schoolgirl was jailed for seven years for the gay-hate killing of civil servant Ian Baynham in Trafalgar Square. Ruby Thomas, who was 17 at the time, and Joel Alexander, 20, attacked Mr Baynham, 62, as he got off a bus in 2009. Alexander was jailed for six years.

Ben Summerskill, chief executive of charity Stonewall, said: "We're deeply concerned that hate crime continues to overshadow the lives of so many gay Londoners. We hope the Mayor will commit to becoming personally involved in tackling this blight. The Met has taken huge steps forward but there's still too little evidence of real commitment from the very top."

A recent YouGov poll that was commissioned by Stonewall found one in five lesbians, gay men and bisexuals had been a victim of a hate crime or incident in the past three years. Three in four victims in London did not report them to the police.

European Union
Last developments in EU institutions

FRA – [Report \(update\) on homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity](#)

The EU's Fundamental Rights Agency's new Report on homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity was compiled in response to the European Parliament's request to examine the situation of LGBT persons in depth, following restrictive legislation on their rights in a number of EU Member States.

The report highlights three underlying problems faced by LGBT persons in the EU: that they are forced to live in silence and invisibility, suffer violent attacks, and are not treated equally, for example at work, by landlords or when moving within the EU.

The report also confirms that, since the original FRA report in 2008, LGBT people in some EU Member States still suffer from violations of their basic fundamental rights to safety, peaceful assembly and are restricted in their ability to move freely across the EU. It includes data on hate crimes in EU Member States, as well as an updated overview of the existing hate crime legislation in all EU national Criminal Codes.

It also includes a number of opinions, including a call on the EU institutions to draw up a strategy to fight homophobia, transphobia and discrimination on the grounds of sexual orientation and gender identity. The FRA thus recognised that LGBT people need to be included in the process of the implementation of the Stockholm Programme to ensure their civil status is being recognised across the EU, that they are protected from hate crimes, and the grounds of sexual orientation and gender identity are taken into account in asylum claims.