

This report is a comparative summary of national reports written in ten countries (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and Romania). It highlights the violence and discrimination some people face because of their sexual orientation.

The data and statements collected show that discrimination on grounds of sexual orientation affects several areas of the life of lesbian, gay and bisexual (LGB) people. Discrimination exists in the family, in education, in the workplace, in the army, in health services, in housing and in the church.

In order to end such discrimination and human rights abuses, the report puts forward some recommendations to the new member states and to the European Union institutions. These recommendations concern changes in the law, policies and practices affecting LGB people in the accession countries. It aims at reinforcing the instruments dealing with discrimination in the EU and in the member states.

Meeting the challenge of accession

Surveys on sexual orientation
discrimination in countries
joining the European Union

ENGLISH



**The European Region
of the International Lesbian
and Gay Association**

avenue de Tervueren 94
1040 ETTERBEEK, BELGIUM

Phone +32 2 609 54 10
Fax +32 2 609 54 19

info@ilga-europe.org
www.ilga-europe.org


Bank account # 310-1844088-10
ING Belgique
ETT-CINQUANTENAIRE
avenue de Tervueren 10
1040 ETTERBEEK
IBAN BE41 3101 8440 8810
BIC (SWIFT): BBRUBEBB

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Meeting the challenge of accession

Surveys on sexual orientation discrimination in countries joining the European Union

**ILGA-EUROPE POLICY PAPER
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Drafted for the Board of ILGA-Europe by
Christine Loudes, Policy and Research Officer, Ilga-Europe
with the help of Iain Gill

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1. Executive Summary

This report is a comparative summary of national reports written in ten countries, of which nine are new member states (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia) and one (Romania) a candidate for accession to the European Union (EU). It highlights the violence and discrimination some people face in different areas of their life because of their sexual orientation. The data and statements collected by national organisations show that discrimination on grounds of sexual orientation affects several areas of the life of lesbian, gay and bisexual (LGB) people. Different forms of discrimination exist in the family, in education, in the workplace, in the army, in health services, in housing and in the church. Those range from direct and indirect discrimination to harassment and physical violence.

The high level of violence experienced by respondents combined with the generally limited action taken by the police to remedy and end this violence is particularly distressing. In certain cases, the police contribute to the violence directed at LGB people. All these incidents constitute clearly violations of human rights protected in the European Convention of Human Rights. They need to be addressed as soon as possible. To prevent discrimination and violence, many people tend to conceal their sexual orientation. Concealment is particularly frequent in the public sphere i.e. in the workplace, in health care and housing, in the church or in the streets. Furthermore, to bring to an end to the ongoing violence and discrimination experienced, a majority of respondents consider emigrating outside of their countries.

The ultimate aim of the report is to place the fight against discrimination on the ground of sexual orientation at the core of the “acquis communautaires” and to rein-

force the instruments dealing with discrimination. To achieve this, the report puts forward some recommendations to the new member states and to the EU institutions. At national level, these recommendations concern primarily a general ban of discrimination on grounds of sexual orientation coupled with the establishment of equality bodies to monitor and prevent discrimination. At EU level, the Commission needs to ensure that the framework directive is implemented properly and that legislation and policies go beyond the field of employment to extend to access to goods, facilities and services as it is the case for race anti-discrimination.

2. Introduction

Sexual orientation has received limited attention in the EU enlargement process. On the occasion of the accession of ten new countries to the European Union, ILGA-Europe presents a summary of the findings of several pieces of research conducted in nine of the acceding countries and one candidate country. This summary highlights the different forms of discrimination on the grounds of sexual orientation and human rights abuses experienced, whether perpetrated by private actors or by public authorities.

The aim of this report is twofold. Firstly, it documents the nature and the extent of discrimination on grounds of sexual orientation in the countries acceding to the European Union. Secondly, it encourages development of appropriate measures to fight this discrimination through specific recommendations addressed to the European Union institutions and the member states.

Because of the discrimination and violence faced by many LGB people, some decide to conceal their sexual orientation. It is therefore difficult to be precise about the number of LGB people in the population of each state

and to contact them except through LGB organisations, clubs and events. The respondents to this survey are a small proportion of people who are exposed to discrimination on the grounds of sexual orientation therefore this report uncovers solely the “tip of the iceberg” in terms of discrimination. Nevertheless, the discrimination described in this report is real and serious and require some positive steps to be taken by the member states and the European Union institutions.

3. Methodology

A standard questionnaire was drafted by ILGA-Europe and sent to LGB organisations working in ten countries which are members of ILGA-Europe. This questionnaire was designed to investigate discrimination and violence experienced by LGB people in different areas: in employment, in accessing services, in the military, in the church and in the family. Each organisation translated the questionnaire, interviewed people and drafted a report in English based on the findings from the replies. The findings of these reports have been summarised and compared in this document. All data (survey and quotes) have been collected by LGB organisations working in the accession countries.

There are some limitations to the research, which are due to the difficulty with identifying LGB people (an invisible and often dispersed minority). The people interviewed were principally accessed through LGB organisations in each country and therefore are already open about their sexual orientation to a certain extent. There are also timing differences in relation to the data collected : nine countries in two stages. The surveys for Romania, Slovenia and Poland were published in 2000-2001. The last report, from Czech Republic, was published in June 2003.

Though a common template was designed, the form of the reports produced by NGOs in each country varies. Hence, some organisations did not report on a particular question with percentages but rather by referring to actual experiences of discrimination. Thus, the absence of a particular country from a chart should not be taken to mean that the phenomenon described does not occur in that particular country. Where available, actual examples of discrimination are given to compensate for the gaps in the data.

The data presented do not pretend to be a scientific account of the situation in each member state but rather are intended to exemplify discrimination and human rights violations to which LGB people are exposed in the accession countries.

4. General overview

4.1. Description of the different countries

LGB organisations from ten countries took part in this project in the period between 2001 and 2003. In 2001, organisations in Hungary, Poland, Slovenia and Romania produced their research; in 2002 it was the turn of Malta, Slovakia and the Baltic states (Estonia, Latvia and Lithuania) and the final report on the Czech Republic was produced in 2003. Although the legal situation in some countries has evolved since the production of the national reports¹, the speed of social change in these countries is not such as to invalidate the findings of the surveys.

A common starting point in the different countries is that the attitude in society towards “homosexuality”² is rather negative. Inflammatory homophobic³ statements by leading figures in society provide another indication of the extent to which homophobic attitudes are seen

as legitimate in a particular country. Such statements by leading politicians are reported from Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; while homophobic statements by church leaders are reported from Cyprus, Latvia, Malta, Poland, Romania and Slovenia. As detailed further in the section on violence in this document, respondents are often exposed to institution-alised homophobia by public authorities (for instance, in the police and the army).

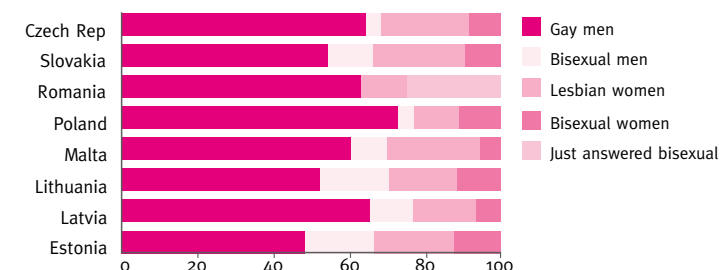
In 2003, the Gallup Europe institute conducted a survey in 30 European Countries on the issues of same-sex marriage and child adoption by same-sex couples. The survey highlighted that “citizens in the candidate countries appear more reluctant to accept the authorisation of homosexual marriage, since only 23% of respondents agree with this proposition while 70% are opposed.”⁴

4.2. Description of the participants to the national surveys⁵

Despite the diversity of countries and the different people participating in the surveys, some common trends are noticeable in relation to the gender, sexual orientation and the age of respondents.

4.2.1. Gender and sexual orientation

SEXUAL ORIENTATION OF THE RESPONDENTS



⁴ EOS Gallup Europe, “Homosexual marriage, child adoption by homosexual couples: is the public ready?” (January 2003) available at <http://www.eosgallup.europa.com/homo/index.html>.

⁵ Number of questionnaires by countries: Croatia 172, Estonia 437, Hungary 112, Latvia 194, Lithuania 185, Malta 200, Poland 215, Romania 213, Slovakia 251, Slovenia 172.

¹ For a description of the legal situation, the social situation and description of good practices in the countries accessing the EU see ILGA-Europe, “Equality for Lesbians and Gay Men. A Relevant Issue in the EU Accession Process” (Brussels, 2001). It is important to highlight that some legislation have changed since the publication of this report.

² The term homosexuality has been used in many reports on which this summary is based as referring to people who define themselves as gay, lesbian or bisexual.

³ By using the term “homophobic statements” reference is made to all derogatory and stereotyped statements targetted at lesbian, gay and bisexual people because of their sexual orientation.

The chart shows that, in most countries, the proportion of male respondents was higher than the number of female respondents. This is also the case in Hungary (not in the chart) where 57% of men and 43% of women took part in the survey and in Slovenia (not in the chart) where 52.9% were male, 43.9% were female and 3.5% did not provide information on their sex.

Some reports also detailed the gender identity of respondents and highlighted the participants of transgender people. (0.5% of respondents in Poland and 3.3% in Romania identified as transsexual). However the first part of the project showed that it was difficult to include transgender issues in a report based mainly on a questionnaire survey directed primarily at lesbian, gay and bisexual people. There are two reasons for this. Firstly, the proportion of respondents to identify as transgender is likely to be very small. Secondly, a key factor in assessing sexual orientation discrimination is the proportion of respondents who conceal their sexual orientation as a means of protection from discrimination and the questionnaires had to address this issue very fully. For transgender people, the situation is rather different: their aspiration is the recognition of their gender identity or gender expression. For these two reasons, it was decided that discrimination on grounds of gender identity and gender expression would not be covered in this report.

4.2.2. Age of the respondents

The participation of young people (i.e. below 25 years of age) in the surveys is proportionally high. In some countries (Lithuania, Poland, Romania, Slovakia) this age group represents the majority of respondents. Another noticeable feature in relation to the age of participants is the relatively low participation of people aged 40 and above.

Age groups	Czech Republic	Estonia	Latvia	Lithuania	Malta	Poland	Romania	Slovakia	Slovenia
Under 18	0.5%	4%	2.1%	6%	4%	1%	16.3%	3%	
18-25	43.5%	39%	42.3%	53%	39%	58.5%	39%	50%	40.7%
26-40	42.5%	44%	51%	36%	44.5%	36%	38%	40%	42.4%
									“over 25”
41-50	9.5%	10%	3.6%	3%	11%	2%	5.7%	2%	
51-60	4%	2%		2%	1.5%	1%	1%	2%	
Over 60		1%	1%			0.5%		1%	
No Data						1%			16.9%

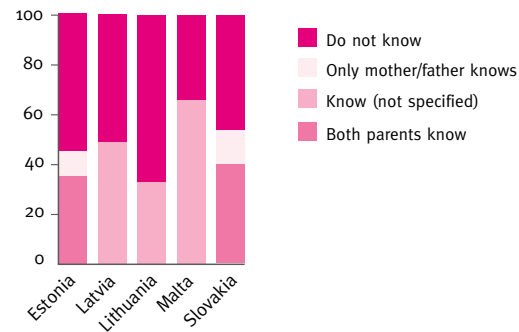
Some national surveys looked at the level of education or the location of the interviewees (for instance the Polish report has mapped out whether the respondents were from a rural area, a small town, a bigger town or a city). The Czech Republic report has presented the distribution of the sample interviewed according to multiple criteria: age, sex, sexual orientation, education, domicile and whether the respondents were in a partnership or not at the time of the interview. This information is necessary to assess further the needs and multiple identities of LGB people in the accession countries. However, the collection of such data has been done on a country by country basis and therefore there is no common template in the collection of these data. Their comparative implications are therefore limited.

4.2.3. Openness about sexual orientation

An important element in the discrimination on grounds of sexual orientation is the risk of rejection by the family or part of one's identity. As developed further in the later section of this report, discrimination in the family is high. This is an important factor in understanding the relatively high level of concealment of sexual orientation from family members. Of the five countries shown in the table below, only in Malta (34%) and Slovakia (46%)

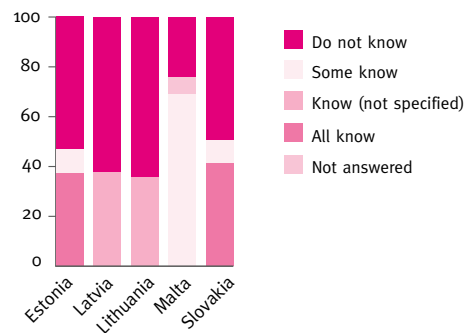
does the percentage of respondents who have come out to their parents rise above 50%. This phenomenon is worrying since coming out to family members is usually important for the positive integration of sexual orientation. The rejection by the family of an individual's sexual orientation can result in that individual rejecting an important component of their own identity, thus internalising the homophobia to which they have been subjected.

PARENTS' AWARENESS



The level of awareness among siblings is similar to that among parents. It is slightly higher in most cases with the exception of Latvia and Slovakia.

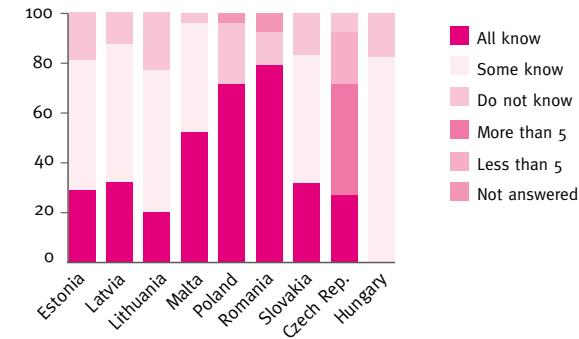
SIBLINGS' AWARENESS



In Poland, 51 % of respondents have told their family about their sexual orientation. In the Czech Republic,

32.5 % are open to everybody in their family, 43% are open to their parents, 11% to somebody else in the family and 13.5% to no one in the family.

FRIENDS' AWARENESS



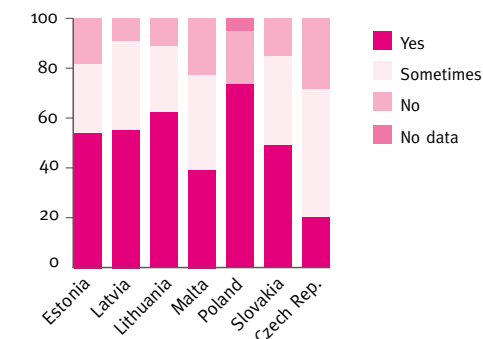
In most countries a majority of respondents feel more comfortable with telling their friends than their family about their sexual orientation.

5. Violence and harassment

A common trend in all the countries is the high level of violence and harassment experienced by respondents. Violence and harassment take different forms ranging from verbal abuse to violent physical or sexual attacks.

5.1. Action to avoid violence and harassment

DO YOU AVOID KISSING OR HOLDING HANDS IN PUBLIC WITH SAME-SEX PARTNERS?

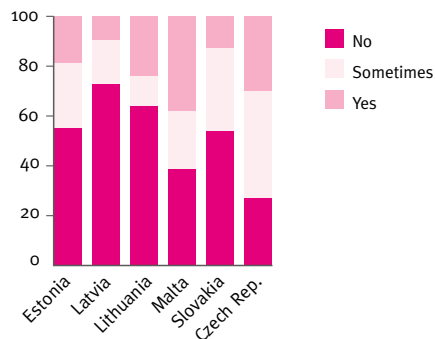


Only a small minority of people feel safe to publicly display affection to their partners in all situations. Indeed the proportion of respondents who felt it necessary to avoid public displays of affection either some times or always ranges from 70% to over 90%, depending on the country. However, the data for those who always feel obliged to suppress such displays suggest that greater openness is possible in Malta and the Czech Republic than other countries.

In Czech Republic, a young gay man (19-25) reported "When my partner and I gave each other a brief kiss in public an unknown woman came to tell us not to do that because there are children nearby and people do not care to see us."

A young gay man (18-25) in Lithuania said, "A policeman beat me. He did not like that we were kissing with my boyfriend in public place."

DO YOU AVOID TELLING PEOPLE WHO ARE NOT FRIENDS OR FAMILY ABOUT YOUR SEXUAL ORIENTATION?



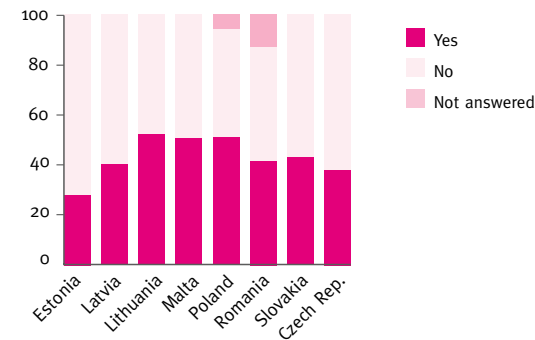
The level of concealment of the respondents is very high in relation to third persons (i.e. not friends and family). In countries where the level of concealment of interviewees is lower towards family and friends (Czech Republic and Malta) it is also lower towards third parties.

5.2. Harassment

Harassment is a conduct which is offensive, humiliating or intimidating to an individual and which is based on his or her perceived sexual orientation. As detailed further harassment can take different forms (for instance threats, humiliating comments and graffiti).

Despite the relatively high level of concealment, the percentage of persons who are victims of violence and harassment remains very high. In Lithuania (52%), Malta (50.5%) and Poland (51%) more than half of the respondents have been harassed whereas the phenomenon is more limited in other countries (e.g. Estonia (28%).

HAVE YOU BEEN HARASSED?



The level of concealment of the respondents is very high in relation to third persons (i.e. not friends and family). In countries where the level of concealment of interviewees is lower towards family and friends (Czech Republic and Malta) it is also lower towards third parties. In the great majority of cases those who had been harassed experienced such incidents on two or more occasions.

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Occurrence	Estonia	Latvia	Lithuania	Malta	Poland	Romania	Slovakia
Once	26%	11.5%	20%	5%	17.5%	19.5%	8%
Twice	17%	15.4%	9%	15.8%	17.5%	81.5%	15%
Three or more	57%	73.1%	71%	79.2%	65%		77%

The repetition of harassing behaviour directed at LGB people affects the self-confidence and can contribute to the feeling of depression experienced by some victims.

Harassing behaviours	Czech Republic	Estonia	Latvia	Lithuania	Malta	Poland	Romania	Slovakia
Verbal abuse	52%	64%	60.2%	74%	91.1%	51%	38%	49%
Graffiti about you	11.2%	2%	2.6%	2%	17.8%	11.5%	12%	12%
Vandalism	9.3%	3%	1.3%	1%	8.9%	4.5%	8%	
Hate mail	9.3%	5%	3.8%	5%	7.9%	2.5%	14%	4%
Blackmail & threats	15.4%	7%	16.7%	18%	17.8%	20.5%	18%	25%
Other	5.6%	19%	15.4%		27.7%	10%	10%	10%

The main forms of attacks consist of verbal abuse and threats or blackmail. Often these incidents take a multitude of forms and are combined with physical violence.

In Latvia, a young lesbian woman (under 18) stated, "A female friend told me that she would no longer be my friend because I'm a lesbian. Later she made offensive remarks about me."

Gay man (no age given) in Hungary said "One evening last spring, at 11:00p.m. I was waiting for the night bus in Buda, near the Margit Bridge. A group arrived at the same bus stop, and a few young men came up to me and told me not to get on the bus because they would not travel with a queer person. I don't know how they knew I was gay. Maybe they were just try-

ing to see whether the threat would work... I became very upset and could not utter a word."

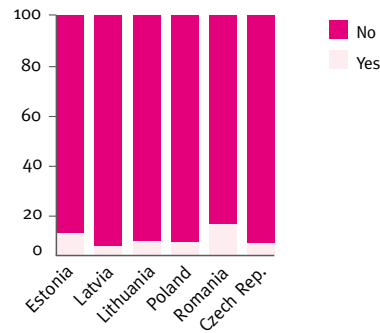
In Poland, a man (26-40) reported that "he was many times subjected to harassment in the form of insults, anonymous phone threats, and malicious mail - he was once sent a condom filled with blood." The police were alerted and reacted in a neutral way

In Latvia, a lesbian (18-25) said "My girlfriend and I got an anonymous call from someone who said that we would be shot and that our child would be killed. I didn't go to the police because I was afraid of scandal. The mass media might find out, and I might lose my job."

Identity of the attacker	Estonia	Latvia	Lithuania	Malta	Poland	Romania	Slovakia	Czech Republic
Acquaintance	30%		33%		3%	17,70%		21%
Fellow student	13%	18%	20,50%	24%			19%	18%
Unknown person	33%	21,80%	6,50%	42%	31%	7,90%	23%	34%
Family member	6%		10%	10%	22%	7,90%	11%	
Neighbour	5%	5,10%	8%	8%	10%	11,70%	11%	6,50%
Police	1%	6,40%		3%	3%		6%	1,50%
Co- Worker		15,40%	9%		31%	15,60%	13%	18%
Other	12%	33,30%	13%	13%		39,20%	17%	1%

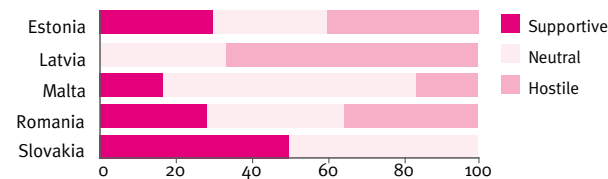
In most countries the percentage of harassment incidents reported to the police is very low.

DID YOU REPORT HARRASSEMENT TO THE POLICE?

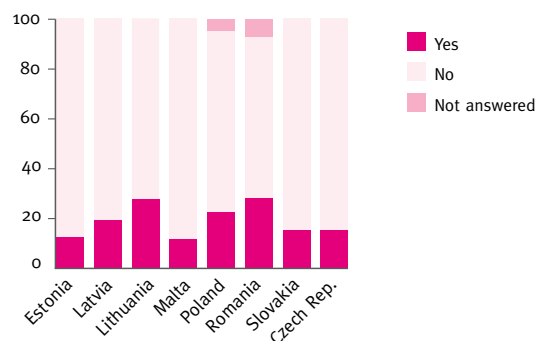


The low level of reporting to the police needs to be considered in light of the reaction that respondents got from the police when reporting harassment. In Latvia, respondents encountered a mostly hostile reaction by the police.

REACTION BY THE POLICE

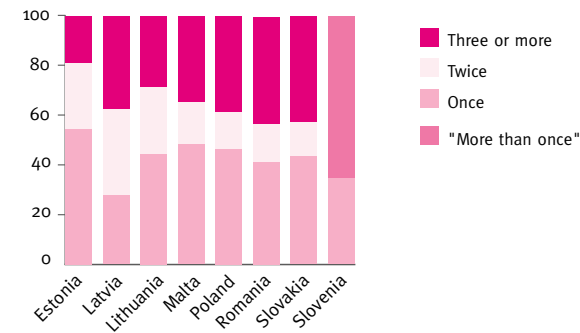


5.3. Violent attacks



The number of respondents who had been physically attacked varies between 10% and 30%. This figure is high and alarming given the number of people who conceal their sexual orientation in the public sphere (see 5.1.). Another cause for concern is the re-occurrence of attacks directed at LGB people. As illustrated in the following chart, in most countries, 50% of the respondents have been attacked more than once.

NUMBER OF ATTACKS



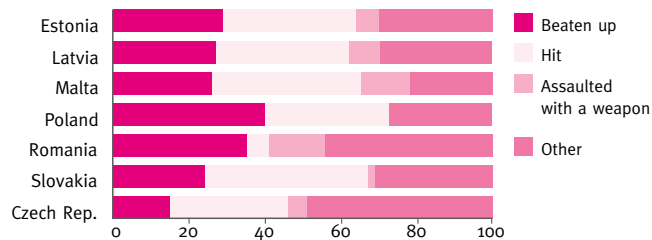
A lesbian (51-60) in Slovakia described multiple attacks she had to face. "A group of men kicked me out of a bar and chased me in the streets. A man sexually abused me, as he was violently attempting to find out if I am a man or a woman. In the third instance, I was suddenly attacked in a public transportation, and it was apparent that a young man didn't like that I am a masculine-looking woman. Before he attacked me he was laughing at me and was gesturing that I am deviant."

These statements and quotes show that violent attacks target people who are or are perceived as being different from the majority. Hence, victimization and attacks are based on the perception of the attacker and on appearance. People whose appearance challenges the stereotypes about gender roles and heterosexuality are more likely to be victims of attacks.

In Poland, a young bisexual woman (18-25) reported being attacked as she was taken to be a man and she was sitting on her boyfriend's lap.

In Poland also a young bisexual woman (18-25) was beaten up by a group of skinheads only because she sported a "red ribbon", the symbol of solidarity with people living with HIV/AIDS.

FORMS OF ATTACKS



A gay man (41-50) in Slovakia stated "A group of skinheads kicked me and slapped me. After that they pointed a weapon at me. They placed it to my forehead and asked me to take off my clothes."

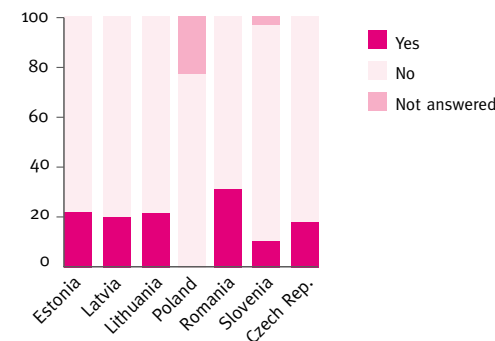
Identity of the attacker	Estonia	Latvia	Lithuania	Malta	Romania	Slovakia	Slovenia	Czech Republic
Unknown	49%	51.4%	30.1%	56.5%	15%	28%	37.5%	64%
Acquaintance	16%	2.7%	20.8%	8.7%	18%	15%	24.4%	9%
Neighbour		2.7%	13.2%		15%	4%	1.6%	9%
Family member	5%	2.7%	7.5%	17.4%		6%	14.1%	7%
Fellow student	10%	16.2%	5.6%	21.7%		17%		7%
Co- Worker		2.7%				4%	19%	2%
Police	7%		5.6%	4.3%	21%	17%	3.5%	2%
Other	13%	21.6%	11.3%	4.3%	31%	9%		

Here again in the majority of cases attacks mentioned by respondents were committed by unknown attackers. Nevertheless, it is worth highlighting the relatively high proportion of police violence experienced by respondents in Romania and Slovakia.

In Latvia, a lesbian woman (26-40) said: "At that time I didn't have a permanent residence permit in Latvia. I lived in a dormitory, and two of my room-mates learned that I am a lesbian. They tied me to a chair, called me names, punched and kicked me in the stomach and spat in my face. That continued for approximately an hour. Then they called the police and reported that I was in Latvia illegally and that I was a lesbian. I was taken to the police and told that I had 24 hours to get out of Latvia. They said that they never wanted to see me again."

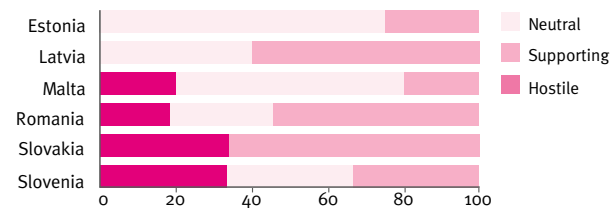
In Poland, a young woman (18-25) reported that she was raped by a stranger who found out she was a lesbian. This was supposed to be a punishment and teach her a lesson so she knew what her body was for. The rape was not reported to the police, as the victim was afraid of vengeance and revealing her homosexuality to her family.

DID YOU REPORT THE ATTACK TO THE POLICE?



A small proportion of people who have been attacked report the incident to the police. In the interviews, it is often pointed out that respondents do not feel that the police take proper action following the report of a crime. Also, some respondents fear that they will encounter a dismissive attitude from the police. As illustrated below, the respondents in Latvia, Romania and Slovakia had to face a rather hostile reaction from the police. This was less the case in Estonia, Malta and Slovenia.

REACTION BY THE POLICE



Violent attacks occur in many places i.e. in the streets, in the workplace, in the home, in restaurants. The violence of these attacks is extremely concerning. Violence leaves deep emotional traces and the occurrence of the violent act continues to haunt the person well after the event took place. These violent acts have a profound impact on the victims of violence, affecting their self-confidence and their physical and mental health.

5.4. Discrimination by the police

Discrimination by police mentioned by the respondents took a number of different forms.

- ▼ Abuse of powers and degrading treatment whilst in custody

A gay man in Romania reported: "In 1995, I was taken from the Opera Park to Police Station #3. One of the policemen slapped me in the face, and they all spoke to me in an insulting manner, asking me questions about my private life. I refused to make a written statement, and they released me in two hours."

- ▼ Physical and sexual violence and fear that their sexual orientation be revealed.

In Malta, a lesbian (26-40) said: "I was in the car with my girlfriend. A police officer barged in, made me get out of the car, pushed and held me against the wall, and touched and molested me. I didn't report this incident because of the identity of the aggressor and because I was scared he would tell my parents. They didn't know about me at the time."

- ▼ Discrimination in a passive way; by not making an appropriately strong response to the attack.

In Lithuania a lesbian (26-40) said: "Our neighbour has harassed my partner and me with death threats for one year. Finally, he knifed the tires of our car and was caught by the policeman passing the scene by accident. He was sentenced only for damaging our property, but not for harassing us..."

In some instances the police undermined the seriousness of the attack or see homophobic violence as provoked by the behaviour of the victim.

In Poland, a young man (18-25) related that he was deliberately hit by a car driven by a stranger who saw the victim hold his partner's hand. The victim reported to the police but they were hostile and said, "We are not responsible for provocation."

Gay man, (no age given) in Hungary, "I did not report the attack to the police. I was sure it would not have been important to them. And I wouldn't have been able to describe the people who attacked me."

As a result of this attitude there is a lack of trust in the police from the LGB community. As the survey shows few respondents reported crimes to the police. Many people do not report crimes to the police as they feel that this will not change anything or that they will be exposed to further violence.

5.5. Service in the armed forces

In Romania, a man recounted: "During my military service (1986, Dej, M.U. 01331), I was raped by two non-commissioned officers and one commissioned officer. I was not aware of my sexual orientation at the time. But apparently the fact that I was always clean, smelled good, and took care of my uniform in order to look good (although I hate all types of uniforms) aroused the others' suspicions. In order to intro-

duce me to "pleasure services," these officers apparently considered it necessary to teach me a "sexual lesson."

Homophobic violence is an important issue that needs to be addressed as a matter of urgency. LGB people are exposed to many forms of unacceptable prejudice and violence. Data and actual examples of discrimination illustrate that the perpetrators of homophobic attacks and harassment are not solely private actors; in most countries institutionalised homophobia is deeply rooted in the police and the army. The examples of discrimination also highlight the fact that most forms of discrimination are linked (violence, harassment, responses or lack of responses to violence). Further, most people do not report violence to the police as they do not want their sexual orientation to be disclosed in the process.

6. Discrimination in education

Discrimination in education did not figure in the standard questionnaire but the participation of a lot of young people in these interviews meant that the issue of discrimination in education was mentioned on many occasions. The following quotes illustrate the level of bullying and victimization experienced by young respondents in the educational system. It appears from these quotes that harassment is often perpetrated by fellow students.

In Latvia a bisexual woman under 18 said: "One of my classmates asked me this question: "Why are you looking at your classmate's legs? Are you a lesbian? If so, I'm going to hit you."

A young gay man in Malta (18-25) said: "At school they constantly called me names and they also used to expose their private parts at me and tell me "Look at this!""

In Romania: "One morning when I arrived at school, I entered the classroom and saw that my name and the word "homosexual" were written under the electric light switch on the wall."

In Slovakia, a lesbian (26-40) said "one of the most awful incidents of harassment that I experienced was when I was in high school, when one of my teachers became aware of my sexual orientation, and he told my parents that I was a lesbian, and whenever he would see me, he would verbally humiliate me. Of course, my grades reflected this attitudes: my final grade in his course was 4 [very low score], while all my other grades were 1 or 2 [high scores]."

As illustrated by this quote, the discrimination and bullying experienced can result in under-achievement at school. This discrimination needs to be tackled through anti-bullying policies in school and anti-homophobia training in school.⁶

7. Discrimination at work

This section highlights discrimination in the workplace. As illustrated by the interviews, several forms of discrimination take place at different times during the working life. Discrimination affects access to job or promotion. It can also take the form of harassment from colleagues, managers or customers. As a result of this many people conceal their sexual orientation in the workplace.

⁶ Some initiatives have been taken at EU member states level. See for instance the GLEE project in Finlande at <http://glee.oulu.fi/project.html>

DENIED JOB BECAUSE OF SEXUAL ORIENTATION

	Estonia	Latvia	Lithuania	Malta	Poland	Slovakia	Slovenia	Czech Republic
Yes	1	2.6	4	3	4	3	7	4
I suspect so	9	5.7	9	4	7	7	7	3
No	90	91.7	87	92.5	77	90	72.6	93
Not answered				1	12		13.4	

DENIED PROMOTION BECAUSE OF SEXUAL ORIENTATION

	Estonia	Latvia	Lithuania	Malta	Poland	Slovakia	Slovenia	Czech Republic
Yes	2	0.5	2	1.5	1	4	14.5	9
I suspect so	7	4.1	4	5	5	8	14	
No	91	95.4	94	92.5	79	88	59.9	91
Not answered				1	15		11.6	

In Latvia a young lesbian (18-25) said: "I had a real opportunity to get a promotion at work, but then a colleague listened into a conversation with my girlfriend. Attitudes toward me changed, and the promotion went to an intern who had very little work experience."

HARASSMENT IN THE WORKPLACE

	Estonia	Latvia	Lithuania	Malta	Poland	Slovakia	Slovenia	Czech Republic
Yes	14	17	31	39.5	25.5	26	20.3	25
I suspect so							7.6	
No	86	83	69	60	65.5	74	66.9	75
Not answered					9		5.2	

A young lesbian (19-25) from the Czech Republic said, "I came to work and two colleagues started to harass me. They said I was a perverted homo bitch and if it was not a crime they would have us killed. Then one of them slapped me and said people like us should not be allowed to go out. When the boss came she fired me on the spot and said she did not want to bring shame on her business. She did not care that I was attacked by the colleague. I have a new job now, but it is not much better there."

A gay man (41-50) from the Czech Republic reported "The Personnel Department of our large partly state-owned company did "research" to ascertain whether homosexual employees were more often on sick leave than heterosexual ones."

Attitude from other employees:

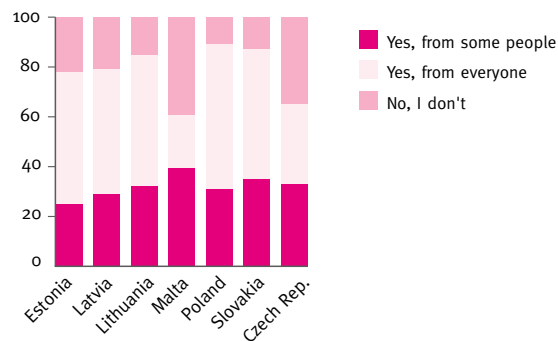
A gay man in Romania: "It all started because of a conversation with a newspaper reporter, about a month ago. The reporter claimed that he was interested in the gay community in Cluj, so we talked about the subject. An article was published a few days later with my name in it, even though I had asked him not to reveal my identity. He wrote things that were untrue, the most terrible of which was that I was a gigolo. The following day, many of my co-workers bought the paper. They recognised me and responded in an unsupportive and even hostile manner. A friend and co-worker of mine said that she could not stand to work near a gay man all day long. Another friend of mine, who is also gay, started an argument with me because of the article and refused to allow me to defend myself."

Gay man in Latvia (26-40) "My colleagues stood up for me and the guy who kept insulting me had to leave his job."

Discrimination against people working in a private establishment where there is a religious ethos is illustrated.

In Hungary, a gay man said "...[my boss] invited me into her office and asked me to confess whether I was homosexual or not. I said that I didn't want to answer her question about my private life. Her response was that in a Christian school it is not a private matter- the education law of the Protestant church prescribes a pious

CONCEALMENT OF SEXUAL ORIENTATION IN THE WORKPLACE



In five of the seven countries shown in the table, one in five or fewer of respondents felt able to be open about their sexual orientation in the work place. In Malta and the Czech Republic the position of respondents was rather better, with nearly two in five able to be open.

life for all its workers. She convened a committee meeting that very day and declared that homosexuality is an illness, the result of childhood trauma, and that it needs to be appropriately cured. The committee terminated my contract immediately. The document they issued refers to my "behaviour" and states that this "behaviour" contradicts the basic values of Christian morality, but it does not name the cause of my dismissal. I didn't initiate a lawsuit because I had no proof."

These statements show that there is often a breach of the right to private life⁷ of employees when they come out to their employers.

The experience of respondents working in the police and the army is cause for concern.

In Latvia, a gay man (25-40) said: "I was forced to leave a job at the police because I am homosexual. The National Human Rights Bureau, which is a government office, has declared that this was discrimination on the basis of sexual orientation. I secretly tape-recorded all of my discussions with the police officials who asked me to resign voluntarily. Despite this fact, the police are still claiming that I resigned of my own volition. Even a few years on, when asked about this issue, the police representatives are lying. They keep up making new "reasons" for my departure."

In Romania, a gay man said "During my 11 years working for the military, co-workers placed continuous pressure on me because of my sus-

⁷ The right to private and family life is protected under Article 8 of the European Convention of Human Rights. This disposition protects individuals against state's interference with their private lives. The case law of the European Court of Human Rights has extended states' duty to include the prevention of interference by private bodies or other individuals with the right of private life.

pected sexual orientation. I even had to get married in order to be socially accepted. This was the biggest mistake I ever made and I got a divorce. During this same period – it was 1997 – people found out that I had been communicating with ACCEPT.⁸ Two years later, in 1999, I was forced to go to the Military Hospital in Cluj where I was diagnosed as a "homosexual" and put in reserve.

The recent accession to the European Union of the majority of the countries (except for Romania) in this report has meant that they had to introduce legislation to tackle discrimination on grounds of sexual orientation in the workplace by the 1 May 2004 in accordance with the Framework Directive on Equal Treatment in Employment and Occupation.⁹ It is therefore important that proper mechanisms (including legislation and equality bodies) are put in place in accessing countries to deal with discrimination on grounds of sexual orientation in the workplace. The European Commission is currently in the process of checking that all member states of the European Union have implemented the directive and whether this implementation corresponds to the standards expected in the directive.

8. Discrimination in services

8.1. Health

Discrimination in health care is a serious issue that has been denounced at international level by the UN Special Rapporteur on Health.¹⁰ Because of this discrimination many people conceal their sexual orientation, which can be detrimental to the well-being or treatment of the patient. (For instance, in the case of a depression due to exposure to various forms of discrimination).

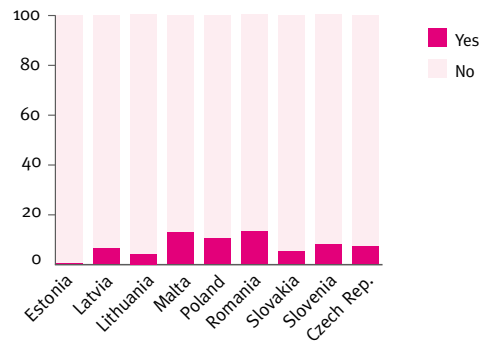
⁸ ACCEPT is a Romanian non-governmental organisation that defends and promotes the rights of LGBT (lesbians, gays, bisexuals, transsexuals) at the national level. See : <http://www.accept-romania.ro>.

⁹ 2000/78/EC of 27 November 2000 OJ [2000] L303/16.

¹⁰ Hunt , P. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 16 February 2004, E/CN.4/2004/49.

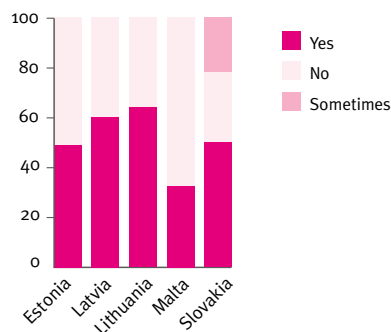
The proportion of respondents reporting discrimination in health services ranges from nearly 1% in Estonia to 13% in Romania.

DISCRIMINATION IN HEALTH SERVICES



These levels of discrimination must be seen in the context of concealment, which, in the countries where figures were reported, ranged between 30% and 60% of respondents.

CONCEALMENT OF SEXUAL ORIENTATION



Individual examples of discrimination show that in some countries “homosexuality” is still considered as a psychiatric issue and some attempts are made to “cure” LGB individuals.

A gay man in Poland (26-40) reported, “When I was 16, I was ‘treated’ for homosexuality in a psychiatric hospital. The hospital head said, ‘I’ll cure you, you fucking faggot.’ Twelve years later little has changed. I went to a psychiatrist for treatment of depression. They suggested I could get cured for homosexuality.”

In Romania, a man said, “When I was hospitalised “because I am gay,” both my father and the psychiatrist threatened to have my boyfriend imprisoned unless I abandoned my sexual orientation.”

The reaction of some medical staff is totally irrational and discriminatory. It is based on prejudices and stereotypes of LGB people.

In the Czech Republic, a lesbian (41-50) said “A psychiatrist refused to treat me for depression because my lifestyle was in contradiction with his Christian belief. Since this happened in a small town, I had to commute to another psychiatrist.”

In Poland a gay man (18-25) was twice subjected to discrimination in the health care system. In the first case, a psychologist laughed at him and ignored him when he approached him with his problems. The second case took place in hospital. In the man’s own words: “Three years ago, I tried to commit suicide. I took a large dose of antidepressants and was hospitalised. In hospital, I was treated like a drug addict and an outcast.”

A recurring stereotype is that LGB people are HIV positive.

In Latvia, a bisexual woman (26-40) said “I wanted to donate blood, but when I wrote down on the questionnaire that I had had sexual relations with another woman, I was not allowed to donate blood and told that homosexual people in Latvia are not allowed to give blood.”

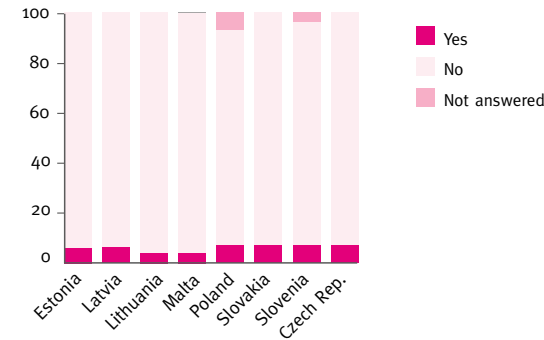
In Poland a young man (18-25) reported that a physician said “We don’t treat them (homosexual), they are usually HIV positive.”

Discrimination in health care has a direct effect on the well-being and health of individuals. It means that many people do not get appropriate health care whether because of direct discrimination in access to treatment and services or because they conceal their sexual orientation in circumstances where it is or may be relevant to the treatment, because of fear of discrimination.

8.2. Housing

In relation to access to housing the reporting of discrimination by respondents is lower than in the workplace. The discrimination reported does not appear to exceed 10% of respondents in all the member states where some results have been collected. Such discrimination mostly took the form of a refusal of tenancy (41% in Latvia; 62,5% in Malta and 67.6% in Poland).

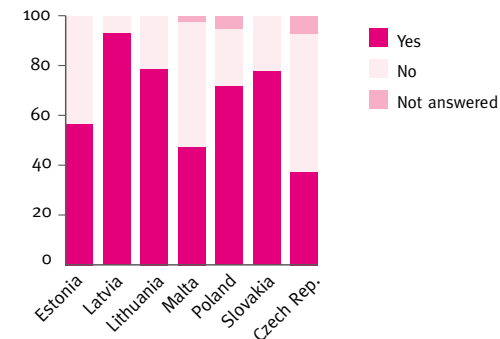
DENIAL OF ACCOMODATION



In the Czech Republic a bisexual woman said: “Our landlord urged us to have sex with him, and when we refused he kicked us out. Some people think that lesbians are hookers.”

As always, the incidence of discrimination has to be considered in the light of the level of concealment of sexual orientation.

CONCEALMENT OF SEXUAL ORIENTATION



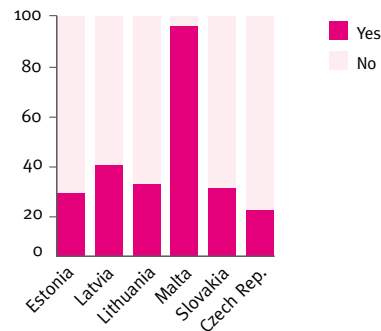
Respondents in most countries conceal their sexual orientation from their neighbours or landlord/lady in order to avoid discrimination. Malta and the Czech Republic are exceptions where most respondents were

open about their sexual orientation. The openness did not affect the level of discrimination experienced to a noticeable extent. However, there are other practical issues linked with access to housing for LGB people.

A gay man (26-40) in Latvia "I have lived with another man for 22 years. I feel legally unprotected, because I have no legal right to be in his apartment. If something were to happen to my friend, I would lose everything that we have accumulated over those 20 years."

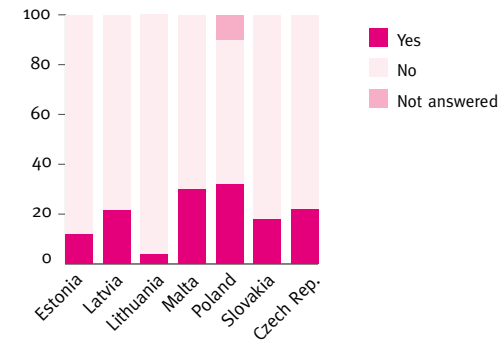
9. Religious institutions

MEMBERS OF A RELIGION



Most respondents were not members of any religion with the exception of interviewees in Malta, where over 90% reported to be member of a church (mostly the Catholic Church).

DISCRIMINATION IN THE CHURCH



The level of discrimination experienced by respondents is rather high in the churches. This reflects difficulties some religious institutions have to deal with varied sexual orientations. This appears to be particularly the experience of respondents in Poland and Malta (30%).

In the Czech Republic, a young gay man (18-25) said he got "Hostile looks from the priest when I attend mass with my boyfriend."

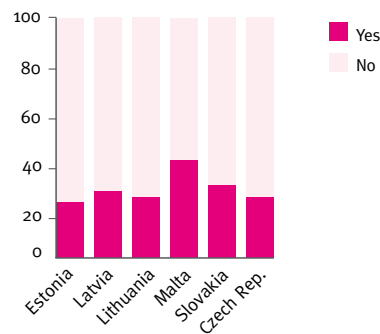
Many statements reveal that people are not allowed to have Holy Communion when they are known to be gay. Some said that they have been excommunicated. In some cases, members of the church try to force people to change their sexual orientation.

In Latvia, a young lesbian (18-25) said: "A religious organization wanted to "reform" me. I was asked to attend an interesting event in a small town in Latvia. They held me there for two days until I managed to escape. Representatives of religious organisations have visited me at work, and these people have used everything including blackmail to try to force me to attend discussions with them about my sexual orientation."

In Malta, a lesbian (26-40) reports: "On getting to know I was a lesbian, my family introduced me to a priest who wanted to try to convince me not to be a lesbian anymore. He ended up almost sexually abusing me. In fact he forcefully tried to kiss me. He also told me that it's just a phase."

10. Discrimination within the family

DISCRIMINATION IN THE FAMILY



The data showing a high level of discrimination in Malta need to be read in light of the relatively low level of concealment from one's family in that country (see part 4.3.2).

The discrimination experienced by LGB people in their family is both emotional and physical. Thus the individual accounts show that some people are violently attacked by a member of their family. This form of domestic violence is rarely reported to the police.

A 27 years old gay man in Poland said he was hit in his face by his father who knew the son was

gay. The victim did not report to the police, as he was afraid he would be thrown out of the home.

In Poland, a young gay man (18-25) was beaten up by his relatives - father and brother - who entered his apartment by force. The man was hit in the face with a fist. When he fell, his brother kicked him over his body. When the attackers were leaving the father said: "Now you will stop meeting the man." The victim reported to the police but he says they were hostile.

In Malta, a young bisexual man (18-25): "My brother once pushed me down the stairs and I broke one of my teeth. The reason given for this was for me to become a man. On another occasion he pulled my hair because he thought I was acting too effeminate."

A young gay man (under 18) in Malta revealed that "I was kissing a man in a public place and my father, without me knowing, was standing on the opposite side of the street. He approached me and started swearing. He hit me, then punched me and then kicked me. I didn't report this to the police because it's my father and I thought it was a natural reaction for a homophobic but loving father."

In Slovakia, a young lesbian (18-25) reported "My father asked the neighbour to rape me, because according to his theory I am a lesbian because "I never tried it with a real man." By this he wanted to cure me from homosexuality. He felt that I should be grateful to him for his help."

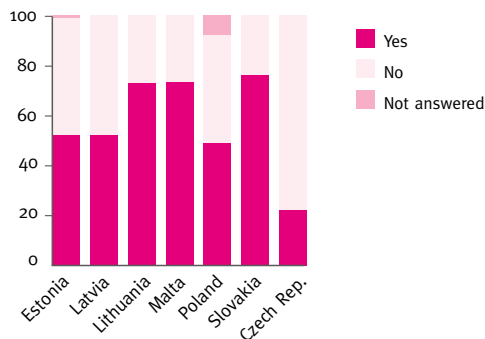
In Slovakia, a young lesbian (18-25) said, "Due to my lesbian sexual orientation, at home I literally experienced hell. My father swayed almost the entire village where we lived away from me. I didn't have a right to express my opinion on anything anywhere. I carried the stigma, which disempowered me, and made others to feel empowered."

Whereas other minorities who are harassed and bullied can turn to their family for support, or at least have this option, for some LGB persons this would only make matters worse. These young people cannot express their sexual orientation and come out to their family. These attitudes contribute to internalised homophobia and the isolation of young people.

11. Emigration

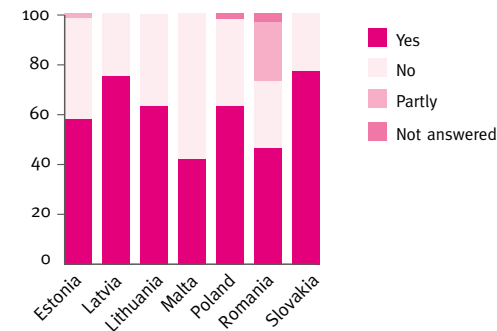
As a result of the harassment, attacks and numerous forms of discrimination highlighted previously, respondents have shown a strong will to leave their country. In most countries more than half of the respondents would like to leave and, in most cases, the majority of people consider their sexual orientation as a key factor in this decision.

EMIGRATION



The high proportion of people who want to emigrate is cause for concern. This chart highlights that the only country (amongst the one where the question was asked) where more than half of the respondents want to stay is the Czech Republic. The following chart shows that where people consider emigrating in another country, a key factor in their decision is their sexual orientation.

SEXUAL ORIENTATION AS A KEY FACTOR IN CONSIDERING EMIGRATION



12. Conclusion

This report highlights that discrimination faced by LGB people in the accession countries affects all spheres of life. As a result of the very real threat of violence, harassment in the educational system, in the workplace, in the streets and, very alarmingly, in one's home, most people are forced to conceal their sexual orientation. This reinforces a sense of isolation and of marginalisation among LGB people, which can create low self-esteem. The issue of violence is particularly disturbing as it affects some of the most basic human rights i.e. the right to life and the right to be free from degrading treatment. Where the state or agents of the state are involved, the violation constitutes a breach of the European Convention on Human Rights and the Fundamental Charter of Human Rights. In instances where the police

or public services are aware of discrimination and human rights violations and allow them to happen, this also constitutes a violation of the European Convention on Human Rights and the Fundamental Charter of Human Rights. Major discrimination and human rights issues need to be addressed by member states of the European Union, the EU institutions and the Council of Europe. The EU institutions have an increasing role to play as a watchdog safeguarding fundamental rights and ensuring that such human rights violations are stopped.

13. Recommendations

13.1. Recommendations to EU institutions

- ▼ The Framework Directive on employment¹¹ forbids discrimination on grounds of sexual orientation in the workplace and occupation in all the countries of the EU. It is important that the EU Commission continues its work of monitoring the mechanisms put in place in member states. However, more resources are needed to allow for a faster evaluation of the situation in member states and for the possibility to take cases against reluctant member states.
- ▼ As part of the Employment Strategy and the Social Inclusion Strategy, the Commission should encourage all member states to develop and implement policies for the effective and equal integration of LGB people in employment and social inclusion, in their National Action Plan. This can be achieved by the inclusion of a specific reference to sexual orientation in the revised guidelines on employment and in the common objectives on social inclusion that are both for adoption in 2006.
- ▼ The experience reported by respondents clearly shows that discrimination affects every aspects of their life. Hence, the Framework Directive prohibiting discrimina-

tion on grounds of sexual orientation in employment is not sufficient to protect people in the EU effectively. The European Union should extend the current anti-discrimination legislation to cover goods, facilities and services. This can be done through a harmonisation of the EU anti-discrimination provisions on all grounds contained in Article 13 of the TEC.¹² Further, it would achieve the comprehensive approach to anti-discrimination which has been recommended by the European parliament on several occasions.¹³ The Green Paper on Anti-discrimination Policies in the EU provides a good opportunity for the Commission to consider this issue.

- ▼ The Commission should consider an increased inclusion of projects by LGB organisations in the Equal structural funds. This funding must be advertised to LGB organisations. Also, the Commission needs to ensure that member states are not discriminatory in their selection of funding applications.
- ▼ In order to contribute to the fight against discrimination in schools, the European Union should increase the funding to organisations fighting homophobia. Through SOCRATES the Commission should resource LGB organisations, which are involved in fighting homophobia in the education system.
- ▼ The Council has initiated a debate at the EU level on the creation of a Human Rights Agency.¹⁴ So far, the debate has mostly focused on the powers, competences and working mechanisms of this future organisation. However, it is important to outline that the work of this agency will need to focus on the rights of people in a vulnerable position in society. As illustrated by this report, LGB people are exposed regularly to human rights abuses and therefore necessitate a strong protection.

¹² Article 13 (TEC) reads “Without prejudice to any of its specific provisions, any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation shall be prohibited.”

¹³ Resolution adopted on 5 October 2000, OJ C178, 22.06.01, p.184; Resolution adopted on 15 January 2003, T5-0012/2003; Resolution adopted on 4 September 2003, T5-0376/2003; Reported adopted 14 January 2004, T5-0023/2004.

¹⁴ A decision was taken at the Brussels European Council on 13 December 2003.

¹¹ Framework Directive on Equal Treatment in Employment and Occupation 2000/78/EC of 27 November 2000 [2000] L303/16.

- ▼ The support from the European Parliament for the UN resolution against discrimination on grounds of sexual orientation¹⁵ needs to be reiterated by the new Parliament that will be elected in June 2004. The consideration of the draft resolution presented by Brazil to the Commission on Human Rights is postponed to the 2005 session.

13.2. Recommendations to Member States

- ▼ As illustrated by the interviews, LGB people encounter discrimination in the public sphere (e.g. in health) and in the private sphere (e.g. family), in several areas of their life. Thus, strong anti-discrimination legislation is needed beyond employment, to include access to education, to social benefits, to healthcare, to goods, facilities and services. Member States should review national laws and policies to ensure the elimination of any discriminatory measures in all aspects of life.
- ▼ States have a positive obligation to protect LGB people from homophobic violence under article 2 and 3 of the European Convention of Human Rights. Even though the violence might be coming from private actors the State has a duty to protect LGB people's right to life (Article 2 ECHR) and protection against torture, inhumane and degrading treatment (Article 3).
- ▼ In order to combat violence motivated by homophobia it is necessary that states introduce legislation combating homophobic speech and homophobic violence.
- ▼ A solution to deal with police's unsatisfactory response to homophobia is to tackle homophobia amongst the police. This can be achieved through a change of cul-

¹⁵ A Resolution was voted by the European Parliament on the 10th February 2004 calling on the Presidency to act in favour of the UN resolution. Available at the website: http://www.gayandlesbianrightsintergroup.org/downloads/news/UNHCR60th_EP_Res_En.doc

ture, training of the police and encouraging LGB people in the police to come out. Further, services are needed in the police to deal with homophobic crime. These services should monitor in a systematic way the occurrence of such crimes and put remedies in place.

- ▼ In relation to the police a change in culture is needed to put an end to institutionalised homophobia, which is evident in most countries presented in this summary. Measures are also needed to tackle police harassment of LGB people. The police must build trust with the LGB community by working in cooperation with LGB organisations and respecting the anonymity of persons who are victims of hate crime.
- ▼ The statements by respondents show that discrimination is widespread in education and that pupils are exposed to bullying and victimization from their colleagues and their teachers. There is a need for training to address such attitudes. Similar training has been developed in EU countries (for example in Finland¹⁶) and need to be encouraged by proper staff and financial resources.
- ▼ As shown by the experiences of LGB people in health care, "homosexuality" is still considered as an illness by the medical and psychological profession in some countries. However, "homosexuality" has been deleted from the International Classification of Diseases since 1991.¹⁷ Such policies and practices need to be ended, as they are discriminatory and contrary to internationally recognised norms.
- ▼ Where there are none, member states should establish equal treatment bodies with a duty to assist individual victims of discrimination on the grounds of sexual orientation. The equal treatment body should

¹⁶ The GLEE project information available at <http://glee oulu.fi>.

¹⁷ In 1981 the Parliamentary Assembly of the Council of Europe passed Resolution 756 (1981) which called on the World Health Organisation to delete homosexuality from the International Classification of Disease.

have the power to investigate and pursue suspected cases of discrimination.

- ▼ Any body exercising a public function should be under a duty to promote equality irrespective of sexual orientation at every stage of policy formulation, implementation and evaluation.¹⁸

List of reports on which this summary is based

- *Accept, Sexual Orientation Discrimination in Romania: A Survey of Violence, Harassment and discrimination Against Romania's Lesbian, Gay, Bisexual and Transgendered Community* (Bucharest, 2000).
- *Gay Initiative in the CR, Social Discrimination Lesbians, Gay Men and Bisexuals in the Czech Republic* (2003).
- *Háttér Társaság a Melegekért, Report on the Discrimination of lesbians, Gay Men and Bisexuals in Hungary* (Budapest, 2001).
- *Jóhart, P. _ípo_ová, M. Dau_íková, A et al., Report on Discrimination of Lesbians, Gay Men and Bisexuals in Slovakia* (Bratislava, 2002).
- *Lambda Warszawa Association, Report on Discrimination of Grounds of Sexual Orientation in Poland* (Warsaw, 2001).
- *Lithuanian Gay League, Latvian Gay Support Group and Estonian Association for lesbians and Bisexual Women, Sexual Orientation Discrimination in Lithuania, Latvia and Estonia* (Vilnius, 2002).
- *Malta Gay Rights Movement, Sexual Orientation Discrimination in Malta: Research Findings* (2000).
- *Študentski Kulturni Center - LL (ŠKuC-LL) Sexual Orientation Discrimination in Slovenia* (Ljubljana, 2001).

¹⁸ For an example of country where equality mainstreaming has been put in place on the grounds of sexual orientation see Section 75 of the Northern Ireland Act, 1998.

Websites of organisations involved in the research

CZECH REPUBLIC

Gay Initiative in the Czech Republic
<http://gay.iniciativa.cz/www/index.php>

ESTONIA

Estonian Association for Lesbians & Bisexual Women
eluell@saturn.zzz.ee

HUNGARY

Háttér Társaság a Melegekért
<http://www.hatter.hu>

LATVIA

Gay Support Group GAG
<http://www.gay.lv>

LITHUANIA

Lithuanian Gay League
<http://www.gay.lt>

MALTA

Malta Gay Rights Movement
<http://www.maltgayrights.com>

POLAND

Lambda Warszawa Association
<http://www.lambda.org.pl>

ROMANIA

Accept
<http://www.accept-romania.ro>

SLOVAKIA

Ganymedes
<http://www.ganymedes.info>

SLOVENIA

Študentski Kulturni Center - LL (ŠKuC-LL)
<http://www.ljudmila.org/lesbo>